

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 632

S.P. 246

In Senate, March 3, 2021

**An Act To Facilitate the Conversion of Children's Private
Nonmedical Institutions to Qualified Residential Treatment
Programs as Required by Federal Law**

Received by the Secretary of the Senate on March 1, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.

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

2 **Sec. 1. 22 MRSA §4002, sub-§6-B** is enacted to read:

3 **6-B. Qualified professional.** "Qualified professional" means a qualified individual
4 as defined in the federal Bipartisan Budget Act of 2018, Public Law 115-123, Division E,
5 Title VII (2018), known as the Family First Prevention Services Act.

6 **Sec. 2. 22 MRSA §4002, sub-§6-C** is enacted to read:

7 **6-C. Qualified residential treatment program.** "Qualified residential treatment
8 program" means a program within a licensed children's residential care facility as defined
9 in section 8101, subsection 4 that provides continuous 24-hour care and supportive services
10 to children in a residential nonfamily home setting that:

11 A. Uses a trauma-informed treatment model that is designed to address the clinical and
12 other needs of children with serious emotional and behavioral disorders or
13 disturbances;

14 B. Implements a specific treatment recommended in a needs assessment completed by
15 a qualified professional;

16 C. Employs registered or licensed nursing staff and other licensed clinical staff who
17 are:

18 (1) On site according to the treatment model used pursuant to paragraph A and
19 during business hours; and

20 (2) Available 7 days a week on a 24-hour basis;

21 D. Appropriately facilitates outreach to family members and integrates those family
22 members into the treatment of children;

23 E. Provides discharge planning for children;

24 F. Is licensed by the department in accordance with the United States Social Security
25 Act, Section 471(a)(10); and

26 G. Is accredited by an independent nonprofit organization approved by the department.

27 **Sec. 3. 22 MRSA §4061, sub-§1**, as amended by PL 1983, c. 354, §6, is further
28 amended to read:

29 **1. Department.** The department shall care for a child ordered into its custody in
30 licensed or approved family foster homes, in other residential child care facilities, including
31 a qualified residential treatment program, or in other living arrangements as appropriate to
32 meet the child's individual needs.

33 **Sec. 4. 22 MRSA §4066, sub-§6**, as enacted by PL 1997, c. 322, §1, is amended to
34 read:

35 **6. Out-of-state placement.** The number of children in the care and custody of the
36 department placed out-of-state for hospitalization and residential care and the costs for
37 each; ~~and~~

38 **Sec. 5. 22 MRSA §4066, sub-§6-A** is enacted to read:

