

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 897

S.P. 285

In Senate, March 8, 2011

An Act To Amend the Application Process for the Progressive Treatment Program

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HILL of York. (BY REQUEST)

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

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

4 **1. Application.** ~~The superintendent or chief administrative officer of a psychiatric~~
5 ~~hospital, the commissioner or the director of an ACT team, except as limited by~~
6 ~~subsection 10, A health officer, law enforcement officer or any other person~~ may obtain
7 an order from the District Court to admit a patient to a progressive treatment program
8 upon the following conditions:

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

18 **Sec. 2. 34-B MRSA §3873-A, sub-§2**, as enacted by PL 2009, c. 651, §29, is
19 amended to read:

20 **2. Contents of the application.** The application must be accompanied by a
21 certificate of a medical practitioner providing the facts and opinions necessary to support
22 the application. The certificate must indicate that the examiner's opinions are based on
23 one or more recent examinations of the patient or upon the examiner's recent personal
24 treatment of the patient. Opinions of the examiner may be based on personal observation
25 ~~or on~~ and must include a consideration of history and information from other sources
26 considered reliable by the examiner when such sources are available.

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

- 30 A. The patient's right to retain an attorney or to have an attorney appointed;
- 31 B. The patient's right to select or to have the patient's attorney select an independent
32 examiner; and
- 33 C. How to contact the District Court.

34 **SUMMARY**

35 Current law limits who may obtain an order from the District Court to admit a patient
36 to a progressive treatment program. This bill allows a health officer, law enforcement

1 officer or any other person to obtain the order. The bill also requires that when an
2 examiner forms an opinion it must be based on history as well as personal observation.