

MAINE STATE LEGISLATURE

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Date: 4-18-2022

(Filing No. H-1030)

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4 STATE OF MAINE
5 HOUSE OF REPRESENTATIVES
6 130TH LEGISLATURE
7 SECOND REGULAR SESSION

8 HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1463,
9 L.D. 1968, "An Act To Expand Access to Mental Health and Crisis Care for Individuals in
10 Jails and Individuals Experiencing Homelessness"

11 Amend the amendment in Part A in section 1 in subsection 10 in the last line (page 1,
12 line 21 in amendment) by inserting after the following: "Service" the following: 'unless
13 an extraordinary circumstance causes a necessary delay. The Commissioner of Health and
14 Human Services shall notify the court of the extraordinary circumstance causing a delay'

15 Amend the amendment by striking out all of Part C and inserting the following:

16 'PART C

17 **Sec. C-1. Department of Health and Human Services to ensure there is a**
18 **plan for a comprehensive system of residential care to serve people with**
19 **behavioral health needs.** The Department of Health and Human Services shall ensure
20 that the State has a plan for a comprehensive system of residential care for adults and
21 children with high levels of behavioral health needs who are at increased risk of
22 involvement with the criminal justice system or who, because of their behaviors, require
23 high levels of staffing. For purposes of this Part, "behavioral health" includes a wide range
24 of mental disorders and illnesses, substance use disorder, developmental disabilities and
25 autism.

26 **Sec. C-2. Residential care; participation.** The Department of Health and Human
27 Services shall work in collaboration with stakeholders including consumer groups,
28 behavioral health service providers, public safety organizations, representatives of the
29 education system, law enforcement organizations and hospitals to identify and fill gaps in
30 services in residential care for adults and children pursuant to this Part. The department
31 shall align this collaborative effort with the development of a strategic plan for behavioral
32 health services as required by Resolve 2021, chapter 80.

33 **Sec. C-3. Elements.** In ensuring that the State has a plan for a comprehensive system
34 of residential care for adults and children pursuant to this Part, the Department of Health
35 and Human Services shall incorporate the following elements as they relate to behavioral
36 health:

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1 **1. Needs study.** A needs study to identify the current and predicted residential needs
2 of individuals with behavioral health needs, based on current best practices and evidence,
3 for the next 10 years; and

4 **2. Gaps analysis.** A data-informed analysis that identifies the gaps between currently
5 available residential services and those predicted needs identified through the needs study
6 under subsection 1 and that includes, at a minimum, the following:

7 A. Population information:

8 (1) Geography;

9 (2) Insurance status;

10 (3) Guardianship and family status;

11 (4) Age;

12 (5) Medical diagnoses;

13 (6) Propensity for violent behaviors;

14 (7) Special populations, including, but not limited to, pregnant persons and foster
15 children; and

16 (8) Other identified factors;

17 B. Human and facility infrastructure and access information:

18 (1) Availability of providers and community services;

19 (2) Labor costs by geographic area; and

20 (3) Barriers to access;

21 C. Existing barriers that may inhibit access to or the development of needed services;

22 D. Evidence-based review of social determinants;

23 E. Existing strengths and weaknesses in the systems and support services; and

24 F. Defined metrics and outcomes to measure success and progress.

25 **Sec. C-4. Report.** No later than January 2, 2023, the Department of Health and
26 Human Services shall submit a report to the joint standing committee of the Legislature
27 having jurisdiction over health and human services matters regarding the status of the
28 comprehensive system of residential care for adults and children pursuant to this Part,
29 including the number of staffed community residential treatment beds for individuals with
30 behavioral health needs, including children with behavioral health needs, in each
31 geographic region of the State. The report must include the plan under this Part including
32 the results of the collaborative work with the stakeholders under section 2 and a timeline
33 and metrics to achieve the comprehensive system of residential care identified by the
34 analysis under section 3. The committee may report out legislation to implement the plan
35 to the First Regular Session of the 131st Legislature.'

36 Amend the amendment by striking out all of Part E.

37 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
38 section number to read consecutively.

SUMMARY

1
2 This amendment amends Committee Amendment "A" to require the Department of
3 Health and Human Services to ensure that the State has a plan for a comprehensive system
4 of residential care for adults and children with high levels of behavioral health needs who
5 are at risk of involvement with the criminal justice system or who, because of their
6 behaviors, require high levels of staffing. Committee Amendment "A" requires the
7 department to develop a comprehensive system and to develop a plan for and implement
8 such a system.

9 Committee Amendment "A" provides that when a court commits a defendant to the
10 custody of the Commissioner of Health and Human Services for placement in an institution
11 for the care and treatment of persons with mental illness, the transfer of the defendant must
12 take place within 30 days from the time the order is transmitted to the State Forensic
13 Service. This amendment provides that such a transfer must be made within that 30-day
14 period unless an extraordinary circumstance causes a necessary delay and it requires the
15 commissioner to notify the court of the extraordinary circumstance causing a delay.

16 This amendment also removes the appropriations and allocations section.

17 SPONSORED BY: Rachel Talbot Ross

18 (Representative TALBOT ROSS, R.)

19 TOWN: Portland

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1968

LR 2352(05)

An Act To Expand Access to Mental Health and Crisis Care for Individuals in Jails and Individuals Experiencing Homelessness

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Talbot Ross of Portland

Fiscal Note Required: Yes

(H-1030)

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	(\$1,698,000)	(\$1,494,887)	(\$1,527,974)
Appropriations/Allocations				
General Fund	\$0	(\$1,698,000)	(\$1,494,887)	(\$1,527,974)

Fiscal Detail and Notes

This amendment adds language that allows for a delay of the 30-day placement of a defendant by the Department of Health and Human Services (DHHS) in an institution for the care and treatment of persons with mental illness, if extraordinary circumstances exist, and requires the commissioner to notify the court of such a delay. Additionally, it strikes the General Fund appropriations in the bill and clarifies some language in the bill. It would still require the DHHS to do case management, coordination of housing, substance use services and mental health services, a needs study to identify the current and predicted residential needs of individuals with behavioral health diagnoses, reporting to the legislature, developing policy changes and ensuring the State has a plan following a needs study. DHHS expects that this will require them to establish multiple positions to carry out this work. It is unknown exactly when these new costs would be incurred, but it is estimated that at full implementation the total ongoing cost would be around \$1,500,000 annually to the General Fund. There will also be a one-time cost to complete a study and needs assesment by January 2023, which is estimated to cost \$215,000 to the General Fund. As this bill provides no new funding, the impact of these new unfunded costs on other programs in the DHHS cannot be determined at this time.