

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

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

Sec. 1. 34-B MRSA §1226 is enacted to read:

§ 1226. Request by patient for residential services

1. Definitions. As used in this section, "residential service provider" means:

A. An agency or person that operates assisted housing, a residential care facility or a private nonmedical institution licensed pursuant to rules adopted by the department; or

B. An agency or person that provides residential services that are licensed by, funded by or provided under contract with the department.

2. Reasons for denial must be provided. If a patient in a psychiatric hospital, as defined in section 3801, subsection 7-B, or a patient who is treated for a psychiatric condition in a hospital licensed under Title 22, section 1811 or 1813 is determined by the hospital to be clinically ready for discharge and requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider shall provide the patient the reasons for the denial in writing no later than 3 business days after the request is denied.

3. Standardized form. The department shall develop a standardized form for use by a residential service provider to state the specific reasons for a denial under subsection 2. The form must include both checklists and space for additional comments to ensure consideration of the individual needs of the patient. A residential service provider shall provide the completed standardized form to a patient who has requested admission or readmission to a facility operated by a residential service provider or to the patient's parent or guardian or designated representative. A residential service provider shall annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission pursuant to subsection 2 and the reasons given to the patients that were contained in the standardized forms.

4. Penalty. A residential service provider that violates this section is subject to a civil penalty of \$500, payable to the patient or the patient's parent or guardian or designated representative. This penalty is recoverable in a civil action. If a residential service provider violates this section 3 times or more in a calendar year, the residential service provider may lose the provider's license to provide residential services.

SUMMARY

HP0796, LD 1133, item 1, 128th Maine State Legislature
An Act Regarding Access to Appropriate Residential Services
for Individuals Being Discharged from Psychiatric Hospitalization

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than 3 business days after the request is denied.

The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. A residential service provider must provide the standardized form to the patient or the patient's parent or guardian or designated representative. A residential service provider must annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms.

The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions 3 times or more in a calendar year.