



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 868

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H.P. 636

House of Representatives, March 8, 2021

**An Act To Provide Consistency Regarding Persons Authorized To  
Conduct Examinations for Emergency Involuntary Commitment  
and Post-admission Examinations**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative RECKITT of South Portland.

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

2 **Sec. 1. 34-B MRSA §3863, sub-§7**, as amended by PL 2009, c. 651, §18, is further  
3 amended to read:

4 **7. Post-admission examination.** Every patient admitted to a psychiatric hospital  
5 under this section must be examined as soon as practicable after the patient's admission. If  
6 findings required for admission under subsection 2 are not certified in a 2nd opinion by a  
7 staff ~~physician or licensed clinical psychologist~~ medical practitioner within 24 hours after  
8 admission, the person must be immediately discharged.

9 **Sec. 2. 34-B MRSA §3863, sub-§7-A**, as enacted by PL 2015, c. 309, §5, is  
10 amended to read:

11 **7-A. Post-admission discharge.** If it is necessary to discharge a person because  
12 findings required for admission under subsection 2 are not certified in a 2nd opinion by a  
13 staff ~~physician or licensed clinical psychologist~~ medical practitioner after examination in  
14 accordance with subsection 7, the staff ~~physician or licensed clinical psychologist~~ medical  
15 practitioner shall record the discharge on the written application, which must contain a  
16 statement that the findings required for the person's admission specified under subsection  
17 2 were not met.

18 **SUMMARY**

19 This bill changes the provision of law governing post-admission examination and post-  
20 admission discharge from a psychiatric hospital by replacing the term "physician or  
21 licensed clinical psychologist" with the term "medical practitioner," which is a defined  
22 term.