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Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment

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 faces significant challenges caring for residents living with serious and persistent mental illness and it lacks adequate community-based and hospital-based treatment resources to address the needs of its civil and forensic patient populations; and

Whereas, the current structure and staffing at Riverview Psychiatric Center may not be fully optimized for the successful rehabilitation of its civil and forensic patient populations; and

Whereas, these structural and staffing challenges continue to contribute to the problems with morale and staffing at Riverview Psychiatric Center as well as to the fiscal problems facing Riverview Psychiatric Center; and

Whereas, this resolve requires the Department of Health and Human Services to seek the input of a variety of providers, stakeholders, staff and interested parties in order to evaluate alternatives to the current situation at Riverview Psychiatric Center and to bring information about those alternatives to the Legislature for consideration in order for the Legislature to design solutions that are fiscally responsible and meet the legal and treatment needs of all patients at Riverview Psychiatric Center; and

Whereas, the severity of the issues at Riverview Psychiatric Center require action as soon as possible on the development of solutions; 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

Sec. 1 Issuance of request for information. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall issue a request for information on or before July 31, 2016 with responses to the request for information due by September 30, 2016; and be it further

Sec. 2 Content of request for information. Resolved: That the request for information issued pursuant to section 1 must inform persons responding to the request of the current situation regarding Riverview Psychiatric Center's certification by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and the consent decree and incorporated settlement agreement in the case of Paul Bates, et al. v. Robert Glover, et al., Kennebec County Superior Court, Civil Action Docket No. CV-89-88, the so-called AMHI consent decree. Upon request, the department must provide to persons responding to the request for information materials that were

developed during the design and construction of Riverview Psychiatric Center. The department shall require that potential responders provide as much detail as possible in their responses. The request for information must include, but is not limited to, requests for:

1. Information on experiences of other states in developing secure solutions for difficult-to-manage forensic patient populations;
2. Determinations of the needed bed capacity in the State for inpatient civil and forensic patient populations;
3. Estimated construction costs for additions to or refurbishment of Riverview Psychiatric Center;
4. Information regarding the trends in pretrial mental health evaluations in the State;
5. The potential to centralize forensic mental health evaluation services at Riverview Psychiatric Center;
6. Designs to safely accommodate highly acute civil and forensic patient populations in one or more treatment settings that provide a hospital level of care such that the setting or settings would qualify for disproportionate share hospital payments to institutions for mental diseases, if available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;
7. Policy recommendations to improve the safety metrics at Riverview Psychiatric Center to minimize the use of seclusion and restraint and eliminate the occurrence of abuse, neglect and exploitation;
8. Ways to use technology to increase security and reporting requirements at Riverview Psychiatric Center;
9. Information on the effect that the opening of additional beds at Spring Harbor Hospital in Westbrook has had on Riverview Psychiatric Center;
10. Information about additional therapies currently available, such as motivational therapy, that may be used to improve the treatment of patients at Riverview Psychiatric Center;
11. Information about the development of a step-down residential facility or facilities for persons with mental illness who no longer need a hospital level of care but who remain in state custody;
12. Ideas for the structural rehabilitation of the special care units at Riverview Psychiatric Center in order to provide safer, more secure and more effective units for highly acute civil and forensic patients;
13. Ideas for the construction of a new secure unit attached to Riverview Psychiatric Center for highly acute civil and forensic patients; and
14. Suggestions for other available solutions to the problems currently facing Riverview Psychiatric Center that are fiscally responsible and meet the legal and treatment needs of all the center's patients; and be it further

Sec. 3 Department of Health and Human Services to convene stakeholder group.

Resolved: That, notwithstanding Joint Rule 353, the department shall convene and provide staffing to a stakeholder group to review the responses to the request for information conducted pursuant to sections 1 and 2 and to make recommendations for actions based on evaluation of those responses. Membership of the stakeholder group is as follows:

1. The Commissioner of Health and Human Services, or the commissioner's designee;
2. The Superintendent of Riverview Psychiatric Center, or the superintendent's designee;
3. The court master designated to oversee the so-called AMHI consent decree;
4. Two representatives of statewide nonprofit groups advocating on behalf of persons with mental illness, appointed by the President of the Senate;
5. One representative of a statewide association of sheriffs, appointed by the President of the Senate;
6. Two representatives of labor organizations representing the direct care workers at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, appointed by the Speaker of the House of Representatives;
7. Two clinical staff members from either Riverview Psychiatric Center or Dorothea Dix Psychiatric Center, appointed by the Speaker of the House of Representatives; and
8. A representative of the State Forensic Service within the Department of Health and Human Services, appointed by the Speaker of the House of Representatives.

No later than December 31, 2016, the stakeholder group shall present a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs. The report must contain descriptions of responses to the request for information under section 1 regarding available options to improve the infrastructure capacity for state forensic and civil mental health treatment, analysis of each option and a list of recommendations with regard to each option. The stakeholder group may seek additional information from responders to the request for information.

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

SUMMARY

This resolve, which is an emergency, directs the Department of Health and Human Services to issue a request for information by July 31, 2016 regarding alternatives and solutions to the issues at Riverview Psychiatric Center, with responses due by September 30, 2016. It also establishes a stakeholder group to review the responses received during the request for information process and develop a report by December 31, 2016 to be presented to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs.