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An Act To Establish One State Psychiatric Hospital

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

PART A

Sec. A-1. 22-A MRSA §208, as enacted by PL 2007, c. 539, Pt. N, §47, is amended to read:

§ 208. Maintenance of one state psychiatric hospital

The commissioner shall maintain 2 campuses of one state mental health institutes psychiatric hospital for the mentally ill, one campus at Bangor called the Dorothea Dix Psychiatric Center and the other campus at Augusta called the Riverview Psychiatric Center.

Sec. A-2. 34-B MRSA §1001, sub-§8, as amended by PL 2007, c. 539, Pt. N, §57, is further amended to read:

8. State institution; state psychiatric hospital. "State institution" or "state psychiatric hospital" means:

- A. The state psychiatric hospital campus at the Riverview Psychiatric Center;
- B. The state psychiatric hospital campus at the Dorothea Dix Psychiatric Center; or
- D. Before October 1, 2008, the Elizabeth Levinson Center.

Sec. A-3. 34-B MRSA §1409, sub-§1, ¶B-1, as enacted by PL 2005, c. 256, §1, is amended to read:

B-1. "Resident," for purposes of this section and this section only, means any of the following:

- (1) A person who is an inpatient; or
- (2) A person who is an outpatient receiving services from any state institution, including outpatient clinic services; ~~or~~,
- (3) ~~A resident of the Homestead facility.~~

Sec. A-4. 34-B MRSA §1409, sub-§1, ¶D, as enacted by PL 2005, c. 683, Pt. B, §30, is repealed.

Sec. A-5. 34-B MRSA §1409, sub-§13, as amended by PL 2005, c. 256, §4, is further amended to read:

13. Special revenue account; state psychiatric hospital. The commissioner shall establish a special revenue account for the ~~Riverview Psychiatric Center and the Homestead facility~~state psychiatric hospital and shall deposit into it payments or income received from ~~residents~~clients of the ~~Riverview Psychiatric Center and the Homestead facility~~state psychiatric hospital, the Medicaid program or other 3rd-party payors. The commissioner shall use the funds on deposit for expenses of the ~~Riverview Psychiatric Center and the Homestead facility~~state psychiatric hospital.

Sec. A-6. 34-B MRSA §1409, sub-§14, as enacted by PL 1991, c. 528, Pt. Q, §6 and affected by Pt. RRR; enacted by c. 591, §6; and amended by PL 2005, c. 236, §3, is repealed.

Sec. A-7. 34-B MRSA §1409, sub-§15, as amended by PL 2011, c. 1, Pt. S, §2, is further amended to read:

15. General Fund accounts; disproportionate share hospital match. The commissioner shall establish a ~~General Fund aeeounts~~account to provide the General Fund match for eligible disproportionate share hospital components in the ~~Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center~~state psychiatric hospital. Any unencumbered ~~balance~~balance of General Fund appropriations remaining at the end of each fiscal year must be carried forward to be used for the same purposes. ~~Available~~Any available unencumbered ~~balance~~balance at the end of each fiscal year in the Personal Services line category of the ~~aeccounts~~account may be transferred to the All Other line category by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

Sec. A-8. 34-B MRSA §3607-A, as enacted by PL 2007, c. 286, §7, is amended to read:

§ 3607-A. Hospital council

1. Definitions. As used in this section and sections 3608 and 3609, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Consumer" means a recipient or former recipient of publicly funded mental health services or an adult who has or had a major mental illness.
- B. "Family member" means a relative, guardian or household member of an adult consumer.
- C. "~~Institute~~Hospital council" means ~~an institute~~the hospital council, ~~at either the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center,~~at the state psychiatric hospital approved by the commissioner pursuant to subsection 2, paragraph B.
- D. "Major mental illness" means a diagnosis of mental illness as defined in rules adopted by the department. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
- E. "Network" means a community service network established pursuant to section 3608.
- F. "Service provider" or "provider" means a person or organization providing publicly funded mental health services to consumers or family members.

2. Hospital council established. ~~There are established institute councils, one for the Riverview Psychiatric Center and one for the Dorothea Dix Psychiatric Center,~~ is established a hospital council at the state psychiatric hospital to evaluate the delivery of mental health services and advise the department regarding quality assurance and operations and functions of the ~~mental health institutes~~ state psychiatric hospital. ~~The councils operate~~ hospital council operates under the authority of the department.

