

MAINE STATE LEGISLATURE

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Min

L.D. 1676

Date: 4/17/18

Minority

(Filing No. H- 770)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1164, L.D. 1676, Bill, "An Act To Reestablish the Office of Advocacy within the Department of Health and Human Services"

Amend the bill by striking out the title and substituting the following:

'An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism'

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

'Sec. 1. 5 MRSA §200-H, sub-§1, as amended by PL 2015, c. 267, Pt. GG, §1, is further amended to read:

- 1. Composition. The team is composed of 16 17 members as follows:
A. The Chief Medical Examiner, ex officio;
B. The Director of Investigations for the Office of the Attorney General, ex officio;
C. The Director of the Division of Licensing and Regulatory Services within the Department of Health and Human Services, ex officio;
D. The Director of the Health Care Crimes Unit within the Office of the Attorney General, ex officio;
E. The Director of Aging Planning and Resources Development within the Department of Health and Human Services, Office of Elder and Adult Services, ex officio;
F. The Director of the Adult Protective Services program within the Department of Health and Human Services, Office of Elder and Adult Services, ex officio;
G. The Director of Adult Mental Health Services within the Department of Health and Human Services, ex officio;

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- 1 G-1. The director of the office providing adult developmental services to persons
- 2 with intellectual disabilities or autism within the Department of Health and Human
- 3 Services, ex officio;
- 4 H. The executive director of the long-term care ombudsman program, as established
- 5 in Title 22, section 5106, subsection 11-C, ex officio;
- 6 H-1. A sexual assault nurse examiner within the Department of Health and Human
- 7 Services;
- 8 I. A representative of victim services, appointed by the Attorney General;
- 9 J. A commanding officer of the Criminal Investigation Division within the
- 10 Department of Public Safety, Bureau of the State Police, appointed by the Attorney
- 11 General;
- 12 K. A prosecutor, nominated by a statewide association of prosecutors and appointed
- 13 by the Attorney General;
- 14 L. A police chief, nominated by a statewide association of chiefs of police and
- 15 appointed by the Attorney General;
- 16 M. A sheriff, nominated by a statewide association of sheriffs and appointed by the
- 17 Attorney General;
- 18 N. A physician, a geriatrician or a primary care physician who works in the area of
- 19 elder care, nominated by a statewide association of physicians and appointed by the
- 20 Attorney General; and
- 21 O. An emergency medical services' person, nominated by a statewide association of
- 22 emergency medical services professionals and appointed by the Attorney General.

23 **Sec. 2. 5 MRSA §200-H, sub-§4-A is enacted to read:**

24 **4-A. Examination of deaths and serious injuries of persons with intellectual**

25 **disabilities or autism. In addition to any powers and duties described in subsection 4,**

26 **the team shall examine all cases of deaths and serious injuries of persons with intellectual**

27 **disabilities or autism as described in this subsection.**

28 A. The Office of the Attorney General shall conduct a preliminary examination of all

29 cases of deaths and serious injuries of persons with intellectual disabilities or autism

30 receiving adult developmental services, as defined in Title 34-B, section 1001,

31 subsection 1-A, to determine which cases are referred to the team for further review.

32 Cases must be referred to the team if any of the following circumstances exist:

- 33 (1) The death or serious injury was unexpected;
- 34 (2) Facts or circumstances that would indicate that the death or serious injury
- 35 could have been prevented;
- 36 (3) Issues with the system of care described in Title 34-B, section 5003-A are
- 37 implicated; or
- 38 (4) Other issues related to the case indicate the case should be reviewed.

1 B. The team shall examine all cases of death and serious injury that are referred by
 2 the Office of the Attorney General pursuant to paragraph A. The purpose of the
 3 examination is to identify whether systems established to assist or protect persons
 4 with intellectual disabilities or autism from abuse and neglect were sufficient for the
 5 particular circumstances related to the death or serious injury or whether such
 6 systems require adjustment or improvement. The team shall recommend methods to
 7 the Attorney General and the Department of Health and Human Services for
 8 improving the system for protecting persons from abuse and neglect, including
 9 modification of statutes, rules, training and policies and procedures, and for services
 10 provided to persons with intellectual disabilities or autism receiving adult
 11 developmental services.

12 **Sec. 3. Appropriations and allocations.** The following appropriations and
 13 allocations are made.

