

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 796 - L.D. 1133

**An Act Regarding Access to Appropriate Residential Services for Individuals
Being Discharged from Psychiatric Hospitalization**

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

Sec. 1. 34-B MRSA §1226 is enacted to read:

§1226. Resources available for patients entering residential care facilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Hospital" means a hospital licensed under Title 22, chapter 405 or a nonstate mental health institution as defined in section 3801, subsection 6.

B. "Patient" means a person who is 18 years of age or older, who is receiving inpatient services in a hospital for a severe and persistent mental illness as defined in section 3801, subsection 8-A and who the hospital has determined to be ready for discharge from the hospital.

C. "Residential service provider" means a facility licensed under Title 22, section 7801, subsection 1, paragraph A or A-1.

2. Application for additional services. A residential service provider may apply to the department for services in order to temporarily meet a patient's needs when the patient requires reasonable accommodations or a higher level of care for admission or readmission to the residential service provider.

If the services necessary to meet a patient's needs under this subsection are reimbursable by the MaineCare program, the department shall direct the residential service provider to first seek reimbursement from the MaineCare program. The department shall provide technical support to the residential service provider in order to determine whether MaineCare reimbursement is available.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Repeal. This section is repealed July 1, 2020.

Sec. 2. Rulemaking. The Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes, Title 34-B, section 1226 no later than January 1, 2019.

Sec. 3. Report. The Department of Health and Human Services shall report in writing by January 15, 2020 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the implementation of the Maine Revised Statutes, Title 34-B, section 1226, including, but not limited to, the number of applications received; the number of patients served; the costs of patient services provided, including whether the services were reimbursable by the MaineCare program; and the types of services received by patients.