

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1263

S.P. 384

In Senate, March 22, 2011

An Act To Establish One State Psychiatric Hospital

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 BRANNIGAN of Cumberland.

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

2 **PART A**

3 **Sec. A-1. 22-A MRSA §208**, as enacted by PL 2007, c. 539, Pt. N, §47, is
4 amended to read:

5 **§208. Maintenance of one state psychiatric hospital**

6 The commissioner shall maintain 2 campuses of one state ~~mental health institutes~~
7 psychiatric hospital for the mentally ill, one campus at Bangor called the Dorothea Dix
8 Psychiatric Center and the other campus at Augusta called the Riverview Psychiatric
9 Center.

10 **Sec. A-2. 34-B MRSA §1001, sub-§8**, as amended by PL 2007, c. 539, Pt. N,
11 §57, is further amended to read:

12 **8. State institution; state psychiatric hospital.** "State institution" or "state
13 psychiatric hospital" means:

- 14 A. The state psychiatric hospital campus at the Riverview Psychiatric Center;
15 B. The state psychiatric hospital campus at the Dorothea Dix Psychiatric Center; or
16 D. Before October 1, 2008, the Elizabeth Levinson Center.

17 **Sec. A-3. 34-B MRSA §1409, sub-§1, ¶B-1**, as enacted by PL 2005, c. 256, §1,
18 is amended to read:

19 B-1. "Resident," for purposes of this section and this section only, means any of the
20 following:

- 21 (1) A person who is an inpatient; or
22 (2) A person who is an outpatient receiving services from any state institution,
23 including outpatient clinic services; ~~or~~
24 (3) ~~A resident of the Homestead facility.~~

25 **Sec. A-4. 34-B MRSA §1409, sub-§1, ¶D**, as enacted by PL 2005, c. 683, Pt. B,
26 §30, is repealed.

27 **Sec. A-5. 34-B MRSA §1409, sub-§13**, as amended by PL 2005, c. 256, §4, is
28 further amended to read:

29 **13. Special revenue account; state psychiatric hospital.** The commissioner shall
30 establish a special revenue account for the ~~Riverview Psychiatric Center and the~~
31 ~~Homestead facility~~ state psychiatric hospital and shall deposit into it payments or income
32 received from ~~residents~~ clients of the ~~Riverview Psychiatric Center and the Homestead~~
33 ~~facility~~ state psychiatric hospital, the Medicaid program or other 3rd-party payors. The
34 commissioner shall use the funds on deposit for expenses of the ~~Riverview Psychiatric~~
35 ~~Center and the Homestead facility~~ state psychiatric hospital.

1 **Sec. A-6. 34-B MRSA §1409, sub-§14**, as enacted by PL 1991, c. 528, Pt. Q, §6
2 and affected by Pt. RRR; enacted by c. 591, §6; and amended by PL 2005, c. 236, §3, is
3 repealed.

4 **Sec. A-7. 34-B MRSA §1409, sub-§15**, as amended by PL 2011, c. 1, Pt. S, §2,
5 is further amended to read:

6 **15. General Fund accounts; disproportionate share hospital match.** The
7 commissioner shall establish a General Fund ~~accounts~~ account to provide the General
8 Fund match for eligible disproportionate share hospital components in the ~~Riverview~~
9 ~~Psychiatric Center and the Dorothea Dix Psychiatric Center~~ state psychiatric hospital.
10 Any unencumbered ~~balances~~ balance of General Fund appropriations remaining at the
11 end of each fiscal year must be carried forward to be used for the same purposes.
12 ~~Available~~ Any available unencumbered ~~balances~~ balance at the end of each fiscal year in
13 the Personal Services line category of the ~~accounts~~ account may be transferred to the All
14 Other line category by financial order upon the recommendation of the State Budget
15 Officer and approval of the Governor.

