



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 435

H.P. 268

House of Representatives, February 2, 2023

**Resolve, to Ensure the Provision of Medically Necessary Behavioral
Health Care Services for Children in Their Homes and
Communities**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator INGWERSEN of York and
Representatives: CRAFTS of Newcastle, CRAVEN of Lewiston, GATTINE of Westbrook,
GRAHAM of North Yarmouth, GRIFFIN of Levant, JAVNER of Chester, MADIGAN of
Waterville, ZAGER of Portland.

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

3 **Whereas,** children continue to wait for behavioral health care services within the
4 State; and

5 **Whereas,** many children are receiving behavioral health care services outside the
6 State; and

7 **Whereas,** Maine needs solutions to this problem immediately to address waiting lists
8 and ensure that the State is in compliance with federal requirements; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Department of Health and Human Services to develop a plan for**
14 **children's behavioral health care services. Resolved:** That the Department of
15 Health and Human Services shall develop a plan to ensure that medically necessary home-
16 based and community-based behavioral health care services for children are available in
17 the scope, intensity and duration necessary to meet the needs of children and their families
18 in each county and region in the State. The plan must include an assessment of and plan
19 for the needs of children currently in institutional settings within the State and outside the
20 State. The plan must identify clear steps and timelines for implementation and it must
21 identify any additional resources needed to implement the plan. The department shall
22 submit the plan to the Joint Standing Committee on Health and Human Services no later
23 than October 1, 2023.

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

26 SUMMARY

27 This resolve directs the Department of Health and Human Services to develop a plan
28 to ensure that medically necessary home-based and community-based behavioral health
29 care services are available in the scope, intensity and duration necessary to meet the needs
30 of children and their families in the State. It directs the department to submit the plan to
31 the Joint Standing Committee on Health and Human Services no later than October 1, 2023.