

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

H.P. 526 - L.D. 716

**An Act To Enhance and Improve the Maine Developmental Services
Oversight and Advisory Board**

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

Sec. 1. 22 MRSA §3474, sub-§3, ¶C, as corrected by RR 1991, c. 2, §80, is amended to read:

C. A grand jury on its determination that access to those records is necessary in the conduct of its official business; ~~and~~

Sec. 2. 22 MRSA §3474, sub-§3, ¶D, as corrected by RR 1991, c. 2, §81, is amended to read:

D. An advocacy agency conducting an investigation under chapter 961, United States Public Law 88-164, Title I, Part C or United States Public Law 99-319, regarding a developmentally disabled person or mentally ill person who is or who, within the last 90 days, was residing in a facility rendering care or treatment, when a complaint has been received by the agency or there is probable cause to believe that that individual has been subject to abuse or neglect, and that person does not have a legal guardian or the person is under public guardianship. The determination of which information and records are relevant to the investigation is made by agreement between the department and the agency; ~~and~~

Sec. 3. 22 MRSA §3474, sub-§3, ¶E is enacted to read:

E. The Maine Developmental Services Oversight and Advisory Board established in Title 5, section 12004-J, subsection 15. Access is limited to aggregate data regarding investigations under this chapter relating to persons receiving adult developmental services as defined in Title 34-B, section 1001, subsection 1-A. Data must be provided at least quarterly. The determination of aggregate data to be provided is made by agreement between the department and the Maine Developmental Services Oversight and Advisory Board.

Sec. 4. 34-B MRSA §1223, sub-§6, as enacted by PL 2007, c. 356, §7 and affected by c. 695, Pt. D, §3, is amended to read:

6. Budget. ~~The Department of Administrative and Financial Services shall administer the budget of the board. The board shall provide to the commissioner~~ Commissioner of Administrative and Financial Services a proposed budget in accordance with a schedule agreed to by the chair and the ~~commissioner~~ Commissioner of Administrative and Financial Services. ~~The department~~ Department of Administrative and Financial Services shall include in its estimate of expenditure and appropriation requirements filed pursuant to Title 5, section 1665 sufficient funds, listed in a separate account as a separate line item, to enable the board to perform its duties.

Sec. 5. 34-B MRSA §1223, sub-§10, as amended by PL 2013, c. 310, §1, is further amended to read:

10. Access to information. The board is entitled to access to information from the department necessary to carry out its functions. Except as provided in paragraphs D and E, information provided pursuant to this subsection may not contain personally identifying information about a person with intellectual disabilities or autism.

A. ~~The~~ Within existing resources, the department shall provide the board, on a schedule to be agreed upon between the board and the department, reports on case management, reportable events, adult protective and rights investigations, unmet needs, crisis services, quality assurance, quality improvement, budgets and other reports that contain data about or report on the delivery of services to or for the benefit of persons with intellectual disabilities or autism, including reports developed by or on behalf of the department and reports prepared by others about the department.

B. ~~The~~ Within existing resources, the department, when requested by the board or pursuant to a written agreement with the board, shall release to the board information pertaining to alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of a person with intellectual disabilities or autism.

D. The board may examine confidential information in individual records with written permission of the person or that person's guardian. If the person or that person's guardian provides the board with written permission to examine confidential information, the board must maintain the confidentiality of the information as required by section 1207.

E. ~~The~~ A member of the board or the board's staff may receive and examine confidential information when otherwise authorized to do so by law, including but not limited to when serving on a committee established by the department or other entity for which access to such information is necessary to perform the function of the committee.

Sec. 6. Data assessment report. The Maine Developmental Services Oversight and Advisory Board established in the Maine Revised Statutes, Title 5, section 12004-J, subsection 15 shall include in its annual report provided to the Legislature pursuant to Title 34-B, section 1223, subsection 9, paragraph D an assessment of the adequacy of the aggregate data provided pursuant to Title 22, section 3474, subsection 3, paragraph E to the board's ability to carry out its functions and duties established in Title 34-B, section 1223, subsections 8 and 9.

Sec. 7. Department data assessment report. The Department of Health and Human Services shall report to the joint standing committee of the Legislature having

jurisdiction over health and human services matters no later than January 15, 2023 an assessment of the adequacy of the aggregate data provided pursuant to the Maine Revised Statutes, Title 22, section 3474, subsection 3, paragraph E to the Maine Developmental Services Oversight and Advisory Board established in Title 5, section 12004-J, subsection 15.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Developmental Services Oversight and Advisory Board N939**

Initiative: Provides funding for the Maine Developmental Services Oversight and Advisory Board.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$137,682
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$137,682</u>

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF
DEPARTMENT TOTALS**

	2021-22	2022-23
GENERAL FUND	\$0	\$137,682
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$137,682</u>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Developmental Services - Community Z208**

Initiative: Deappropriates funding for the Maine Developmental Services Oversight and Advisory Board contract within the Department of Health and Human Services.

GENERAL FUND	2021-22	2022-23
All Other	\$0	(\$137,682)
GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$137,682)</u>

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2021-22	2022-23
GENERAL FUND	\$0	(\$137,682)
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$137,682)</u>

SECTION TOTALS	2021-22	2022-23
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GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0