

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1700

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H.P. 1168

House of Representatives, April 14, 2016

**Resolve, To Require the Gathering of Information in Order To  
Develop a Plan To Expand the Infrastructure Capacity for State  
Forensic and Civil Mental Health Treatment**

(EMERGENCY)

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Reported by Representative GATTINE of Westbrook for the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2016, H.P. 1160.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the State faces significant challenges caring for residents living with  
4 serious and persistent mental illness and it lacks adequate community-based and hospital-  
5 based treatment resources to address the needs of its civil and forensic patient  
6 populations; and

7           **Whereas,** the current structure and staffing at Riverview Psychiatric Center may not  
8 be fully optimized for the successful rehabilitation of its civil and forensic patient  
9 populations; and

10          **Whereas,** these structural and staffing challenges continue to contribute to the  
11 problems with morale and staffing at Riverview Psychiatric Center as well as to the fiscal  
12 problems facing Riverview Psychiatric Center; and

13          **Whereas,** this resolve requires the Department of Health and Human Services to  
14 seek the input of a variety of providers, stakeholders, staff and interested parties in order  
15 to evaluate alternatives to the current situation at Riverview Psychiatric Center and to  
16 bring information about those alternatives to the Legislature for consideration in order for  
17 the Legislature to design solutions that are fiscally responsible and meet the legal and  
18 treatment needs of all patients at Riverview Psychiatric Center; and

19          **Whereas,** the severity of the issues at Riverview Psychiatric Center require action as  
20 soon as possible on the development of solutions; and

21          **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
22 the meaning of the Constitution of Maine and require the following legislation as  
23 immediately necessary for the preservation of the public peace, health and safety; now,  
24 therefore, be it

25          **Sec. 1. Issuance of request for information. Resolved:** That the Department  
26 of Health and Human Services, referred to in this resolve as "the department," shall issue  
27 a request for information on or before July 31, 2016 with responses to the request for  
28 information due by September 30, 2016; and be it further

29          **Sec. 2. Content of request for information. Resolved:** That the request for  
30 information issued pursuant to section 1 must inform persons responding to the request of  
31 the current situation regarding Riverview Psychiatric Center's certification by the United  
32 States Department of Health and Human Services, Centers for Medicare and Medicaid  
33 Services and the consent decree and incorporated settlement agreement in the case of  
34 Paul Bates, et al. v. Robert Glover, et al., Kennebec County Superior Court, Civil Action  
35 Docket No. CV-89-88, the so-called AMHI consent decree. Upon request, the  
36 department must provide to persons responding to the request for information materials  
37 that were developed during the design and construction of Riverview Psychiatric Center.  
38 The department shall require that potential responders provide as much detail as possible  
39 in their responses. The request for information must include, but is not limited to,  
40 requests for:

- 1           1. Information on experiences of other states in developing secure solutions for  
2           difficult-to-manage forensic patient populations;
- 3           2. Determinations of the needed bed capacity in the State for inpatient civil and  
4           forensic patient populations;
- 5           3. Estimated construction costs for additions to or refurbishment of Riverview  
6           Psychiatric Center;
- 7           4. Information regarding the trends in pretrial mental health evaluations in the State;
- 8           5. The potential to centralize forensic mental health evaluation services at Riverview  
9           Psychiatric Center;
- 10          6. Designs to safely accommodate highly acute civil and forensic patient populations  
11          in one or more treatment settings that provide a hospital level of care such that the setting  
12          or settings would qualify for disproportionate share hospital payments to institutions for  
13          mental diseases, if available from the United States Department of Health and Human  
14          Services, Centers for Medicare and Medicaid Services;
- 15          7. Policy recommendations to improve the safety metrics at Riverview Psychiatric  
16          Center to minimize the use of seclusion and restraint and eliminate the occurrence of  
17          abuse, neglect and exploitation;
- 18          8. Ways to use technology to increase security and reporting requirements at  
19          Riverview Psychiatric Center;
- 20          9. Information on the effect that the opening of additional beds at Spring Harbor  
21          Hospital in Westbrook has had on Riverview Psychiatric Center;
- 22          10. Information about additional therapies currently available, such as motivational  
23          therapy, that may be used to improve the treatment of patients at Riverview Psychiatric  
24          Center;
- 25          11. Information about the development of a step-down residential facility or facilities  
26          for persons with mental illness who no longer need a hospital level of care but who  
27          remain in state custody;
- 28          12. Ideas for the structural rehabilitation of the special care units at Riverview  
29          Psychiatric Center in order to provide safer, more secure and more effective units for  
30          highly acute civil and forensic patients;
- 31          13. Ideas for the construction of a new secure unit attached to Riverview Psychiatric  
32          Center for highly acute civil and forensic patients; and
- 33          14. Suggestions for other available solutions to the problems currently facing  
34          Riverview Psychiatric Center that are fiscally responsible and meet the legal and  
35          treatment needs of all the center's patients; and be it further



1 the request for information process and develop a report by December 31, 2016 to be  
2 presented to the joint standing committees of the Legislature having jurisdiction over  
3 health and human services matters and appropriations and financial affairs.



# 127th MAINE LEGISLATURE

LD 1700

LR 2816(01)

**Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment**

**Fiscal Note for Original Bill  
Committee: Health and Human Services  
Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.