



130th MAINE LEGISLATURE

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Legislative Document

No. 868

H.P. 636

House of Representatives, March 8, 2021

**An Act To Provide Consistency Regarding Persons Authorized To
Conduct Examinations for Emergency Involuntary Commitment
and Post-admission Examinations**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RECKITT of South Portland.

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

2 **Sec. 1. 34-B MRSA §3863, sub-§7**, as amended by PL 2009, c. 651, §18, is further
3 amended to read:

4 **7. Post-admission examination.** Every patient admitted to a psychiatric hospital
5 under this section must be examined as soon as practicable after the patient's admission. If
6 findings required for admission under subsection 2 are not certified in a 2nd opinion by a
7 staff ~~physician or licensed clinical psychologist~~ medical practitioner within 24 hours after
8 admission, the person must be immediately discharged.

9 **Sec. 2. 34-B MRSA §3863, sub-§7-A**, as enacted by PL 2015, c. 309, §5, is
10 amended to read:

11 **7-A. Post-admission discharge.** If it is necessary to discharge a person because
12 findings required for admission under subsection 2 are not certified in a 2nd opinion by a
13 staff ~~physician or licensed clinical psychologist~~ medical practitioner after examination in
14 accordance with subsection 7, the staff ~~physician or licensed clinical psychologist~~ medical
15 practitioner shall record the discharge on the written application, which must contain a
16 statement that the findings required for the person's admission specified under subsection
17 2 were not met.

18 **SUMMARY**

19 This bill changes the provision of law governing post-admission examination and post-
20 admission discharge from a psychiatric hospital by replacing the term "physician or
21 licensed clinical psychologist" with the term "medical practitioner," which is a defined
22 term.