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An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers

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

Sec. 1. 34-B MRSA §1203, sub-§4, as amended by PL 1995, c. 15, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients receiving children's behavioral health, adult mental health or adult mental retardation services from the department. The commissioner shall also establish procedures for hearing client appeals from the denial of eligibility for adult mental retardation services from the department. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may assign staff of the department's office of administrative hearings or may contract for the services of the hearing examiner or examiners, who shall conduct all adjudicatory proceedings pursuant to the Maine Administrative Procedure Act and who may not be employees of the Department of Health and Human Services.

SUMMARY

This bill eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters