



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 785

H.P. 590

House of Representatives, March 5, 2021

An Act To Change the Standard for Assessing Risk of Serious Harm

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative CARDONE of Bangor.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: CRAVEN of Lewiston, McDONALD of Stonington, PERRY of Bangor,
ROEDER of Bangor, Senator: GUERIN of Penobscot.

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

2 **Sec. 1. 34-B MRSA §3801, sub-§4-A, ¶D,** as enacted by PL 2009, c. 651, §4, is
3 amended to read:

4 D. ~~For the purposes of section 3873-A, in~~ In view of the person's treatment history,
5 current behavior and inability to make an informed decision, a reasonable likelihood
6 that the person's mental health will deteriorate and that the person will in the
7 foreseeable future pose a likelihood of serious harm as defined in ~~paragraphs~~ paragraph
8 A, B or C.

9 **SUMMARY**

10 This bill allows a medical practitioner to consider a person's treatment history, current
11 behavior and inability to make an informed decision in determining whether there is a
12 likelihood of serious harm when examining a patient for the purposes of recommending
13 hospitalization. Current law allows this consideration only for progressive treatment
14 programs.