

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY
AUGUSTA, MAINE



124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 337

S.P. 101

In Senate, February 3, 2009

**An Act Regarding Emergency Involuntary Admission of a
Participant in the Department of Health and Human Services'
Progressive Treatment Program to a State Mental Institute**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.

Cosponsored by Senators: MARRACHÉ of Kennebec, RAYE of Washington, Representatives:
LEWIN of Eliot, PERRY of Calais.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA §3863, sub-§8**, as enacted by PL 2005, c. 519, Pt. BBBB, §8
3 and affected by §20, is amended to read:

4 **8. Rehospitalization from progressive treatment program.** The assertive
5 community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse
6 specialist or nurse practitioner may make a written application under this section to admit
7 to a state mental health institute a person who fails to fully participate in the progressive
8 treatment program in accordance with section 3873, subsection 5. The provisions of this
9 section apply to that application, except that the standard for admission is governed by
10 section 3873, subsection 5, paragraph B.

11 **Sec. 2. 34-B MRSA §3873, sub-§5, ¶A**, as enacted by PL 2005, c. 519, Pt.
12 BBBB, §14 and affected by §20, is amended to read:

13 A. If the person does not fully participate in the program and follow the
14 individualized treatment plan and if the assertive community treatment team
15 physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse
16 practitioner determines, based on clinical findings, that as a result of failure to fully
17 participate or follow the individualized treatment plan the person's mental health has
18 deteriorated so that hospitalization is in the person's best interest and the person poses
19 a likelihood of serious harm as defined in section 3801, subsection 4, paragraph D,
20 the assertive community treatment team physician ~~or~~ psychologist, certified
21 psychiatric clinical nurse specialist or nurse practitioner shall complete a certificate
22 stating that the person requires hospitalization and the grounds for that belief. The
23 person may agree to hospitalization or may be subject to an application for
24 readmission under paragraph B.

25 **SUMMARY**

26 This bill broadens the list of persons who are authorized to petition the District Court
27 for rehospitalization of a participant in the progressive treatment program to include 2
28 categories of nurses who are already authorized to certify emergency hospitalization.