16 **Sec. A-8. 34-B MRSA §3607-A**, as enacted by PL 2007, c. 286, §7, is amended
17 to read:

18 **§3607-A. Hospital council**

19 **1. Definitions.** As used in this section and sections 3608 and 3609, unless the
20 context otherwise indicates, the following terms have the following meanings.

21 A. "Consumer" means a recipient or former recipient of publicly funded mental
22 health services or an adult who has or had a major mental illness.

23 B. "Family member" means a relative, guardian or household member of an adult
24 consumer.

25 C. ~~"Institute Hospital council"~~ "Hospital council" means ~~an institute~~ the hospital council, ~~at either the~~
26 ~~Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center,~~ at the state
27 psychiatric hospital approved by the commissioner pursuant to subsection 2,
28 paragraph B.

29 D. "Major mental illness" means a diagnosis of mental illness as defined in rules
30 adopted by the department. Rules adopted pursuant to this paragraph are routine
31 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

32 E. "Network" means a community service network established pursuant to section
33 3608.

34 F. "Service provider" or "provider" means a person or organization providing
35 publicly funded mental health services to consumers or family members.

36 **2. Hospital council established.** ~~There are established institute councils, one for the~~
37 ~~Riverview Psychiatric Center and one for the Dorothea Dix Psychiatric Center,~~ is
38 established a hospital council at the state psychiatric hospital to evaluate the delivery of
39 mental health services and advise the department regarding quality assurance and

1 operations and functions of the ~~mental health institute~~ state psychiatric hospital. The
2 ~~councils operate~~ hospital council operates under the authority of the department.

3 A. ~~Each institute~~ The hospital council consists of no more than 25 members, taking
4 into consideration local geographic factors. The membership ~~on each institute~~
5 ~~council~~ consists of consumers, family members, community members, hospital staff
6 and providers. A resident or former resident of the Riverview Psychiatric Center or
7 the Dorothea Dix Psychiatric Center, a family member of a resident or former
8 resident, a community member in the Augusta or Bangor region and a service
9 provider at ~~those institutes~~ the hospital may make recommendations regarding
10 membership on the ~~institute councils~~ hospital council to the commissioner.

11 B. The ~~institute councils~~ hospital council shall adopt bylaws that establish
12 membership, the terms and qualifications of membership and the internal governance
13 and rules. The commissioner shall approve the bylaws of ~~each institute~~ the hospital
14 council ~~prior to designating it as an approved institute council~~.

15 **3. State psychiatric hospital council directors; responsibilities.** The
16 ~~superintendents~~ superintendent of the Riverview Psychiatric Center and the Dorothea Dix
17 Psychiatric Center are the state psychiatric hospital is responsible for the operation of the
18 ~~institute councils~~ hospital council and for dispute resolution ~~within those institute~~
19 ~~councils~~. ~~The superintendents shall receive reports from the institute councils, consider~~
20 ~~the recommendations of the institute councils and report periodically to the commissioner~~
21 ~~on their performance.~~

22 **4. State psychiatric hospital council.** Within the limitations of state and federal
23 law, the ~~Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center, referred~~
24 ~~to in this subsection as "the mental health institutes,"~~ state psychiatric hospital and the
25 department shall provide information to the ~~institute councils adequate to perform their~~
26 ~~duties~~ hospital council, including, but not limited to:

27 A. Input into the annual budgets of the ~~mental health institutes~~ 2 campuses of the
28 state psychiatric hospital;

29 B. Achievement of the goals and objectives of the department as they pertain to the
30 ~~mental health institutes~~ state psychiatric hospital;

31 C. Compliance with all professional accreditation standards applicable to the ~~mental~~
32 ~~health institutes~~ state psychiatric hospital;

33 D. Review, oversight and assessment of services and programs provided to ~~residents~~
34 ~~of the mental health institutes~~ clients of the state psychiatric hospital and their
35 families;

36 E. Review of personnel policies and employment patterns, including staffing
37 requirements and patterns, the use of overtime assignments and training and job
38 development;

39 F. Input into public relations efforts of the department and the ~~mental health~~
40 ~~institutes~~ state psychiatric hospital and community education initiatives; and

41 G. Monitoring building and grounds maintenance and safety and risk management
42 on the campuses of the ~~mental health institutes~~ state psychiatric hospital.

