

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 637 - L.D. 869

Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment

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

Whereas, the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered treatment in the community are inconsistent; and

Whereas, the inconsistency is preventing access to timely treatment for individuals in crisis, and a more streamlined process could reduce the consequences of delayed treatment or lack of treatment; 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 review the progressive treatment program and processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment. Resolved: That the Commissioner of Health and Human Services shall convene a stakeholder group to accomplish the following:

1. Review of the progressive treatment program. Review the entire process related to a progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A, including, but not limited to, the feasibility of and barriers to filing applications to the District Court by a person authorized to file applications under Title 34-B, section 3873-A, subsection 1; and

2. Review processes for consistency and efficiency. Review for consistency and efficiency the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment pursuant to the Maine Revised

Statutes, Title 34-B, chapter 3, subchapter 4, article 3 and develop recommendations to make the processes more effective and easier to administer in order to reduce the consequences of delayed treatment or lack of treatment. The review must include a review of how the processes are working, the consistency of requirements and implementation of the processes, who is responsible for initiating the processes and who is responsible for payment for representation of the psychiatric hospitals in those processes.

Sec. 2. Membership of the stakeholder group. Resolved: That the Commissioner of Health and Human Services shall invite the following members to participate in the stakeholder group under section 1:

1. At least one representative from the Office of the Attorney General;
 2. One representative from the Riverview Psychiatric Center;
 3. One representative from Northern Light Acadia Hospital;
 4. One representative from Spring Harbor Hospital;
 5. One representative from the Maine Hospital Association;
 6. One representative from Disability Rights Maine;
 7. One representative from the Consumer Council System of Maine;
 8. At least one individual who is or has been a patient under the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3;
 9. One representative from an organization that advocates for family concerns;
 10. At least one individual who is a family member of an individual who is or has been a patient under the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3;
 11. One individual who is the legal guardian of a patient who is the subject of an application for the progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A;
 12. One representative from the Alliance for Addiction and Mental Health Services, Maine;
 13. One director of a team providing assertive community treatment;
 14. At least one representative from a community provider who administers the treatment plan of a patient admitted to a progressive treatment program;
 15. One representative from a private nonmedical institution;
 16. One psychiatrist from the Maine Association of Psychiatric Physicians;
 17. One psychiatric nurse practitioner from the Maine Nurse Practitioner Association;
- and
18. One law enforcement officer.

The Commissioner of Health and Human Services shall also invite the participation of at least one representative of the Judicial Department.

Sec. 3. Report. Resolved: That the Commissioner of Health and Human Services shall present the findings and recommendations of the stakeholder group based on the reviews pursuant to section 1 to the Joint Standing Committee on Health and Human

Services no later than December 1, 2021. The committee may report out legislation to the Second Regular Session of the 130th Legislature related to the recommendations of the report.

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