

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 2009

S.P. 830

In Senate, June 6, 2023

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

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.

Cosponsored by Senator: BLACK of Franklin, Representatives: MILLETT of Waterford,
THERIAULT of Fort Kent.

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

2 **Sec. 1. 22 MRSA §1823-A** is enacted to read:

3 **§1823-A. Release of minors and adults with disabilities**

4 A hospital licensed under this chapter that provides services to a minor or an adult with
5 a disability who is under guardianship in connection with the treatment of that minor or
6 that adult with a disability shall discharge the minor or the adult with a disability to the care
7 of a parent or guardian no later than 48 hours after the attending physician has determined
8 the minor or the adult with disabilities is safe for discharge. If a parent or guardian does
9 not take custody of the minor or the adult with a disability within that period, the hospital
10 shall notify child protective services or adult protective services, as appropriate, which shall
11 take custody of the minor or the adult with a disability.

12 **SUMMARY**

13 This bill requires a hospital to discharge a minor or an adult with a disability who is
14 under guardianship to the care of a parent or guardian no later than 48 hours after the
15 attending physician has determined the minor or the adult with disabilities is safe for
16 discharge, and if a parent or guardian does not take custody of the discharged minor or the
17 discharged adult with a disability within that period, the hospital is required to notify child
18 protective services or adult protective services, as appropriate, which must then take
19 custody of the minor or the adult with a disability.