**An Act To Increase the Availability of Assertive Community Treatment Services**

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

**Sec.** **1. 34-B MRSA §3801, sub-§7-C** is enacted to read:

**7-C.** **Prescriber.**  "Prescriber" means a licensed health care provider with authority to prescribe, including a licensed physician, certified nurse practitioner or licensed physician assistant who has training or experience in psychopharmacology.

**Sec.** **2. 34-B MRSA §3801, sub-§11,** as amended by PL 2017, c. 407, Pt. A, §159, is further amended to read:

**11.** **Assertive community treatment.**  "Assertive community treatment" or "ACT" means a self-contained service with a fixed point of responsibility for providing treatment, rehabilitation and support services to persons with mental illness for whom other community-based treatment approaches have been unsuccessful. Assertive community treatment uses clinical and rehabilitative staff to address symptom stability; relapse prevention; maintenance of safe, affordable housing in normative settings that promote well-being; establishment of natural support networks to combat isolation and withdrawal; the minimizing of involvement with the criminal justice system; individual recovery education; and services to enable the person to function at a work site. Assertive community treatment is provided by multidisciplinary teams who are on duty 24 hours per day, 7 days per week; teams must include a ~~psychiatrist~~ prescriber, registered nurse or licensed practical nurse, certified rehabilitation counselor or certified employment specialist, a peer recovery specialist and a substance use disorder counselor and may include an occupational therapist, community-based mental health rehabilitation technician, psychologist, licensed clinical social worker or licensed clinical professional counselor. A licensed practical nurse may be included on an ACT team in lieu of a registered nurse if the prescriber is not a certified nurse practitioner. An ACT team member who is a state employee is, while in good faith performing a function as a member of an ACT team, performing a discretionary function within the meaning of Title 14, section 8104‑B, subsection 3.

**SUMMARY**

This bill amends the behavioral and developmental services law regarding mental health hospitalization to add the definition of "prescriber," which is defined to mean a licensed health care provider with authority to prescribe, including a licensed physician, certified nurse practitioner or licensed physician assistant who has training or experience in psychopharmacology. It also amends the definition of "assertive community treatment" to change the composition of the multidisciplinary team that provides assertive community treatment by removing reference to the term "psychiatrist" and replacing it with the term "prescriber" and by providing that a licensed practical nurse may be a member of the team in lieu of a registered nurse if the prescriber is not a certified nurse practitioner.