14 **ATTORNEY GENERAL, DEPARTMENT OF THE**

15 **Administration - Attorney General 0310**

16 Initiative: Appropriates funds for the costs of one Attorney General Detective position to
 17 investigate all deaths and serious injuries of persons with intellectual disabilities or
 18 autism receiving adult developmental services and provides funding for related All Other
 19 costs.

20	GENERAL FUND	2017-18	2018-19
21	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
22	Personal Services	\$0	\$100,277
23	All Other	\$0	\$11,548
24			
25	GENERAL FUND TOTAL	\$0	\$111,825

26 **Human Services Division 0696**

27 Initiative: Allocates funds for the costs of one Assistant Attorney General position and
 28 one Paralegal position to investigate all deaths and serious injuries of persons with
 29 intellectual disabilities or autism receiving adult developmental services and provides
 30 funding for related All Other costs.

31	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
32	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
33	Personal Services	\$0	\$177,571
34	All Other	\$0	\$23,095
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$200,666

1	ATTORNEY GENERAL, DEPARTMENT OF		
2	THE		
3	DEPARTMENT TOTALS	2017-18	2018-19
4			
5	GENERAL FUND	\$0	\$111,825
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$200,666
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$312,491

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 10 **Developmental Services - Community Z208**
 11 Initiative: Provides funding for increased legal services.

12	GENERAL FUND	2017-18	2018-19
13	All Other	\$0	\$200,666
14			
15	GENERAL FUND TOTAL	\$0	\$200,666

16	HEALTH AND HUMAN SERVICES,		
17	DEPARTMENT OF		
18	DEPARTMENT TOTALS	2017-18	2018-19
19			
20	GENERAL FUND	\$0	\$200,666
21			
22	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$200,666

23	SECTION TOTALS	2017-18	2018-19
24			
25	GENERAL FUND	\$0	\$312,491
26	OTHER SPECIAL REVENUE FUNDS	\$0	\$200,666
27			
28	SECTION TOTAL - ALL FUNDS	\$0	\$513,157
29			

30 **SUMMARY**

31 This amendment, which is the minority report of the committee, replaces the bill. It
 32 requires the Maine Elder Death Analysis Review Team created in the Office of the
 33 Attorney General to undertake an examination of all deaths and serious injuries of
 34 persons with intellectual disabilities or autism receiving adult developmental services
 35 from the Department of Health and Human Services. The Office of the Attorney General
 36 is required to examine all cases of death or serious injury and refer cases to the Maine
 37 Elder Death Analysis Review Team in which the death or serious injury was not expected

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1 or could have been prevented and cases for which there were system issues identified or
2 there were other issues that indicate that a case should be reviewed. The team must
3 identify whether systems that assist or protect persons receiving adult developmental
4 services are sufficient for the particular circumstances or whether improvement is
5 necessary. The team must recommend methods for improvement to the Office of the
6 Attorney General and the Department of Health and Human Services. The amendment
7 also adds the director of the office within the Department of Health and Human Services
8 that provides adult developmental services to persons with intellectual disabilities or
9 autism to the Maine Elder Death Analysis Review Team.

10 The amendment also adds an appropriations and allocations section.

11 **FISCAL NOTE REQUIRED**

12 (See attached)



128th MAINE LEGISLATURE

LD 1676

LR 2500(03)

An Act To Reestablish the Office of Advocacy within the Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment

B(H-770)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$312,491	\$318,215	\$324,347
Appropriations/Allocations				
General Fund	\$0	\$312,491	\$318,215	\$324,347
Other Special Revenue Funds	\$0	\$200,666	\$207,005	\$215,423

Fiscal Detail and Notes

This bill includes an appropriation of \$111,825 in fiscal year 2018-19 to the Office of the Attorney General (OAG) for the costs of one Attorney General Detective position and allocates \$200,666 in Other Special Revenue Funds to establish one Assistant Attorney General position and one Paralegal position in the OAG to investigate all deaths and serious injuries of persons with intellectual disabilities or autism receiving adult developmental services.

The bill also includes General Fund appropriations to the Department of Health and Human Services of \$200,666 in fiscal year 2018-19 to fund the Assistant Attorney General position and the Paralegal position in the OAG.

Any additional costs to the Department of Health and Human Services to take part in the Maine Elder Death Analysis Review Team are expected to be minor and can be absorbed within existing budgeted resources.