

MAINE STATE LEGISLATURE

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L.D. 2009

Date: 2/20/24

(Filing No. S-535)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 830, L.D. 2009, "An Act to Prevent Abandonment of Children and Adults with Disabilities in Hospitals"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish a Stakeholder Group to Address the Problem of Long Stays for Children and Adolescents in Hospital Emergency Departments'

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, children and adolescents remain in hospital emergency departments awaiting appropriate community and residential placements long after they are medically stable; and

Whereas, the work to address this issue is urgent and must start immediately; and

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

Sec. 1. Department of Health and Human Services to convene stakeholder group to address long stays of children and adolescents in hospital emergency departments. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a stakeholder group to address the problem of children and adolescents experiencing long stays in hospital emergency departments after the children and adolescents are medically stable and no longer require medical treatment but appropriate community or residential placements are not available.

1. Membership. The Commissioner of Health and Human Services shall appoint the members of the stakeholder group. Members must include:

A. The child welfare services ombudsman or the ombudsman's designee;

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- 1 B. The Attorney General or the Attorney General's designee;
- 2 C. A member of staff from the department's Office of Child and Family Services
- 3 including child welfare services;
- 4 D. A member of staff from the department's Office of Behavioral Health;
- 5 E. A member of staff from the department's Office of Behavioral Health, children's
- 6 behavioral health services;
- 7 F. A representative of Disability Rights Maine;
- 8 G. A representative of hospitals;
- 9 H. An emergency medical physician;
- 10 I. A representative of a statewide organization representing hospitals;
- 11 J. A representative of a national organization advocating for individuals with mental
- 12 illness;
- 13 K. Parents with experience of having a child stay in a hospital emergency department
- 14 for a long period after being medically stabilized; and
- 15 L. Other relevant interested parties.

16 **2. Duties and recommendations.** The stakeholder group shall examine the problem
 17 of children and adolescents experiencing long stays in hospital emergency departments
 18 after the children and adolescents are medically stable and no longer require medical
 19 treatment but appropriate community or residential placements are not available. The
 20 stakeholder group shall examine and make recommendations relating to the following:

- 21 A. An appropriate timeline for establishing a secure children's psychiatric residential
- 22 treatment facility in the State;
- 23 B. Strategies to limit the length of stay in hospital emergency departments for children
- 24 and adolescents who have been medically cleared for discharge;
- 25 C. The establishment of an independent children's behavioral health advocate; and
- 26 D. A review of hospital assessment and discharge policies.

27 **3. Report.** The department shall submit a report to the joint standing committee of
 28 the Legislature having jurisdiction over health and human services matters with its findings
 29 and recommendations no later than November 6, 2024. The committee may report out
 30 legislation to the 132nd Legislature in 2025.

31 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
 32 takes effect when approved.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 34 number to read consecutively.

35 **SUMMARY**

36 This amendment replaces the bill with a resolve. It requires the Department of Health
 37 and Human Services to convene a stakeholder group to address the problem of children and
 38 adolescents experiencing long stays in hospital emergency departments after the children
 39 and adolescents are medically stable and no longer require medical treatment but

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1 appropriate community or residential placements are not available. The Commissioner of
2 Health and Human Services must appoint the members of the stakeholder group, which
3 must include representatives from offices within the department and organizations dealing
4 with child welfare, behavioral health and medicine in addition to affected parents and other
5 interested parties. The department must submit a report to the joint standing committee of
6 the Legislature having jurisdiction over health and human services matters no later than
7 November 6, 2024.

8 **FISCAL NOTE REQUIRED**

9 (See attached)

COMMITTEE AMENDMENT



Approved: 02/08/24 *MAC*

131st MAINE LEGISLATURE

LD 2009

LR 2583(02)

An Act to Prevent Abandonment of Children and Adults with Disabilities in Hospitals

Fiscal Note for Bill as Amended by Committee Amendment "A" (S 535)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to convene a stakeholder group and report back to the legislature are expected to be minor and can be absorbed within existing budgeted resources.