



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1700

H.P. 1168

House of Representatives, April 14, 2016

**Resolve, To Require the Gathering of Information in Order To
Develop a Plan To Expand the Infrastructure Capacity for State
Forensic and Civil Mental Health Treatment**

(EMERGENCY)

Reported by Representative GATTINE of Westbrook for the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2016, H.P. 1160.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

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

3 **Whereas,** the State faces significant challenges caring for residents living with
4 serious and persistent mental illness and it lacks adequate community-based and hospital-
5 based treatment resources to address the needs of its civil and forensic patient
6 populations; and

7 **Whereas,** the current structure and staffing at Riverview Psychiatric Center may not
8 be fully optimized for the successful rehabilitation of its civil and forensic patient
9 populations; and

10 **Whereas,** these structural and staffing challenges continue to contribute to the
11 problems with morale and staffing at Riverview Psychiatric Center as well as to the fiscal
12 problems facing Riverview Psychiatric Center; and

13 **Whereas,** this resolve requires the Department of Health and Human Services to
14 seek the input of a variety of providers, stakeholders, staff and interested parties in order
15 to evaluate alternatives to the current situation at Riverview Psychiatric Center and to
16 bring information about those alternatives to the Legislature for consideration in order for
17 the Legislature to design solutions that are fiscally responsible and meet the legal and
18 treatment needs of all patients at Riverview Psychiatric Center; and

19 **Whereas,** the severity of the issues at Riverview Psychiatric Center require action as
20 soon as possible on the development of solutions; and

21 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
22 the meaning of the Constitution of Maine and require the following legislation as
23 immediately necessary for the preservation of the public peace, health and safety; now,
24 therefore, be it

25 **Sec. 1. Issuance of request for information. Resolved:** That the Department
26 of Health and Human Services, referred to in this resolve as "the department," shall issue
27 a request for information on or before July 31, 2016 with responses to the request for
28 information due by September 30, 2016; and be it further

29 **Sec. 2. Content of request for information. Resolved:** That the request for
30 information issued pursuant to section 1 must inform persons responding to the request of
31 the current situation regarding Riverview Psychiatric Center's certification by the United
32 States Department of Health and Human Services, Centers for Medicare and Medicaid
33 Services and the consent decree and incorporated settlement agreement in the case of
34 Paul Bates, et al. v. Robert Glover, et al., Kennebec County Superior Court, Civil Action
35 Docket No. CV-89-88, the so-called AMHI consent decree. Upon request, the
36 department must provide to persons responding to the request for information materials
37 that were developed during the design and construction of Riverview Psychiatric Center.
38 The department shall require that potential responders provide as much detail as possible
39 in their responses. The request for information must include, but is not limited to,
40 requests for:

- 1 1. Information on experiences of other states in developing secure solutions for
2 difficult-to-manage forensic patient populations;
- 3 2. Determinations of the needed bed capacity in the State for inpatient civil and
4 forensic patient populations;
- 5 3. Estimated construction costs for additions to or refurbishment of Riverview
6 Psychiatric Center;
- 7 4. Information regarding the trends in pretrial mental health evaluations in the State;
- 8 5. The potential to centralize forensic mental health evaluation services at Riverview
9 Psychiatric Center;
- 10 6. Designs to safely accommodate highly acute civil and forensic patient populations
11 in one or more treatment settings that provide a hospital level of care such that the setting
12 or settings would qualify for disproportionate share hospital payments to institutions for
13 mental diseases, if available from the United States Department of Health and Human
14 Services, Centers for Medicare and Medicaid Services;
- 15 7. Policy recommendations to improve the safety metrics at Riverview Psychiatric
16 Center to minimize the use of seclusion and restraint and eliminate the occurrence of
17 abuse, neglect and exploitation;
- 18 8. Ways to use technology to increase security and reporting requirements at
19 Riverview Psychiatric Center;
- 20 9. Information on the effect that the opening of additional beds at Spring Harbor
21 Hospital in Westbrook has had on Riverview Psychiatric Center;
- 22 10. Information about additional therapies currently available, such as motivational
23 therapy, that may be used to improve the treatment of patients at Riverview Psychiatric
24 Center;
- 25 11. Information about the development of a step-down residential facility or facilities
26 for persons with mental illness who no longer need a hospital level of care but who
27 remain in state custody;
- 28 12. Ideas for the structural rehabilitation of the special care units at Riverview
29 Psychiatric Center in order to provide safer, more secure and more effective units for
30 highly acute civil and forensic patients;
- 31 13. Ideas for the construction of a new secure unit attached to Riverview Psychiatric
32 Center for highly acute civil and forensic patients; and
- 33 14. Suggestions for other available solutions to the problems currently facing
34 Riverview Psychiatric Center that are fiscally responsible and meet the legal and
35 treatment needs of all the center's patients; and be it further

1 **Sec. 3. Department of Health and Human Services to convene**
2 **stakeholder group. Resolved:** That, notwithstanding Joint Rule 353, the department
3 shall convene and provide staffing to a stakeholder group to review the responses to the
4 request for information conducted pursuant to sections 1 and 2 and to make
5 recommendations for actions based on evaluation of those responses. Membership of the
6 stakeholder group is as follows:

7 1. The Commissioner of Health and Human Services, or the commissioner's
8 designee;

9 2. The Superintendent of Riverview Psychiatric Center, or the superintendent's
10 designee;

11 3. The court master designated to oversee the so-called AMHI consent decree;

12 4. Two representatives of statewide nonprofit groups advocating on behalf of persons
13 with mental illness, appointed by the President of the Senate;

14 5. One representative of a statewide association of sheriffs, appointed by the
15 President of the Senate;

16 6. Two representatives of labor organizations representing the direct care workers at
17 Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, appointed by the
18 Speaker of the House of Representatives;

19 7. Two clinical staff members from either Riverview Psychiatric Center or Dorothea
20 Dix Psychiatric Center, appointed by the Speaker of the House of Representatives; and

21 8. A representative of the State Forensic Service within the Department of Health
22 and Human Services, appointed by the Speaker of the House of Representatives.

23 No later than December 31, 2016, the stakeholder group shall present a report to the
24 joint standing committees of the Legislature having jurisdiction over health and human
25 services matters and appropriations and financial affairs. The report must contain
26 descriptions of responses to the request for information under section 1 regarding
27 available options to improve the infrastructure capacity for state forensic and civil mental
28 health treatment, analysis of each option and a list of recommendations with regard to
29 each option. The stakeholder group may seek additional information from responders to
30 the request for information.

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

33 **SUMMARY**

34 This resolve, which is an emergency, directs the Department of Health and Human
35 Services to issue a request for information by July 31, 2016 regarding alternatives and
36 solutions to the issues at Riverview Psychiatric Center, with responses due by September
37 30, 2016. It also establishes a stakeholder group to review the responses received during

1 the request for information process and develop a report by December 31, 2016 to be
2 presented to the joint standing committees of the Legislature having jurisdiction over
3 health and human services matters and appropriations and financial affairs.



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LD 1700

LR 2816(01)

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**Fiscal Note for Original Bill
Committee: Health and Human Services
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.