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Legislative Document

No. 1580

H.P. 1151

House of Representatives, December 30, 2013

**An Act To Use the Dorothea Dix Psychiatric Center To Provide
Inpatient Mental Health Services for Forensic Patients**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FREY of Bangor.

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,** the State operates 2 psychiatric hospitals, the Dorothea Dix Psychiatric
4 Center in Bangor for nonforensic patients and the Riverview Psychiatric Center in
5 Augusta for nonforensic patients and forensic patients; and

6 **Whereas,** the patient census at the Riverview Psychiatric Center and the needs of
7 nonforensic and forensic patients can combine to exceed the capacity of the hospital to
8 provide treatment that meets best practice standards in an environment that is safe and
9 secure for patients and hospital staff, forcing the Superintendent of the Riverview
10 Psychiatric Center to consider discontinuing admissions of patients who are eligible and
11 in need of admission and transferring patients to other facilities; and

12 **Whereas,** in response to the demand for psychiatric services at the Riverview
13 Psychiatric Center, the Legislature enacted Public Law 2013, chapter 434 to enable the
14 Commissioner of Corrections to accept for placement an adult patient committed by order
15 of the court to the custody of the Commissioner of Health and Human Services for
16 evaluation or examination; and

17 **Whereas,** the funding appropriated to the Department of Corrections for staffing of
18 the newly expanded mental health unit at the Maine State Prison was appropriated only
19 until the end of fiscal year 2013-14 but the need for mental health services in that unit
20 will extend beyond June 30, 2014; and

21 **Whereas,** the needs of nonforensic and forensic patients at the Riverview
22 Psychiatric Center and the number of persons seeking admission to the Riverview
23 Psychiatric Center exceed the capacity of the Riverview Psychiatric Center and the
24 Dorothea Dix Psychiatric Center as they are currently configured while those facilities
25 have available unused capacity that can be used to meet these important health care
26 needs; and

27 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
28 the meaning of the Constitution of Maine and require the following legislation as
29 immediately necessary for the preservation of the public peace, health and safety; now,
30 therefore,

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

32 **Sec. 1. 34-B MRSA §3806** is enacted to read:

33 **§3806. Use of the Dorothea Dix Psychiatric Center**

34 The department shall take all necessary steps to enable the department to use the
35 Dorothea Dix Psychiatric Center to provide services to patients in the custody of the
36 commissioner who pose a likelihood of serious harm to others and for whom there is not
37 sufficient security at the Riverview Psychiatric Center to address the likelihood of serious
38 harm.

1 **Sec. 2. Implementation.** No later than 30 days following the effective date of
2 this Act, the Department of Health and Human Services shall begin planning, physical
3 plant improvements, staff training and administrative procedures for the acceptance of
4 patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center.
5 In accordance with the Maine Revised Statutes, Title 34-B, section 3806, beginning July
6 1, 2014, the department shall transfer patients from the Riverview Psychiatric Center into
7 the Dorothea Dix Psychiatric Center for the purpose of providing treatment that meets
8 best practice standards in an environment that is safe and secure for patients and hospital
9 staff when the patient census at the Riverview Psychiatric Center and the needs of
10 nonforensic and forensic patients exceed the capacity of the hospital.

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

13 **SUMMARY**

14 This bill requires the Department of Health and Human Services to use the Dorothea
15 Dix Psychiatric Center to provide services to patients in the custody of the Commissioner
16 of Health and Human Services who pose a likelihood of serious harm to others and for
17 whom there is not sufficient security at the Riverview Psychiatric Center to address the
18 likelihood of serious harm. The bill requires the department to begin planning, physical
19 plant improvements, staff training and administrative procedures for the acceptance of
20 patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center.
21 The bill requires the department to transfer patients from the Riverview Psychiatric
22 Center into the Dorothea Dix Psychiatric Center as needed beginning July 1, 2014.