

MAINE STATE LEGISLATURE

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L.D. 897

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “**A**” to S.P. 285, L.D. 897, Bill, “An Act To Amend the Application Process for the Progressive Treatment Program”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 34-B MRSA §3873-A, sub-§§1 to 3, as enacted by PL 2009, c. 651, §29, are amended to read:

1. Application. The superintendent or chief administrative officer of a psychiatric hospital, the commissioner or the director of an ACT team, ~~except as limited by subsection 10, a medical practitioner, a law enforcement officer or the legal guardian of the patient who is the subject of the application~~ may obtain an order from the District Court to admit a patient to a progressive treatment program upon the following conditions:

- A. The patient suffers from a severe and persistent mental illness;
- B. The patient poses a likelihood of serious harm;
- C. The patient has the benefit of a suitable individualized treatment plan;
- D. ~~Community resources~~ Licensed and qualified community providers are available to support the treatment plan;
- E. The patient is unlikely to follow the treatment plan voluntarily;
- F. Court-ordered compliance will help to protect the patient from interruptions in treatment, relapses or deterioration of mental health; and
- G. Compliance will enable the patient to survive more safely in a community setting without posing a likelihood of serious harm.

2. Contents of the application. The application must be accompanied by a certificate of a medical practitioner providing the facts and opinions necessary to support the application. The certificate must indicate that the examiner's opinions are based on one or more recent examinations of the patient or upon the examiner's recent personal

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1 treatment of the patient. Opinions of the examiner may be based on personal observation
2 ~~or on~~ and must include a consideration of history and information from other sources
3 considered reliable by the examiner when such sources are available. The application
4 must include a proposed individualized treatment plan and identify one or more licensed
5 and qualified community providers willing to support the plan.

6 The applicant must also provide a written statement certifying that a copy of the
7 application and the accompanying documents have been given personally to the patient
8 and that the patient and the patient's guardian or next of kin, if any, have been notified of:

- 9 A. The patient's right to retain an attorney or to have an attorney appointed;
- 10 B. The patient's right to select or to have the patient's attorney select an independent
11 examiner; and
- 12 C. How to contact the District Court.

13 **3. Notice of hearing.** Upon receipt by the District Court of the application or any
14 motion relating to the application, the court shall cause written notice of hearing to be
15 mailed within 2 days to the applicant, to the patient and to the following persons if
16 known: to anyone serving as the patient's guardian and to the patient's spouse, a parent or
17 an adult child, if any. If no immediate relatives are known or can be located, notice must
18 be mailed to a person identified as the patient's next of kin or a friend, if any are known.
19 If the applicant has reason to believe that notice to any individual would pose risk of
20 harm to the patient, notice to that individual may not be given. A docket entry is
21 sufficient evidence that notice under this subsection has been given. If the patient is not
22 hospitalized, the applicant shall serve the notice of hearing upon the patient personally
23 and provide proof of service to the court.

24 **Sec. 2. 34-B MRSA §3873-A, sub-§10,** as enacted by PL 2009, c. 651, §29, is
25 repealed.'

26 **SUMMARY**

27 This amendment strikes and replaces the bill. It adds medical practitioners, law
28 enforcement officers and legal guardians of individuals to the list of persons who may
29 apply for admission to the progressive treatment program of an individual in need of
30 psychiatric treatment. The amendment clarifies that available community providers for a
31 progressive treatment program patient must be licensed and qualified. The amendment
32 requires the application for admission to the program to include a proposed individualized
33 treatment plan and to identify one or more licensed and qualified community providers
34 willing to support the plan. The amendment requires that the applicant serve notice of
35 hearing on a patient who is not hospitalized and provide proof of service to the court.
36 The amendment also repeals provisions of law that apply when a patient is going to be
37 served by an assertive community treatment team.

COMMITTEE AMENDMENT