

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2058

H.P. 1462

House of Representatives, January 16, 2020

**An Act To Strengthen Protections for Incapacitated and Dependent
Adults from Abuse, Neglect and Exploitation**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.

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

2 **Sec. 1. 22 MRSA §3473, sub-§2**, as amended by PL 2017, c. 402, Pt. C, §54 and
3 affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

4 **2. Reports.** The department shall:

5 A. Receive, promptly investigate and determine the validity of reports of alleged
6 abuse, neglect or exploitation or the substantial risk of abuse, neglect or exploitation;

7 B. Take appropriate action, including providing or arranging for the provision of
8 appropriate services and making referrals to law enforcement; ~~and~~

9 C. Petition for guardianship or a protective order under Title 18-C, Article 5, when
10 all less restrictive alternatives have been tried and have failed to protect the
11 incapacitated adult; and

12 D. Establish and maintain an adult protective services registry of persons for whom
13 there have been substantiated reports of abuse, neglect or exploitation of dependent
14 adults or incapacitated adults pursuant to Title 34-B, section 5604-A. The
15 department shall adopt routine technical rules to implement this paragraph pursuant
16 to Title 5, chapter 375, subchapter 2-A.

17 **Sec. 2. 34-B MRSA §5604-A, sub-§2**, as amended by PL 2011, c. 542, Pt. A,
18 §128, is further amended to read:

19 **2. Maintain reporting system.** The department shall maintain a reportable event
20 and adult protective services system that provides for receiving reports of alleged
21 incidents, prioritizing such reports, assigning reports for investigation by qualified
22 investigators, reviewing the adequacy of the investigations, making recommendations for
23 preventive and corrective actions as appropriate and substantiating allegations against
24 ~~individuals~~ caretakers as defined in Title 22, section 3472, subsection 3; direct care
25 workers as defined in Title 22, section 1812-G, subsection 1-B, paragraph D; certified
26 nursing assistants as defined in Title 22, section 1812-G, subsection 1-B, paragraph B;
27 and unlicensed assistive persons as defined in Title 22, section 1812-J, subsection 1,
28 paragraph D who have been found under the Adult Protective Services Act to have
29 abused, neglected or exploited ~~persons with intellectual disabilities or autism~~ dependent
30 adults as defined in Title 22, section 3472, subsection 6 or incapacitated adults as defined
31 in Title 22, section 3472, subsection 10. The department shall fully establish the
32 reportable event and adult protective services system through rulemaking.

33 SUMMARY

34 This bill specifies the categories of care providers for whom the Department of
35 Health and Human Services must maintain a reportable event and adult protective
36 services system. This bill requires the department to establish and maintain an adult
37 protective services registry of persons for whom there have been substantiated reports of
38 abuse, neglect or exploitation of dependent adults or incapacitated adults. This bill
39 changes current law, which limits registry entries to cases in which the person abused,

1 neglected or exploited is an adult with an intellectual disability or autism, to instead limit
2 registry entries to cases involving incapacitated adults and dependent adults.