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Legislative Document

No. 512

H.P. 375

House of Representatives, February 19, 2021

An Act To Provide Intensive Case Managers to Counties That Do Not Have County Jails or Regional Jails

Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative DODGE of Belfast.
Cosponsored by Representatives: CRAVEN of Lewiston, MADIGAN of Waterville,
MORALES of South Portland, PERRY of Calais, RECKITT of South Portland, STOVER of
Boothbay, WARREN of Hallowell, ZAGER of Portland.

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

2 **Sec. 1. 34-B MRSA §1227** is enacted to read:

3 **§1227. Intensive case manager**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Condition" means an intellectual disability, a mental health condition or substance
7 misuse, at any level, as determined by a qualified mental health professional.

8 B. "Diversion plan" means a plan to reduce or eliminate the time a person with a
9 condition is incarcerated or detained by a law enforcement officer by redirecting the
10 person from the criminal justice system to community-based treatment and support.

11 C. "Intensive case manager" means a person who coordinates and oversees mental
12 health support and services for persons with a condition who are incarcerated in a
13 county or regional jail or detained by a law enforcement officer.

14 **2. Assignment to counties.** The department shall assign at least one intensive case
15 manager to work in each county. An intensive case manager must be based in a county or
16 regional jail or, in the absence of a county or regional jail, in the county sheriff's office.

17 **3. Intensive case manager duties.** The duties of intensive case managers include but
18 are not limited to:

19 A. Overseeing all persons detained by a law enforcement officer who are evaluated
20 for a condition, including:

21 (1) Connecting a person with a condition to services provided at the county or
22 regional jail;

23 (2) Developing and implementing a reentry-focused treatment plan for a person
24 with a condition to be implemented upon the person's release and ensuring
25 adequate monitoring of the person's compliance with the treatment plan for at least
26 60 days after the person reenters the community; and

27 (3) For a person with a condition who is incarcerated for a Class D or Class E
28 crime or is otherwise detained by a law enforcement officer, developing a diversion
29 plan;

30 B. Identifying any person with a condition detained by a law enforcement officer who
31 may be eligible for services through the MaineCare program, completing an application
32 for MaineCare coverage with that person and confirming activation of MaineCare
33 benefits or the continuation of MaineCare benefits pursuant to Title 22, section
34 3174-CC prior to that person's release from the county or regional jail and during the
35 implementation of any diversion plan or reentry-focused treatment plan; and

36 C. Working with the court system to ensure that all persons detained by a law
37 enforcement officer who are identified as having a condition are provided due process
38 and a speedy trial.

39 **Sec. 2. Department of Health and Human Services to increase the number**
40 **of the State's intensive case manager positions.** The Department of Health and
41 Human Services shall increase the number of intensive case manager positions currently

1 serving county jails and regional jails to meet the requirements of the Maine Revised
2 Statutes, Title 34-B, section 1227.

3

SUMMARY

4 This bill directs the Department of Health and Human Services to create additional
5 intensive case manager positions so that counties that do not have a county jail or regional
6 jail will have an intensive case manager. An intensive case manager oversees persons who
7 are detained by a law enforcement officer and who have intellectual disabilities or mental
8 health conditions or have misused substances and connects them to the services for which
9 they qualify, works with the court system to ensure that they receive due process and speedy
10 trials and assists persons who qualify for the MaineCare program to apply for and receive
11 MaineCare benefits and services while being detained or incarcerated, including during the
12 implementation of diversion and reentry plans.