

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 785

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H.P. 590

House of Representatives, March 5, 2021

### **An Act To Change the Standard for Assessing Risk of Serious Harm**

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative CARDONE of Bangor.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: CRAVEN of Lewiston, McDONALD of Stonington, PERRY of Bangor,  
ROEDER of Bangor, Senator: GUERIN of Penobscot.

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

2 **Sec. 1. 34-B MRSA §3801, sub-§4-A, ¶D**, as enacted by PL 2009, c. 651, §4, is  
3 amended to read:

4 D. ~~For the purposes of section 3873-A, in~~ In view of the person's treatment history,  
5 current behavior and inability to make an informed decision, a reasonable likelihood  
6 that the person's mental health will deteriorate and that the person will in the  
7 foreseeable future pose a likelihood of serious harm as defined in ~~paragraphs~~ paragraph  
8 A, B or C.

9 **SUMMARY**

10 This bill allows a medical practitioner to consider a person's treatment history, current  
11 behavior and inability to make an informed decision in determining whether there is a  
12 likelihood of serious harm when examining a patient for the purposes of recommending  
13 hospitalization. Current law allows this consideration only for progressive treatment  
14 programs.