1 **Sec. B-4. 17-A MRSA §1175, sub-§1**, as enacted by PL 1995, c. 680, §5, is
2 amended to read:

3 **1.** A victim who wishes to receive notification must file a request for notification of
4 the defendant's release with the office of the attorney for the State. The attorney for the
5 State shall forward this request form to the Department of Corrections, to the state ~~mental~~
6 ~~health institute~~ psychiatric hospital or to the county jail to which that defendant is
7 committed.

8 **Sec. B-5. 17-A MRSA §1175, sub-§2**, as enacted by PL 1995, c. 680, §5, is
9 amended to read:

10 **2.** The Department of Corrections, the state ~~mental health institute~~ psychiatric
11 hospital or the county jail to which the defendant is committed shall keep the victim's
12 written request in the file of the defendant and shall notify the victim by mail of any
13 impending release as soon as the release date is set. This notice must be mailed to the
14 address provided in the request or any subsequent address provided by the victim.

15 **Sec. B-6. 17-A MRSA §1175, sub-§4, ¶B**, as enacted by PL 1995, c. 680, §5, is
16 amended to read:

17 B. The victim has filed a written request with the Department of Corrections, the
18 state ~~mental health institute~~ psychiatric hospital or the county jail to which the
19 defendant is committed asking that no further notice be given.

20 **Sec. B-7. 17-A MRSA §1175, sub-§5**, as corrected by RR 1999, c. 2, §20 and
21 amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §7, is further amended to
22 read:

23 **5.** Neither the failure to perform the requirements of this chapter nor compliance
24 with this chapter subjects the attorney for the State, the Commissioner of Corrections, the
25 Department of Corrections, the Commissioner of Health and Human Services, the state
26 ~~mental health institute~~ psychiatric hospital or the county jail or the employees or officers
27 of the attorney for the State, the Commissioner of Corrections, the Department of
28 Corrections, the Commissioner of Health and Human Services, the state ~~mental health~~
29 ~~institute~~ psychiatric hospital or the county jail to liability in a civil action.

30 **Sec. B-8. 22 MRSA §1711-C, sub-§1, ¶D**, as enacted by PL 1997, c. 793, Pt. A,
31 §8 and affected by §10, is amended to read:

32 D. "Health care facility" or "facility" means a facility, institution or entity licensed
33 pursuant to this Title that offers health care to persons in this State, including a home
34 health care provider, hospice program and a pharmacy licensed pursuant to Title 32.
35 For the purposes of this section, "health care facility" does not include a ~~the~~ state
36 ~~mental health institute~~ psychiatric hospital, the Elizabeth Levinson Center, the
37 Aroostook Residential Center or Freeport Towne Square.

38 **Sec. B-9. 22 MRSA §4023, sub-§2, ¶E**, as enacted by PL 2003, c. 626, §3, is
39 amended to read:

1 E. In a situation in which the child has lost both parents as a result of a homicide or
2 has lost one parent and the other parent has been arrested, detained or sentenced and
3 committed to a state correctional facility, ~~the state mental health institute~~ psychiatric
4 hospital or a county jail for an offense related to the homicide.

5 **Sec. B-10. 24-A MRSA §2204, sub-§10**, as enacted by PL 1997, c. 677, §3 and
6 affected by §5, is amended to read:

7 **10. Health care facility.** "Health care facility" means a facility, institution or entity
8 licensed pursuant to Title 22 that offers health care to persons in this State, including a
9 home health care entity and a hospice program, or a pharmacy licensed pursuant to Title
10 32. For the purposes of this chapter, "health care facility" does not include ~~a the state~~
11 ~~mental health institute~~ psychiatric hospital, the Elizabeth Levinson Center, the Aroostook
12 Residential Center or Freeport Towne Square.

