

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

treatment. Resolved: That, no later than January 1, 2020, the Department of Health and Human Services shall amend its rule Chapter 101, MaineCare Benefits Manual, Chapter II, Section 65 to change the educational requirements for behavioral health professionals providing services for children's home and community-based treatment to allow the following educational requirements:

1. A minimum of 60 higher education credit hours in a related field of social services, human services, health or education;
2. A minimum of 90 higher education credit hours in an unrelated field with the provider required to have a specific plan for supervision and training documented in the personnel file of the employee; or
3. A high school diploma or equivalent and a minimum of 3 years of direct experience working with children in a behavioral health children's services program with the provider required to have a specific plan for supervision and training documented in the personnel file of the employee.

The changes to educational requirements required by this resolve do not affect the requirements for behavioral health professional training and the prescribed time frames.

Sec. 2. Training within existing resources. Resolved: That the Department of Health and Human Services shall amend or establish contracts to train any additional number of individuals engaging in training to become behavioral health professionals providing children's home and community-based treatment services within existing resources. The department may make any changes necessary, including choosing to charge individuals or their employers fees for training, in order to offer training within existing resources.

See title page for effective date.

CHAPTER 100

S.P. 508 - L.D. 1602

Resolve, Establishing the Working Group on Mental Health

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

Whereas, this resolve establishes the Working Group on Mental Health to review the State's mental health system and propose a mental health plan for the State; and

Whereas, community-based mental health services are the foundation for a healthy Maine, and the State is currently housing too many people with behavioral health needs in jails and emergency rooms; and

Whereas, the review must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Working group established. Resolved: That the Working Group on Mental Health, referred to in this resolve as "the working group," is established to review the State's mental health system and propose a mental health plan for the State.

Sec. 2. Working group membership. Resolved: That, notwithstanding Joint Rule 353, the working group consists of 18 members as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
2. One member representing the National Alliance on Mental Illness Maine organization appointed by the President of the Senate;
3. One member representing the Consumer Council System of Maine appointed by the President of the Senate;
4. One member representing hospitals in the State appointed by the President of the Senate;
5. One member representing providers at federally qualified health centers appointed by the President of the Senate;
6. One member representing municipal law enforcement agencies appointed by the President of the Senate;
7. One member representing community mental health providers appointed by the President of the Senate;
8. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
9. Two members who are consumers of mental health services with different lived experiences appointed by the Speaker of the House;

10. One member representing Disability Rights Maine appointed by the Speaker of the House;

11. One member representing providers of homeless shelter services appointed by the Speaker of the House;

12. One member representing the Maine Sheriffs' Association appointed by the Speaker of the House;

13. One member representing providers of substance use disorder treatment appointed by the Speaker of the House;

14. The Commissioner of Health and Human Services or the commissioner's designee; and

15. The Commissioner of Corrections or the commissioner's designee.

The chairs of the working group shall invite the participation on the working group of a representative of the Judicial Department.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group.

Sec. 4. Appointments; convening of working group. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

Sec. 5. Duties. Resolved: That the working group shall review the State's mental health system and propose a mental health plan for the State. As part of its review, the working group shall examine:

1. Information on total state and federal dollars spent on children's and adult behavioral health care as coded by Medicaid and where those dollars are currently spent;

2. Access to mental health care in the State, including issues associated with waiting lists, geographic barriers to access and lack of adequate reimbursement to community-based programs that prevents those programs from reaching optimum capacity;

3. The quality of outcomes;

4. The costs required to provide mental health services in emergency rooms, inpatient settings, homeless shelters, jails and prisons as compared with the costs required to provide mental health services such as medication management, daily living support, peer

support and other therapies provided in community-based settings;

5. An assessment of assets and deficits; and

6. The projected effect of MaineCare expansion on the provision of mental health services.

Based on the information collected pursuant to this section, the working group shall propose a mental health plan for the State.

Sec. 6. Staff assistance. Resolved: That the Department of Health and Human Services shall provide necessary staffing services to the working group.

Sec. 7. Report. Resolved: That, no later than December 4, 2019, the working group shall submit a report that includes its proposed mental health plan for the State under section 5, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Criminal Justice and Public Safety, the Joint Standing Committee on Judiciary and the Joint Standing Committee on Appropriations and Financial Affairs.

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

Effective June 28, 2019.

CHAPTER 101

H.P. 1080 - L.D. 1478

Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, referred to in this section as "the department," that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Part I, Section 6(1)(A)(4) to require as a general qualification for certification by the department that the applicant hold a bachelor's degree from a regionally accredited college or university;