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Legislative Document

No. 968

H.P. 682

House of Representatives, March 12, 2013

**An Act To Provide Needed Psychiatric Hospitalization for Persons
with Mental Illness**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DION of Portland.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representatives: COOPER of Yarmouth, DORNEY of Norridgewock, FARNSWORTH of
Portland, FREY of Bangor, GILBERT of Jay, PLANTE of Berwick, PRINGLE of Windham,
STUCKEY of Portland.

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

2 **Sec. 1. 22-A MRSA §206, sub-§9** is enacted to read:

3 **9. Psychiatric hospitalization.** The commissioner shall provide inpatient
4 psychiatric hospitalization for a person with mental illness who is experiencing a
5 psychiatric crisis and who has been determined, after an examination, to be in need of
6 inpatient hospitalization by a licensed physician, registered physician assistant, certified
7 psychiatric clinical nurse specialist, certified nurse practitioner or licensed clinical
8 psychologist.

9 A. The department shall provide access to inpatient psychiatric hospitalization to a
10 person with a mental illness who is experiencing a psychiatric crisis and who has
11 been determined to be in need of hospitalization within 12 hours of the person's being
12 admitted to care in a correctional facility, hospital, crisis center or a facility offering
13 assertive community treatment, as defined in Title 34-B, section 3801, subsection 11.
14 The department shall provide access to hospitalization in a state mental health
15 institute as defined in Title 34-B, section 3801, subsection 9 or a nonstate mental
16 health institution as defined in Title 34-B, section 3801, subsection 6 that is located
17 within or outside the State.

18 B. If a bed is not available at a state mental health institute or a nonstate mental
19 health institution in the State within 12 hours of the person with a mental illness
20 being determined to need inpatient hospitalization, the commissioner shall provide
21 hospitalization under this section in a psychiatric hospital outside the State. As soon
22 as inpatient hospitalization space is available at a state mental health institute or a
23 nonstate mental health institution within the State, the commissioner shall offer to the
24 person an opportunity for transfer to a hospital in the State.

25 C. To the extent they are not paid for as health benefits under a health plan, the costs
26 of necessary transportation and inpatient psychiatric hospitalization pursuant to this
27 subsection are the responsibility of the department, except that the department is not
28 responsible for the costs incurred by a person who declines a transfer offered under
29 paragraph B.

30 D. The commissioner shall work cooperatively with state mental health institutes and
31 nonstate mental health institutions within and outside the State to expand inpatient
32 psychiatric services and ensure that inpatient psychiatric services are available to
33 persons in need.

34 **SUMMARY**

35 This bill requires the Commissioner of Health and Human Services to make
36 psychiatric hospitalization available to a person with mental illness who is experiencing a
37 psychiatric crisis and who has been determined by a health care practitioner to be in need
38 of hospitalization.