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REPORT TO THE LEGISLATURE

TO: Joint Standing Committee on Health and Human Services
FROM: Maine Department of Health and Human Services
DATE: September 8, 2022
RE: Work Plan Report pursuant to Resolves 2021, Ch. 132, *Resolve, Directing the Department of Health and Human Services To Update the Rights of Recipients of Mental Health Services*

Pursuant to Resolves 2021, Ch. 132, *Resolve, Directing the Department of Health and Human Services To Update the Rights of Recipients of Mental Health Services*, the Maine Department of Health and Human Services (DHHS) is submitting the following workplan for updating the Rights of Recipients of Mental Health Services, 14-193 C.M.R. Ch. 1, and the Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment, 14-472 C.M.R. Ch. 1. The [Resolve](#) requires the Department to update these rules no later than July 1, 2025 and to submit this work plan for developing and promulgating rule changes and ensuring stakeholder engagement.

DHHS Workplan Narrative

The rights of recipients are critical to ensuring equality and that individuals living with mental health conditions have rights and protections, and these rights and protections are upheld and respected. This work will include developing and promulgating rule changes and ensuring meaningful stakeholder engagement prior to the drafting of these rule changes.

As the Rights of Recipients of Mental Health Services for adults and children are separate and distinct rules, stakeholder engagement activities will include separate tracks for adults and children; however, these tracks and timelines will be aligned and run concurrently. Stakeholder engagement activities will be proactively communicated to and coordinated with the stakeholders outlined in the Resolve and others with an interest in this process and these rules.

DHHS anticipates that the timeline for developing and promulgating rule changes will be September 2022 through January 2025. This timeline is inclusive of internal DHHS planning, stakeholder engagement, DHHS drafting, Office of the Attorney General pre-review, and commencement of the rulemaking process under the Maine Administrative Procedure Act. On or about August 1, 2024, DHHS will propose these major substantive rules; the DHHS Commissioner will then provisionally adopt the rules in December 2024; and DHHS will then submit these provisionally adopted rules to the Legislature for major substantive review in

January 2025. Pursuant to 5 M.R.S. §8072(1), the rules can only take legal effect after the Legislature’s review and DHHS’s final adoption. Please find below a timeline and workplan, inclusive of progress reporting requirements to the joint standing committee as directed by the resolve.

DHHS Workplan

Timeframe	Activity Benchmark
September 2022	DHHS commences planning and preparation activities for rule development and stakeholder engagement
January 2023	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services
March/April 2023	DHHS provides notice of and solicits input on stakeholder engagement process
May 2023 – December 2023	<p>Stakeholder Engagement Activities</p> <ul style="list-style-type: none"> • <i>May 2023 Stakeholder Survey Distributed</i> <ul style="list-style-type: none"> ○ Surveys distributed to stakeholders for initial comments and feedback. <ul style="list-style-type: none"> ▪ Survey 1: Rights of recipients for adults ▪ Survey 2: Rights of recipients for children ○ Survey results compiled • <i>July – December 2023 Stakeholder Listening Sessions</i> <ul style="list-style-type: none"> ○ Stakeholder listening sessions launched with two tracks and listening sessions will include feedback and comments captured in the survey. Tracks to run concurrently. ○ Track 1: Four (4) sessions hosted by Office of Behavioral Health (OBH) for rights of recipients for adults ○ Track 2: Four (4) sessions hosted by and Office of Child and Family Services (OCFS) for rights of recipients for children
July 2023	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services
January 2024	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services

January 2024 – March 2024	DHHS rule drafting
April – July 2024	OAG Pre-review of proposed rule drafts; DHHS final revisions to proposed rule drafts; Commissioner review of proposed rule drafts
July 2024	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services
August – December 2024	DHHS proposes major substantive rules on or about August 1, 2024; noticing; public hearing, comment period and final review by OAG
December 2024	Commissioner provisionally adopts major substantive rules
January 2025	DHHS submits provisionally adopted rules to Legislature for major substantive review