

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 869

H.P. 637

House of Representatives, March 8, 2021

**Resolve, Directing the Department of Health and Human Services
To Review the Progressive Treatment Program and Processes by
Which a Person May Be Involuntarily Admitted to a Psychiatric
Hospital or Receive Court-ordered Community Treatment**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: MADIGAN of Waterville, STOVER of Boothbay.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the processes by which a person may be involuntarily admitted to a
4 psychiatric hospital or receive court-ordered treatment in the community are inconsistent;
5 and

6 **Whereas,** the inconsistency is preventing access to timely treatment for individuals
7 in crisis, and a more streamlined process could reduce the consequences of delayed
8 treatment or lack of treatment; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Department of Health and Human Services to convene stakeholder**
14 **group to review the progressive treatment program and processes by which a**
15 **person may be involuntarily admitted to a psychiatric hospital or receive**
16 **court-ordered community treatment. Resolved:** That the Commissioner of Health
17 and Human Services shall convene a stakeholder group to accomplish the following:

18 **1. Review of the progressive treatment program.** Review the feasibility of and
19 barriers to nonstate mental health institutions' participating in a progressive treatment
20 program under the Maine Revised Statutes, Title 34-B, section 3873-A and develop
21 recommendations to increase the use of a progressive treatment program by nonstate
22 mental health institutions; and

23 **2. Review processes for consistency and efficiency.** Review for consistency and
24 efficiency the processes by which a person may be involuntarily admitted to a psychiatric
25 hospital or receive court-ordered community treatment pursuant to the Maine Revised
26 Statutes, Title 34-B, chapter 3, subchapter 4, article 3 and develop recommendations to
27 make the processes more effective and easier to administer in order to reduce the
28 consequences of delayed treatment or lack of treatment. The review must include a review
29 of how the processes are working, the consistency of requirements and implementation of
30 the processes, who is responsible for initiating the processes and who is responsible for
31 payment for representation of the psychiatric hospitals in those processes.

32 **Sec. 2. Membership of the stakeholder group. Resolved:** That the stakeholder
33 group under section 1 must include at least one representative from the Office of the
34 Attorney General and one from Riverview Psychiatric Center, and the Commissioner of
35 Health and Human Services shall invite the participation of at least one representative from
36 each of the following organizations: Northern Light Acadia Hospital, Spring Harbor
37 Hospital, the Maine Hospital Association and the Alliance for Addiction and Mental Health
38 Services, Maine. The stakeholder group must also include at least one person who is or has
39 been a patient under the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article
40 3 or a family member of the person. The Commissioner of Health and Human Services
41 shall invite the participation of at least one representative of the Judicial Department.

42 **Sec. 3. Report. Resolved:** That the Commissioner of Health and Human Services
43 shall present the findings and recommendations of the stakeholder group based on the

1 reviews pursuant to section 1 to the Joint Standing Committee on Health and Human
2 Services no later than December 1, 2021. The committee may report out legislation to the
3 Second Regular Session of the 130th Legislature related to the recommendations of the
4 report.

5 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
6 takes effect when approved.

7 **SUMMARY**

8 This bill directs the Commissioner of Health and Human Services to convene a
9 stakeholder group of interested parties to review the progressive treatment program under
10 the Maine Revised Statutes, Title 34-B, section 3873-A to increase participation of nonstate
11 mental health institutions in that program and to review for efficiency and effectiveness the
12 processes by which a person may be involuntarily admitted to a psychiatric hospital or
13 receive court-ordered community treatment pursuant to Title 34-B, chapter 3, subchapter
14 4, article 3. The commissioner is directed to submit a report with recommendations to the
15 Joint Standing Committee on Health and Human Services no later than December 1, 2021.
16 The committee may report out legislation to the Second Regular Session of the 130th
17 Legislature related to the recommendations of the report.