A. ~~Each institute~~ The hospital council consists of no more than 25 members, taking into consideration local geographic factors. The membership ~~on each institute council~~ consists of consumers, family members, community members, hospital staff and providers. A resident or former resident of the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center, a family member of a resident or former resident, a community member in the Augusta or Bangor region and a service provider at ~~those institutes~~ the hospital may make recommendations regarding membership on the ~~institute councils~~ hospital council to the commissioner.

B. ~~The institute council~~ hospital council shall adopt bylaws that establish membership, the terms and qualifications of membership and the internal governance and rules. The commissioner shall approve the bylaws of each ~~institute~~ the hospital council prior to designating it as an approved ~~institute council~~.

3. State psychiatric hospital council directors; responsibilities. ~~The superintendent~~ superintendent of the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center ~~are~~ the state psychiatric hospital is responsible for the operation of the ~~institute council~~ hospital council and for dispute resolution ~~within those institute councils~~. ~~The superintendents shall receive reports from the institute councils, consider the recommendations of the institute councils and report periodically to the commissioner on their performance.~~

4. State psychiatric hospital council. Within the limitations of state and federal law, the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center, referred to in this subsection as ~~"the mental health institutes,"~~ state psychiatric hospital and the department shall provide information to the ~~institute councils~~ adequate to perform their duties hospital council, including, but not limited to:

A. Input into the annual budgets of the ~~mental health institutes~~ 2 campuses of the state psychiatric hospital;

B. Achievement of the goals and objectives of the department as they pertain to the ~~mental health institutes~~ state psychiatric hospital;

C. Compliance with all professional accreditation standards applicable to the ~~mental health institutes~~ state psychiatric hospital;

D. Review, oversight and assessment of services and programs provided to ~~residents of the mental health institutes~~ clients of the state psychiatric hospital and their families;

E. Review of personnel policies and employment patterns, including staffing requirements and patterns, the use of overtime assignments and training and job development;

F. Input into public relations efforts of the department and the ~~mental health institutes~~state psychiatric hospital and community education initiatives; and

G. Monitoring building and grounds maintenance and safety and risk management on the campuses of the ~~mental health institutes~~state psychiatric hospital.

Sec. A-9. 34-B MRSA §3801, sub-§9, as enacted by PL 1983, c. 459, §7 and amended by PL 2005, c. 236, §§3 and 4, is further amended to read:

9. State mental health institute. "State mental health institute" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Centerstate psychiatric hospital.

PART B

Sec. B-1. 5 MRSA §19503, sub-§5, as repealed and replaced by PL 2001, c. 357, §7, is amended to read:

5. Facility. "Facility" means the state psychiatric hospital or any foster home; boarding home; nursing home; group home; hospital; ~~state mental health institute~~; state-operated psychiatric treatment facility; state, county or municipal correctional or detention facility; shelter; or any other facility licensed or funded by the State, or any subdivision of the State, for the provision of services, supports and other assistance or residential services or treatment. "Facility" includes any facility providing services, supports and other assistance or residential services or treatment that operates without a license that is required by law, ordinance or rule.

Sec. B-2. 5 MRSA §19509, first ¶, as amended by PL 2001, c. 471, Pt. D, §8 and affected by §10, is further amended to read:

Notwithstanding any provision of law to the contrary, the following provisions apply to psychiatric hospitals, hospital units that are equipped to provide inpatient care and treatment for persons with mental illness, the state mental health institutespsychiatric hospital and state-operated psychiatric treatment facilities. Notice provided under this section must be provided within 7 days of the date of the death, attempted suicide or the incident causing a serious injury resulting in significant impairment of physical condition. Notice provided under this section must include the name of the person with a disability; the name, address and telephone number of that person's legal guardian, conservator or legal representative and parent if that person is a minor; a detailed description of the occurrence and any injuries sustained; the name, street address and telephone number of the facility; and the name and job title of the person providing the notice.

Sec. B-3. 5 MRSA §19509, sub-§2, as enacted by PL 2001, c. 357, §16, is amended to read:

2. State psychiatric hospital; state-operated psychiatric treatment facilities. ~~A~~The ~~state mental health institute~~psychiatric hospital or a state-operated psychiatric treatment facility shall notify the agency and provide access to information relating to a person with a disability if that person, while in the hospital, has died, attempted suicide or sustained a serious injury resulting in significant

impairment of physical condition. For the purposes of this subsection, significant impairment includes serious injuries resulting from burns, lacerations, bone fractures, substantial hematoma and injuries to internal organs whether self-inflicted or inflicted by another person.

Sec. B-4. 17-A MRSA §1175, sub-§1, as enacted by PL 1995, c. 680, §5, is amended to read:

1. A victim who wishes to receive notification must file a request for notification of the defendant's release with the office of the attorney for the State. The attorney for the State shall forward this request form to the Department of Corrections, to the state ~~mental health institute~~psychiatric hospital or to the county jail to which that defendant is committed.

