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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 639, L.D. 1003, “An Act to Increase Access to Behavioral Health Services for Children and Individuals with Intellectual Disabilities or Autism”

Amend the bill by striking out the title and substituting the following:

'Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism'

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, lengthy hospital stays and lack of access to services for children in need of behavioral health services and individuals with intellectual disabilities or autism pose a dire risk to such individuals; and

Whereas, it is essential to address these issues to protect the safety and well-being of children in need of behavioral health services and individuals with intellectual disabilities or autism; and

Whereas, the Department of Health and Human Services, Office of Child and Family Services' 2018 assessment of children’s behavioral health services in this State, conducted by the Public Consulting Group, recommended a so-called No Eject, No Reject policy that applies to residential providers of children’s behavioral health services, but no policy has yet been developed; and

Whereas, development of a so-called No Eject, No Reject policy, in consultation with a stakeholder group, will take time and needs to begin prior to 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

COMMITTEE AMENDMENT

1 immediately necessary for the preservation of the public peace, health and safety; now,
2 therefore, be it

3 **Sec. 1. Department of Health and Human Services to develop a so-called**
4 **No Eject, No Reject proposal; report. Resolved:** That the Department of Health
5 and Human Services shall develop a plan for a so-called No Eject, No Reject proposal that
6 requires residential providers of behavioral health services for children or services to
7 individuals with intellectual disabilities or autism to receive written approval from the
8 department for the following:

- 9 1. Termination of services to an individual;
- 10 2. Executing a discharge plan; or
- 11 3. Declining a referral of an individual when a bed is available.

12 The department shall establish a stakeholder group to develop the No Eject, No Reject
13 proposal. The stakeholder group must include residential providers of behavioral health
14 services to children, residential providers of services to individuals with intellectual
15 disabilities or autism, hospitals, Disability Rights Maine, advocates for services for
16 children and adults and any other relevant interested parties. The department shall also
17 examine any existing data to determine the reasons that providers terminate services,
18 decline referrals or transfer individuals to hospital emergency departments when there is
19 no medical reason for the transfer and determine the barriers to individuals being accepted
20 for residential treatment services. The department shall report its findings, the proposal
21 developed pursuant to this resolve and the steps to implementing the proposal, including
22 any rulemaking and recommended legislation, to the Joint Standing Committee on Health
23 and Human Services no later than January 2, 2024.

24 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
25 takes effect when approved.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
27 number to read consecutively.

28 SUMMARY

29 This amendment replaces the bill with a resolve that requires the Department of Health
30 and Human Services to develop a so-called No Eject, No Reject proposal that requires
31 residential providers of behavioral health services for children or services to individuals
32 with intellectual disabilities or autism to receive written approval from the department in
33 circumstances relating to termination of services or declining a referral. The department
34 must establish a stakeholder group to develop the proposal. The department must examine
35 data to determine reasons why providers terminate or refuse referrals for services and
36 determine barriers to accepting individuals for treatment services. The department must
37 report its findings, the proposal and the steps for implementing the proposal, including any
38 rulemaking and recommended legislation, to the Joint Standing Committee on Health and
39 Human Services no later than January 2, 2024.

40 FISCAL NOTE REQUIRED

41 (See attached)