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An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute

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

Sec. 1. 34-B MRSA §3863, sub-§8, as enacted by PL 2005, c. 519, Pt. BBBB, §8 and affected by §20, is amended to read:

8. Rehospitalization from progressive treatment program. The assertive community treatment team physician or, psychologist, certified psychiatric clinical nurse specialist or nurse practitioner may make a written application under this section to admit to a state mental health institute a person who fails to fully participate in the progressive treatment program in accordance with section 3873, subsection 5. The provisions of this section apply to that application, except that the standard for admission is governed by section 3873, subsection 5, paragraph B.

Sec. 2. 34-B MRSA §3873, sub-§5, ¶A, as enacted by PL 2005, c. 519, Pt. BBBB, §14 and affected by §20, is amended to read:

A. If the person does not fully participate in the program and follow the individualized treatment plan and if the assertive community treatment team physician or, psychologist, certified psychiatric clinical nurse specialist or nurse practitioner determines, based on clinical findings, that as a result of failure to fully participate or follow the individualized treatment plan the person's mental health has deteriorated so that hospitalization is in the person's best interest and the person poses a likelihood of serious harm as defined in section 3801, subsection 4, paragraph D, the assertive community treatment team physician or, psychologist, certified psychiatric clinical nurse specialist or nurse practitioner shall complete a certificate stating that the person requires hospitalization and the grounds for that belief. The person may agree to hospitalization or may be subject to an application for readmission under paragraph B.

SUMMARY

This bill broadens the list of persons who are authorized to petition the District Court for rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.