13 **Sec. B-11. 34-A MRSA §11222, sub-§2**, as amended by PL 2009, c. 365, Pt. B,
14 §15 and affected by §22, is further amended to read:

15 **2. Responsibility of ensuring initial registration.** The department, the county jail
16 or the state ~~mental health institute~~ psychiatric hospital that has custody of an offender
17 shall inform the offender, prior to discharge or conditional release, of the duty to register.
18 If an offender does not serve a period of institutional confinement, the court shall inform
19 the offender at the time of sentencing of the duty to register. The department, county jail,
20 state ~~mental health institute~~ psychiatric hospital or court shall:

21 A. Inform the offender of the duty to register and obtain the information required for
22 the initial registration;

23 A-1. Inform the offender of the requirement to notify the law enforcement agency
24 having jurisdiction pursuant to subsection 1-B;

25 B. Inform the offender that if the offender changes domicile or changes residence,
26 place of employment or college or school being attended, the offender shall give the
27 new address to the bureau in writing within 5 days and shall notify the law
28 enforcement agency having jurisdiction within 24 hours;

29 C. Inform the offender that if that offender changes domicile to another state, the
30 offender shall register the new address with the bureau and if the new state has a
31 registration requirement, the offender shall register with a designated law
32 enforcement agency in the new state not later than 5 days after establishing domicile
33 in the new state;

34 D. Inform the offender that if that offender has part-time or full-time employment in
35 another state, with or without compensation, for more than 14 consecutive days or for
36 an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in
37 any type of school in another state on a part-time or full-time basis, the offender shall
38 give the bureau the offender's place of employment or school to be attended in
39 writing within 5 days after beginning work or attending school and if the other state
40 has a registration requirement, shall register with the designated law enforcement
41 agency in the other state;

1 E. Obtain fingerprints and a photograph of the offender or the court may order the
2 offender to submit to the taking of fingerprints and a photograph at a specified law
3 enforcement agency within 3 days if the fingerprints and photograph have not already
4 been obtained in connection with the offense that necessitates registration; and

5 F. Enforce the requirement that the offender read and sign a form provided by the
6 bureau that states that the duty of the offender to register under this section has been
7 explained.

8 **Sec. B-12. 34-A MRSA §11222, sub-§3**, as amended by PL 2009, c. 365, Pt. B,
9 §15 and affected by §22, is further amended to read:

10 **3. Transfer of initial registration information to bureau and FBI.** The
11 department, county jail, state ~~mental health institute~~ psychiatric hospital or court within 3
12 days of receipt of the information described in subsection 2 shall forward the information
13 to the bureau. If the court orders the offender to submit to the taking of fingerprints and a
14 photograph at a specified law enforcement agency, the law enforcement agency shall
15 submit the fingerprints and photograph to the bureau within 3 days. The bureau shall
16 immediately enter the information into the registration system, notify the law
17 enforcement agencies having jurisdiction where the offender expects to be domiciled and
18 reside and transmit the information to the FBI for inclusion in the national FBI sex
19 offender database.

20 **Sec. B-13. 34-A MRSA §11254, first ¶**, as amended by PL 2003, c. 711, Pt. C,
21 §27 and affected by Pt. D, §2, is further amended to read:

22 The department, county jails, state ~~mental health institutes~~ psychiatric hospital and
23 the Department of Public Safety, State Bureau of Identification are governed by the
24 following notice provisions when a registrant is conditionally released or discharged.

25 **Sec. B-14. 34-A MRSA §11254, sub-§1**, as amended by PL 2003, c. 711, Pt. C,
26 §27 and affected by Pt. D, §2, is further amended to read:

27 **1. Duties.** The department, a county jail or a the state ~~mental health institute~~
28 psychiatric hospital shall give the Department of Public Safety, State Bureau of
29 Identification notice of the following:

- 30 A. The address where the registrant will be domiciled and reside;
- 31 B. The address where the registrant will work and attend college or school, if
32 applicable;
- 33 C. The geographic area to which a registrant's conditional release is limited, if any;
34 and
- 35 D. The status of the registrant when released as determined by the risk assessment
36 instrument, the registrant's risk assessment score, a copy of the risk assessment
37 instrument and applicable contact standards for the registrant.

38 **Sec. B-15. 34-B MRSA §1207, sub-§1, ¶H**, as amended by PL 2005, c. 683, Pt.
39 A, §57, is further amended to read:

1 H. The names and dates of death of individuals who died while patients at the
2 Augusta Mental Health Institute, the Bangor Mental Health Institute, the state
3 psychiatric hospital campus at the Dorothea Dix Psychiatric Center or the state
4 psychiatric hospital campus at the Riverview Psychiatric Center may be made
5 available to the public in accordance with rules adopted by the department. The rules
6 must require the department to notify the public regarding the release of the
7 information and to maintain the confidentiality of information concerning any
8 deceased individual whose surviving relatives notify the department that they object
9 to public disclosure. Rules adopted pursuant to this paragraph are routine technical
10 rules as defined in Title 5, chapter 375, subchapter 2-A.

11 **Sec. B-16. 34-B MRSA §1207, sub-§8**, as enacted by PL 2009, c. 451, §9, is
12 amended to read:

13 **8. Disclosure of knowledge of firearms.** A licensed mental health professional
14 shall notify law enforcement when the notification is made in good faith that the licensed
15 mental health professional has reason to believe that a person committed to a ~~the~~ the state
16 ~~mental health institute~~ psychiatric hospital has access to firearms.

17 **Sec. B-17. 34-B MRSA §1217**, as amended by PL 2005, c. 683, Pt. A, §58, is
18 further amended to read:

19 **§1217. Application of consent decree**

20 It is the intent of the Legislature that the principles of the consent decree issued on
21 August 2, 1990 by the Superior Court, Kennebec County, in Civil Action Docket No. 89-
22 88 as they relate to the development of a comprehensive mental health system apply to all
23 persons with severe and prolonged mental illness. The individualized support plan
24 process as contained in the decree in paragraphs 49 through 74, to the extent possible and
25 within available resources, must be applicable to current and future patients of the former
26 Bangor Mental Health Institute and the state psychiatric hospital campus at the Dorothea
27 Dix Psychiatric Center. In addition, patient assessments must be provided to Bangor
28 Mental Health Institute and state psychiatric hospital campus at the Dorothea Dix
29 Psychiatric Center patients beginning July 1, 1991 and must be completed quarterly until
30 individualized support plan implementation is developed.

31 **Sec. B-18. 34-B MRSA §3604, sub-§5**, as amended by PL 2007, c. 286, §5, is
32 further amended to read:

33 **5. Exclusion.** ~~Beginning October 1, 1996, an~~ An entity that applies for the award or
34 renewal of a grant or contract for the provision of mental health services must be a
35 participating member of the ~~institute~~ hospital council or the community service network,
36 as established in section 3608, for the region of the State subject to that grant or contract.

37 **Sec. B-19. 34-B MRSA §15002, sub-§2, ¶E**, as amended by PL 2007, c. 286,
38 §11, is further amended to read:

1 E. Planning for the delivery of care takes into account the advice of the ~~institute~~
2 ~~councils~~ hospital council established under section 3607-A and the community
3 service networks established under section 3608.

4 **SUMMARY**

5 This bill combines the 2 state mental health institutes, now referred to as the state
6 psychiatric hospital, to be licensed and operated as one hospital under state law and
7 federal accreditation standards. The bill clarifies that there is one superintendent for the
8 one hospital, but that 2 campuses continue to be operated at the Riverview Psychiatric
9 Center and at the Dorothea Dix Psychiatric Center. With the establishment of one
10 hospital with 2 campuses, the commissioner has the authority to assign the hospital's
11 employees to work at either campus, depending upon the hospital's need for staffing as it
12 varies from time to time between the 2 campuses.

13 This bill also corrects cross-references.