

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1133

H.P. 796

House of Representatives, March 23, 2017

**An Act Regarding Access to Appropriate Residential Services for
Individuals Being Discharged from Psychiatric Hospitalization**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator HILL of York and
Representatives: DENNO of Cumberland, HILLIARD of Belgrade, MADIGAN of Waterville,
MALABY of Hancock, PERRY of Calais, Senators: CARSON of Cumberland, CHENETTE
of York, DOW of Lincoln.

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

2 **Sec. 1. 34-B MRSA §1226** is enacted to read:

3 **§1226. Request by patient for residential services**

4 **1. Definitions.** As used in this section, "residential service provider" means:

5 A. An agency or person that operates assisted housing, a residential care facility or a
6 private nonmedical institution licensed pursuant to rules adopted by the department;
7 or

8 B. An agency or person that provides residential services that are licensed by, funded
9 by or provided under contract with the department.

10 **2. Reasons for denial must be provided.** If a patient in a psychiatric hospital, as
11 defined in section 3801, subsection 7-B, or a patient who is treated for a psychiatric
12 condition in a hospital licensed under Title 22, section 1811 or 1813 is determined by the
13 hospital to be clinically ready for discharge and requests admission or readmission from
14 the hospital to a facility operated by a residential service provider and that request is
15 denied, the residential service provider shall provide the patient the reasons for the denial
16 in writing no later than 3 business days after the request is denied.

17 **3. Standardized form.** The department shall develop a standardized form for use by
18 a residential service provider to state the specific reasons for a denial under subsection 2.
19 The form must include both checklists and space for additional comments to ensure
20 consideration of the individual needs of the patient. A residential service provider shall
21 provide the completed standardized form to a patient who has requested admission or
22 readmission to a facility operated by a residential service provider or to the patient's
23 parent or guardian or designated representative. A residential service provider shall
24 annually send to the department's division of licensing and regulatory services a report of
25 all patients who are denied admission or readmission pursuant to subsection 2 and the
26 reasons given to the patients that were contained in the standardized forms.

27 **4. Penalty.** A residential service provider that violates this section is subject to a
28 civil penalty of \$500, payable to the patient or the patient's parent or guardian or
29 designated representative. This penalty is recoverable in a civil action. If a residential
30 service provider violates this section 3 times or more in a calendar year, the residential
31 service provider may lose the provider's license to provide residential services.

32 **SUMMARY**

33 This bill provides that, if a patient in a hospital who received treatment for a
34 psychiatric condition and who the hospital has determined is clinically ready for
35 discharge requests admission or readmission from the hospital to a facility operated by a
36 residential service provider and that request is denied, the residential service provider
37 must provide the patient the reasons for the denial in writing no later than 3 business days
38 after the request is denied.

1 The bill directs the Department of Health and Human Services to develop a
2 standardized form for use by residential service providers to state the specific reasons for
3 denial. A residential service provider must provide the standardized form to the patient
4 or the patient's parent or guardian or designated representative. A residential service
5 provider must annually send to the department's division of licensing and regulatory
6 services a report of all patients who are denied admission or readmission and the reasons
7 given the patients that were contained in the standardized forms.

8 The bill allows a patient or a patient's parent or guardian or designated representative
9 to recover \$500 from a residential service provider that violates these provisions. It also
10 provides for the revocation of the license of a residential service provider that violates
11 these provisions 3 times or more in a calendar year.