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An Act To Use the Dorothea Dix Psychiatric Center To Provide Inpatient Mental Health Services for Forensic Patients

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

Whereas, the State operates 2 psychiatric hospitals, the Dorothea Dix Psychiatric Center in Bangor for nonforensic patients and the Riverview Psychiatric Center in Augusta for nonforensic patients and forensic patients; and

Whereas, the patient census at the Riverview Psychiatric Center and the needs of nonforensic and forensic patients can combine to exceed the capacity of the hospital to provide treatment that meets best practice standards in an environment that is safe and secure for patients and hospital staff, forcing the Superintendent of the Riverview Psychiatric Center to consider discontinuing admissions of patients who are eligible and in need of admission and transferring patients to other facilities; and

Whereas, in response to the demand for psychiatric services at the Riverview Psychiatric Center, the Legislature enacted Public Law 2013, chapter 434 to enable the Commissioner of Corrections to accept for placement an adult patient committed by order of the court to the custody of the Commissioner of Health and Human Services for evaluation or examination; and

Whereas, the funding appropriated to the Department of Corrections for staffing of the newly expanded mental health unit at the Maine State Prison was appropriated only until the end of fiscal year 2013-14 but the need for mental health services in that unit will extend beyond June 30, 2014; and

Whereas, the needs of nonforensic and forensic patients at the Riverview Psychiatric Center and the number of persons seeking admission to the Riverview Psychiatric Center exceed the capacity of the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center as they are currently configured while those facilities have available unused capacity that can be used to meet these important health care needs; 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 immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-B MRSA §3806 is enacted to read:

§ 3806. Use of the Dorothea Dix Psychiatric Center

The department shall take all necessary steps to enable the department to use the Dorothea Dix Psychiatric Center to provide services to patients in the custody of the commissioner who pose a likelihood of serious harm to others and for whom there is not sufficient security at the Riverview Psychiatric Center to address the likelihood of serious harm.

Sec. 2. Implementation. No later than 30 days following the effective date of this Act, the Department of Health and Human Services shall begin planning, physical plant improvements, staff training and administrative procedures for the acceptance of patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center. In accordance with the Maine Revised Statutes, Title 34-B, section 3806, beginning July 1, 2014, the department shall transfer patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center for the purpose of providing treatment that meets best practice standards in an environment that is safe and secure for patients and hospital staff when the patient census at the Riverview Psychiatric Center and the needs of nonforensic and forensic patients exceed the capacity of the hospital.

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

SUMMARY

This bill requires the Department of Health and Human Services to use the Dorothea Dix Psychiatric Center to provide services to patients in the custody of the Commissioner of Health and Human Services who pose a likelihood of serious harm to others and for whom there is not sufficient security at the Riverview Psychiatric Center to address the likelihood of serious harm. The bill requires the department to begin planning, physical plant improvements, staff training and administrative procedures for the acceptance of patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center. The bill requires the department to transfer patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center as needed beginning July 1, 2014.