Sec. B-5. 17-A MRSA §1175, sub-§2, as enacted by PL 1995, c. 680, §5, is amended to read:

2. The Department of Corrections, the state ~~mental health institute~~psychiatric hospital or the county jail to which the defendant is committed shall keep the victim's written request in the file of the defendant and shall notify the victim by mail of any impending release as soon as the release date is set. This notice must be mailed to the address provided in the request or any subsequent address provided by the victim.

Sec. B-6. 17-A MRSA §1175, sub-§4, ¶B, as enacted by PL 1995, c. 680, §5, is amended to read:

B. The victim has filed a written request with the Department of Corrections, the state ~~mental health institute~~psychiatric hospital or the county jail to which the defendant is committed asking that no further notice be given.

Sec. B-7. 17-A MRSA §1175, sub-§5, as corrected by RR 1999, c. 2, §20 and amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §7, is further amended to read:

5. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the state ~~mental health institute~~psychiatric hospital or the county jail or the employees or officers of the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the state ~~mental health institute~~psychiatric hospital or the county jail to liability in a civil action.

Sec. B-8. 22 MRSA §1711-C, sub-§1, ¶D, as enacted by PL 1997, c. 793, Pt. A, §8 and affected by §10, is amended to read:

D. "Health care facility" or "facility" means a facility, institution or entity licensed pursuant to this Title that offers health care to persons in this State, including a home health care provider, hospice program and a pharmacy licensed pursuant to Title 32. For the purposes of this section, "health care facility" does not include a ~~the state mental health institute~~psychiatric hospital, the Elizabeth Levinson Center, the Aroostook Residential Center or Freeport Towne Square.

Sec. B-9. 22 MRSA §4023, sub-§2, ¶E, as enacted by PL 2003, c. 626, §3, is amended to read:

E. In a situation in which the child has lost both parents as a result of a homicide or has lost one parent and the other parent has been arrested, detained or sentenced and committed to a state correctional facility, ~~the state mental health institute~~psychiatric hospital or a county jail for an offense related to the homicide.

Sec. B-10. 24-A MRSA §2204, sub-§10, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

10. Health care facility. "Health care facility" means a facility, institution or entity licensed pursuant to Title 22 that offers health care to persons in this State, including a home health care entity and a hospice program, or a pharmacy licensed pursuant to Title 32. For the purposes of this chapter, "health care facility" does not include ~~at~~the state mental health institutepsychiatric hospital, the Elizabeth Levinson Center, the Aroostook Residential Center or Freeport Towne Square.

Sec. B-11. 34-A MRSA §11222, sub-§2, as amended by PL 2009, c. 365, Pt. B, §15 and affected by §22, is further amended to read:

2. Responsibility of ensuring initial registration. The department, the county jail or the ~~state mental health institute~~psychiatric hospital that has custody of an offender shall inform the offender, prior to discharge or conditional release, of the duty to register. If an offender does not serve a period of institutional confinement, the court shall inform the offender at the time of sentencing of the duty to register. The department, county jail, ~~state mental health institute~~psychiatric hospital or court shall:

A. Inform the offender of the duty to register and obtain the information required for the initial registration;

A-1. Inform the offender of the requirement to notify the law enforcement agency having jurisdiction pursuant to subsection 1-B;

B. Inform the offender that if the offender changes domicile or changes residence, place of employment or college or school being attended, the offender shall give the new address to the bureau in writing within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours;

C. Inform the offender that if that offender changes domicile to another state, the offender shall register the new address with the bureau and if the new state has a registration requirement, the offender shall register with a designated law enforcement agency in the new state not later than 5 days after establishing domicile in the new state;

D. Inform the offender that if that offender has part-time or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in any type of school in another state on a part-time or full-time basis, the offender shall give the bureau the offender's place of employment or school to be attended in writing within 5 days after beginning work or attending school and if the other state has a registration requirement, shall register with the designated law enforcement agency in the other state;

E. Obtain fingerprints and a photograph of the offender or the court may order the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration; and

F. Enforce the requirement that the offender read and sign a form provided by the bureau that states that the duty of the offender to register under this section has been explained.

Sec. B-12. 34-A MRSA §11222, sub-§3, as amended by PL 2009, c. 365, Pt. B, §15 and affected by §22, is further amended to read:

3. Transfer of initial registration information to bureau and FBI. The department, county jail, state ~~mental health institute~~psychiatric hospital or court within 3 days of receipt of the information described in subsection 2 shall forward the information to the bureau. If the court orders the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency, the law enforcement agency shall submit the fingerprints and photograph to the bureau within 3 days. The bureau shall immediately enter the information into the registration system, notify the law enforcement agencies having jurisdiction where the offender expects to be domiciled and reside and transmit the information to the FBI for inclusion in the national FBI sex offender database.

Sec. B-13. 34-A MRSA §11254, first ¶, as amended by PL 2003, c. 711, Pt. C, §27 and affected by Pt. D, §2, is further amended to read:

The department, county jails, state ~~mental health institutes~~psychiatric hospital and the Department of Public Safety, State Bureau of Identification are governed by the following notice provisions when a registrant is conditionally released or discharged.

Sec. B-14. 34-A MRSA §11254, sub-§1, as amended by PL 2003, c. 711, Pt. C, §27 and affected by Pt. D, §2, is further amended to read:

1. Duties. The department, a county jail or a ~~the state mental health institute~~psychiatric hospital shall give the Department of Public Safety, State Bureau of Identification notice of the following:

- A. The address where the registrant will be domiciled and reside;
- B. The address where the registrant will work and attend college or school, if applicable;
- C. The geographic area to which a registrant's conditional release is limited, if any; and
- D. The status of the registrant when released as determined by the risk assessment instrument, the registrant's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the registrant.

Sec. B-15. 34-B MRSA §1207, sub-§1, ¶H, as amended by PL 2005, c. 683, Pt. A, §57, is further amended to read:

H. The names and dates of death of individuals who died while patients at the Augusta Mental Health Institute, the Bangor Mental Health Institute, the state psychiatric hospital campus at the Dorothea Dix Psychiatric Center or the state psychiatric hospital campus at the Riverview Psychiatric Center may be made available to the public in accordance with rules adopted by the department. The rules must require the department to notify the public regarding the release of the information and to maintain the confidentiality of information concerning any deceased individual whose surviving relatives notify the department that they object to public disclosure. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-16. 34-B MRSA §1207, sub-§8, as enacted by PL 2009, c. 451, §9, is amended to read:

8. Disclosure of knowledge of firearms. A licensed mental health professional shall notify law enforcement when the notification is made in good faith that the licensed mental health professional has reason to believe that a person committed to ~~at the state mental health institute~~ psychiatric hospital has access to firearms.

Sec. B-17. 34-B MRSA §1217, as amended by PL 2005, c. 683, Pt. A, §58, is further amended to read:

§ 1217. Application of consent decree

It is the intent of the Legislature that the principles of the consent decree issued on August 2, 1990 by the Superior Court, Kennebec County, in Civil Action Docket No. 89-88 as they relate to the development of a comprehensive mental health system apply to all persons with severe and prolonged mental illness. The individualized support plan process as contained in the decree in paragraphs 49 through 74, to the extent possible and within available resources, must be applicable to current and future patients of the former Bangor Mental Health Institute and the state psychiatric hospital campus at the Dorothea Dix Psychiatric Center. In addition, patient assessments must be provided to Bangor Mental Health Institute and state psychiatric hospital campus at the Dorothea Dix Psychiatric Center patients beginning July 1, 1991 and must be completed quarterly until individualized support plan implementation is developed.

Sec. B-18. 34-B MRSA §3604, sub-§5, as amended by PL 2007, c. 286, §5, is further amended to read:

5. Exclusion. ~~Beginning October 1, 1996, an~~ An entity that applies for the award or renewal of a grant or contract for the provision of mental health services must be a participating member of the ~~institute~~ hospital council or the community service network, as established in section 3608, for the region of the State subject to that grant or contract.

Sec. B-19. 34-B MRSA §15002, sub-§2, ¶E, as amended by PL 2007, c. 286, §11, is further amended to read:

E. Planning for the delivery of care takes into account the advice of the ~~institute council~~ hospital council established under section 3607-A and the community service networks established under section 3608.

SUMMARY

This bill combines the 2 state mental health institutes, now referred to as the state psychiatric hospital, to be licensed and operated as one hospital under state law and federal accreditation standards. The bill clarifies that there is one superintendent for the one hospital, but that 2 campuses continue to be operated at the Riverview Psychiatric Center and at the Dorothea Dix Psychiatric Center. With the establishment of one hospital with 2 campuses, the commissioner has the authority to assign the hospital's employees to work at either campus, depending upon the hospital's need for staffing as it varies from time to time between the 2 campuses.

This bill also corrects cross-references.