

# MAINE STATE LEGISLATURE

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L.D. 162

Date: 6-12-17

(Filing No. H-482)

**MAJORITY**  
**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**128TH LEGISLATURE**  
**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 120, L.D. 162, Bill, "An Act To Improve Care Provided to Forensic Patients"

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

**Sec. 1. 22 MRSA §1813-A is enacted to read:**

**§1813-A. License for forensic step-down facility**

The state-operated residential forensic step-down facility established in Title 22-A, section 208-A is subject to licensure by the department under this chapter. The department shall adopt rules that apply specifically to the licensure of a residential forensic step-down facility. The rules must include, at a minimum, admission and discharge standards of the facility; the staffing model for the facility, with specific descriptions of staffing levels, roles and responsibilities; facility security; availability of and patients' access to treatment; and patient rights protections. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Transfer of any forensic patient into the forensic step-down facility established in Title 22-A, section 208-A must be approved by a court of appropriate jurisdiction.

By January 1, 2019 and on or before January 1st of each year thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters a detailed report about the forensic step-down facility established in Title 22-A, section 208-A that includes information about construction of the facility, capacity of the facility and staffing levels of the facility.

**Sec. 2. 22-A MRSA §208-A is enacted to read:**

**§208-A. Maintenance of forensic step-down facility**

The commissioner shall operate and maintain a 21-bed residential forensic step-down facility in Augusta in the Capitol Area called the Riverview Forensic Treatment and

**COMMITTEE AMENDMENT**

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1 Rehabilitation Center to provide treatment and rehabilitation that continues the treatment  
2 of patients from a state mental health institute who no longer require hospital-level  
3 service as provided under Title 34-B, chapter 3, subchapter 4, but who are unable to be  
4 safely treated and cared for in a community setting under Title 34-B, chapter 3,  
5 subchapter 3. For purposes of this section, "Capitol Area" has the same meaning as in  
6 Title 1, section 814, subsection 2. As used in this section and Title 22, "forensic  
7 step-down facility" means the Riverview Forensic Treatment and Rehabilitation Center.

8 **Sec. 3. 34-B MRSA §1001, sub-§8, ¶A-1** is enacted to read:

9 A-1. The Riverview Forensic Treatment and Rehabilitation Center;

10 **Sec. 4. 34-B MRSA §1207, sub-§1, ¶H,** as amended by PL 2015, c. 189, §1, is  
11 further amended to read:

12 H. The names and dates of death of individuals who died while patients at the  
13 Augusta Mental Health Institute, the Bangor Mental Health Institute, the Dorothea  
14 Dix Psychiatric Center, the Riverview Psychiatric Center, the Riverview Forensic  
15 Treatment and Rehabilitation Center or the Pineland Hospital and Training Center  
16 may be made available to the public in accordance with rules adopted by the  
17 department. The rules must require the department to notify the public regarding the  
18 release of the information and to maintain the confidentiality of information  
19 concerning any deceased individual whose surviving relatives notify the department  
20 that they object to public disclosure. Rules adopted pursuant to this paragraph are  
21 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and

22 **Sec. 5. Rulemaking.** The Department of Health and Human Services shall  
23 provisionally adopt rules to implement the Maine Revised Statutes, Title 22, section  
24 1813-A no later than January 12, 2018.

25 **Sec. 6. Report.** The Department of Health and Human Services shall report in  
26 writing to the Joint Standing Committee on Health and Human Services by October 15,  
27 2017, December 15, 2017 and March 1, 2018 on the progress of the department in  
28 developing rules and creating the forensic step-down facility as required by the Maine  
29 Revised Statutes, Title 22, section 1813-A.

30 **Sec. 7. Advisory committee.** The Commissioner of Health and Human Services  
31 shall convene an advisory committee on the forensic step-down facility established in the  
32 Maine Revised Statutes, Title 22-A, section 208-A. The advisory committee shall meet  
33 as necessary to guide the design of the forensic step-down facility and the implementation  
34 of the rules related to the facility; educate and inform the planning process to create a  
35 facility that best supports the treatment and safety needs of the patients and staff of the  
36 facility; make recommendations to the department; and report to the Joint Standing  
37 Committee on Health and Human Services any recommended legislation relating to the  
38 facility no later than January 15, 2018. The joint standing committee may report out a  
39 bill to the Second Regular Session of the 128th Legislature based on the report. The  
40 advisory committee consists of the Commissioner of Health and Human Services, or the  
41 commissioner's designee, and 9 other members as follows:

42 A. Two patients of a state mental health institute as defined in Title 34-B, section  
43 3801, subsection 9, appointed by the commissioner;

- 1 B. A representative from the Consumer Council System of Maine under Title 34-B,  
2 section 3611, appointed by the commissioner;
- 3 C. Two staff members of a state mental health institute as defined in Title 34-B,  
4 section 3801, subsection 9, appointed by the commissioner;
- 5 D. The Court Master appointed in Bates v. Commissioner, Department of Health and  
6 Human Services, No. CV 89-088;
- 7 E. Class counsel appointed in Bates v. Commissioner, Department of Health and  
8 Human Services, No. CV 89-088; and
- 9 F. Two representatives from separate community behavioral health organizations in  
10 Maine, appointed by the commissioner.'

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### SUMMARY

12 This amendment is the majority report of the committee and replaces the bill, which  
13 is a concept draft. The amendment establishes a residential forensic step-down facility in  
14 Augusta in the Capitol Area. It defines "forensic step-down facility." It authorizes the  
15 Commissioner of Health and Human Services to maintain and operate the 21-bed forensic  
16 step-down facility. It provides that the facility must be licensed and that the Department  
17 of Health and Human Services must adopt rules that apply specifically to the licensure of  
18 a forensic step-down facility and that include the admission and discharge standards of  
19 the facility, the staffing model, security, patients' access to treatment and patient rights  
20 protections. It requires that the department provisionally adopt rules to implement the  
21 licensure of the forensic step-down facility no later than January 12, 2018. It creates an  
22 advisory committee to participate in and guide the planning process for the facility and to  
23 report to the Joint Standing Committee on Health and Human Services. It authorizes the  
24 committee to report out a bill based on the advisory committee's report. It requires the  
25 department to report to the committee on the progress of creating the facility and  
26 developing rules. It provides that the transfer of any forensic patients into the forensic  
27 step-down facility must be approved by a court of appropriate jurisdiction. It includes the  
28 forensic step-down facility in Title 34-B, chapter 1 as a "state institution." This  
29 amendment incorporates a fiscal note.

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### FISCAL NOTE REQUIRED

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(See attached)



# 128th MAINE LEGISLATURE

LD 162

LR 1311(02)

## An Act To Improve Care Provided to Forensic Patients

Fiscal Note for Bill as Amended by Committee Amendment *ACH-482*

Committee: Health and Human Services

Fiscal Note Required: Yes

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### Fiscal Note

Current biennium cost increase - General Fund

#### Fiscal Detail and Notes

The bill requires the Department of Health and Human Services (DHHS) to build a forensic stepdown facility in Augusta called the Riverview Forensic Treatment and Rehabilitation Center. DHHS has presented information to the legislature that the cost for a forensic stepdown facility is estimated at between 2 to 3 million dollars and that it already has sufficient resources to build the facility. DHHS is in the planning process to build such a facility in Bangor. This fiscal note assumes that the resources assigned to the Bangor facility would be used for the Riverview Forensic Treatment and Rehabilitation Center and that no additional appropriations are required.