

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1003

H.P. 639

House of Representatives, March 7, 2023

**An Act to Increase Access to Behavioral Health Services for
Children and Individuals with Intellectual Disabilities or Autism**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Representatives: CRAVEN of Lewiston, JAVNER of Chester, MADIGAN of Waterville, STOVER of Boothbay, Speaker TALBOT ROSS of Portland, TERRY of Gorham,
Senators: BALDACCI of Penobscot, MOORE of Washington.

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,** lengthy hospital stays and lack of access to services for persons with
4 intellectual disabilities or autism pose a dire risk to such persons; and

5 **Whereas,** it is essential to address these issues as soon as possible to protect the safety
6 and well-being of persons with intellectual disabilities or autism; and

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

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

12 **Sec. 1. 34-B MRSA §5206, sub-§5-A** is enacted to read:

13 **5-A. Emergency departments.** The department shall provide crisis and respite
14 services for persons with intellectual disabilities or autism to ensure that such a person does
15 not stay in a hospital emergency department for more than 24 hours after the person has
16 met the medical criteria for safe discharge. Crisis beds in a residential facility must be
17 prioritized for persons who are discharged from hospital emergency departments. Crisis
18 and respite services must be available to a residential facility within 4 hours to meet the
19 needs of a person in crisis.

20 **Sec. 2. 34-B MRSA §5206, sub-§5-B** is enacted to read:

21 **5-B. Statewide system.** No later than January 1, 2025, the department shall establish
22 a statewide system of crisis services to meet the needs of children who require behavioral
23 health services, including but not limited to mental health services, services for intellectual
24 disabilities or autism or substance use services. The system must include mobile crisis
25 outreach, including assessment and stabilization, and crisis beds in a residential facility for
26 children whose needs cannot be met in their residences and for children who are
27 hospitalized but no longer need hospital-level care. The department shall establish metrics
28 to track access to the statewide system of crisis services.

29 **Sec. 3. 34-B MRSA §5206, sub-§6,** as amended by PL 2011, c. 542, Pt. A, §93, is
30 repealed and the following enacted in its place:

31 **6. Information regarding use.** The department shall maintain information regarding
32 use of crisis and respite services in accordance with this subsection. The department shall
33 maintain:

34 A. Information regarding use of crisis and respite services sufficient to plan and budget
35 for adequate crisis and respite services. The information must include an assessment of
36 the needs, both met and unmet, for crisis and respite services. The department shall
37 provide information regarding the availability of services under this section and the
38 proper means to obtain them to persons with intellectual disabilities or autism, their
39 parents and allies, providers of services and other interested persons; and

40 B. A publicly accessible website in order to track the number of:

