

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1164, L.D. 1676, Bill, “An Act To Reestablish the Office of Advocacy within the Department of Health and Human Services”

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

**'An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 5 MRSA §200-H, sub-§1,** as amended by PL 2015, c. 267, Pt. GG, §1, is further amended to read:

- 1. Composition.** The team is composed of ~~16~~ 17 members as follows:
  - A. The Chief Medical Examiner, ex officio;
  - B. The Director of Investigations for the Office of the Attorney General, ex officio;
  - C. The Director of the Division of Licensing and Regulatory Services within the Department of Health and Human Services, ex officio;
  - D. The Director of the Health Care Crimes Unit within the Office of the Attorney General, ex officio;
  - E. The Director of Aging Planning and Resources Development within the Department of Health and Human Services, Office of Elder and Adult Services, ex officio;
  - F. The Director of the Adult Protective Services program within the Department of Health and Human Services, Office of Elder and Adult Services, ex officio;
  - G. The Director of Adult Mental Health Services within the Department of Health and Human Services, ex officio;

**COMMITTEE AMENDMENT**

- 1            G-1. The director of the office providing adult developmental services to persons  
2            with intellectual disabilities or autism within the Department of Health and Human  
3            Services, ex officio;
- 4            H. The executive director of the long-term care ombudsman program, as established  
5            in Title 22, section 5106, subsection 11-C, ex officio;
- 6            H-1. A sexual assault nurse examiner within the Department of Health and Human  
7            Services;
- 8            I. A representative of victim services, appointed by the Attorney General;
- 9            J. A commanding officer of the Criminal Investigation Division within the  
10           Department of Public Safety, Bureau of the State Police, appointed by the Attorney  
11           General;
- 12           K. A prosecutor, nominated by a statewide association of prosecutors and appointed  
13           by the Attorney General;
- 14           L. A police chief, nominated by a statewide association of chiefs of police and  
15           appointed by the Attorney General;
- 16           M. A sheriff, nominated by a statewide association of sheriffs and appointed by the  
17           Attorney General;
- 18           N. A physician, a geriatrician or a primary care physician who works in the area of  
19           elder care, nominated by a statewide association of physicians and appointed by the  
20           Attorney General; and
- 21           O. An emergency medical services' person, nominated by a statewide association of  
22           emergency medical services professionals and appointed by the Attorney General.

23           **Sec. 2. 5 MRSA §200-H, sub-§4-A** is enacted to read:

24           **4-A. Examination of deaths and serious injuries of persons with intellectual**  
25           **disabilities or autism.** In addition to any powers and duties described in subsection 4,  
26           the team shall examine all cases of deaths and serious injuries of persons with intellectual  
27           disabilities or autism as described in this subsection.

28           A. The Office of the Attorney General shall conduct a preliminary examination of all  
29           cases of deaths and serious injuries of persons with intellectual disabilities or autism  
30           receiving adult developmental services, as defined in Title 34-B, section 1001,  
31           subsection 1-A, to determine which cases are referred to the team for further review.  
32           Cases must be referred to the team if any of the following circumstances exist:

- 33           (1) The death or serious injury was unexpected;
- 34           (2) Facts or circumstances that would indicate that the death or serious injury  
35           could have been prevented;
- 36           (3) Issues with the system of care described in Title 34-B, section 5003-A are  
37           implicated; or
- 38           (4) Other issues related to the case indicate the case should be reviewed.

1            B. The team shall examine all cases of death and serious injury that are referred by  
 2            the Office of the Attorney General pursuant to paragraph A. The purpose of the  
 3            examination is to identify whether systems established to assist or protect persons  
 4            with intellectual disabilities or autism from abuse and neglect were sufficient for the  
 5            particular circumstances related to the death or serious injury or whether such  
 6            systems require adjustment or improvement. The team shall recommend methods to  
 7            the Attorney General and the Department of Health and Human Services for  
 8            improving the system for protecting persons from abuse and neglect, including  
 9            modification of statutes, rules, training and policies and procedures, and for services  
 10           provided to persons with intellectual disabilities or autism receiving adult  
 11           developmental services.

12           **Sec. 3. Appropriations and allocations.** The following appropriations and  
 13           allocations are made.

14           **ATTORNEY GENERAL, DEPARTMENT OF THE**

15           **Administration - Attorney General 0310**

16           Initiative: Appropriates funds for the costs of one Attorney General Detective position to  
 17           investigate all deaths and serious injuries of persons with intellectual disabilities or  
 18           autism receiving adult developmental services and provides funding for related All Other  
 19           costs.

20 <b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
21           POSITIONS - LEGISLATIVE COUNT	0.000	1.000
22           Personal Services	\$0	\$100,277
23           All Other	\$0	\$11,548
24		
25           GENERAL FUND TOTAL	\$0	\$111,825

26           **Human Services Division 0696**

27           Initiative: Allocates funds for the costs of one Assistant Attorney General position and  
 28           one Paralegal position to investigate all deaths and serious injuries of persons with  
 29           intellectual disabilities or autism receiving adult developmental services and provides  
 30           funding for related All Other costs.

31 <b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
32           POSITIONS - LEGISLATIVE COUNT	0.000	2.000
33           Personal Services	\$0	\$177,571
34           All Other	\$0	\$23,095
35		
36           OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$200,666

1	<b>ATTORNEY GENERAL, DEPARTMENT OF</b>		
2	<b>THE</b>		
3	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
4			
5	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$111,825</b>
6	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$200,666</b>
7			
8	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$312,491</b>

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
 10 **Developmental Services - Community Z208**  
 11 Initiative: Provides funding for increased legal services.

12	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
13	All Other	\$0	\$200,666
14			
15	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$200,666</b>

16	<b>HEALTH AND HUMAN SERVICES,</b>		
17	<b>DEPARTMENT OF</b>		
18	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
19			
20	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$200,666</b>
21			
22	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$200,666</b>

23	<b>SECTION TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
24			
25	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$312,491</b>
26	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$200,666</b>
27			
28	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$513,157</b>
29			

30 **SUMMARY**

31 This amendment, which is the minority report of the committee, replaces the bill. It  
 32 requires the Maine Elder Death Analysis Review Team created in the Office of the  
 33 Attorney General to undertake an examination of all deaths and serious injuries of  
 34 persons with intellectual disabilities or autism receiving adult developmental services  
 35 from the Department of Health and Human Services. The Office of the Attorney General  
 36 is required to examine all cases of death or serious injury and refer cases to the Maine  
 37 Elder Death Analysis Review Team in which the death or serious injury was not expected

1 or could have been prevented and cases for which there were system issues identified or  
2 there were other issues that indicate that a case should be reviewed. The team must  
3 identify whether systems that assist or protect persons receiving adult developmental  
4 services are sufficient for the particular circumstances or whether improvement is  
5 necessary. The team must recommend methods for improvement to the Office of the  
6 Attorney General and the Department of Health and Human Services. The amendment  
7 also adds the director of the office within the Department of Health and Human Services  
8 that provides adult developmental services to persons with intellectual disabilities or  
9 autism to the Maine Elder Death Analysis Review Team.

10 The amendment also adds an appropriations and allocations section.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**