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An Act To Provide for Consistency Regarding Persons Authorized To Conduct Examinations for Involuntary Hospitalization and Guardianship

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

Sec. 1. 18-C MRSA §5-306, sub-§1, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

1. Evaluation; report. In every adult guardianship matter, the respondent must be examined by a ~~licensed physician or psychologist~~ medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. Unless otherwise directed by the court, the report must contain:

- A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;
- B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;
- C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and
- D. The date of the examination on which the report is based.

As used in this subsection, "medical practitioner" means a licensed physician, a registered physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.

SUMMARY

This bill changes the Maine Uniform Probate Code, taking effect July 1, 2019, in the provision governing professional evaluation in an adult guardianship matter to replace the term "licensed physician or psychologist" with the term "medical practitioner," the definition of which is added to the provision by the bill and is the same as under the Maine Revised Statutes, Title 34-B, section 3801, which provides definitions for provisions governing hospitalization by psychiatric hospitals.