

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 341

S.P. 105

In Senate, February 3, 2009

**An Act To Amend the Department of Health and Human Services'
Progressive Treatment Program**

Reference to the Committee on Health and Human Services 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 §3873, sub-§2, ¶B,** as enacted by PL 2005, c. 519, Pt.
3 BBBB, §14 and affected by §20, is amended to read:

4 B. The person must:

5 (1) Be ~~21~~ 19 years of age or older;

6 (2) Have been clinically determined to be suffering from a severe and persistent
7 mental illness;

8 (3) Have been under an order of involuntary commitment to a state mental health
9 institute at the time of filing of the application for progressive treatment; and

10 (4) Have been clinically determined to be in need of the progressive treatment
11 program in order to prevent interruptions in treatment, relapse and deterioration
12 of mental health and to enable the person to survive safely in a community setting
13 in the reasonably foreseeable future without posing a likelihood of serious harm
14 as defined in section 3801, subsection 4, paragraph D. A determination under
15 this subparagraph must be based on current behavior, treatment history,
16 documented history of positive responses to treatment while hospitalized, relapse
17 and deterioration of mental health after discharge and inability to make informed
18 decisions regarding treatment.

19 **Sec. 2. 34-B MRSA §3873, sub-§3,** as enacted by PL 2005, c. 519, Pt. BBBB,
20 §14 and affected by, §20, is amended to read:

21 **3. Duration of participation.** Except as provided in subsections 3-A, 4 and 5,
22 participation in the progressive treatment program must be for a term of 6 months.
23 Participation ends if a person successfully completes the program in accordance with
24 subsection 3-A or 4 or is hospitalized pursuant to a court order entered under subsection
25 5. Participation in the program is temporarily suspended if the person is voluntarily
26 rehospitalized and recommences upon discharge from the hospital.

27 **Sec. 3. 34-B MRSA §3873, sub-§3-A** is enacted to read:

28 **3-A. Extension of participation.** Prior to the end of the period of participation
29 under subsection 3, the District Court may order an extension of participation for up to 6
30 months if the assertive community treatment team providing treatment and care for the
31 person determines that an extension of participation is in the best interest of the person.

32 **Sec. 4. 34-B MRSA §3873, sub-§4,** as enacted by PL 2005, c. 519, Pt. BBBB,
33 §14 and affected by §20, is amended to read:

34 **4. Successful completion.** A person who fully participates in the program and who
35 follows the individualized treatment plan successfully completes the program upon
36 expiration of 6 months or the period of extension authorized by court order under
37 subsection 3-A or upon certification by the assertive community treatment team physician
38 or psychologist that the person is no longer in need of the services of the program.

SUMMARY

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This bill provides for an extension of up to 6 months of the period of participation in the Department of Health and Human Services' progressive treatment program for a person suffering from a severe and persistent mental illness who has been involuntarily committed to a state mental health institute and who has been participating in the progressive treatment program. This bill also changes the age for participating in the progressive treatment program from 21 years of age and older to 19 years of age and older.