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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1463, L.D. 1968, “An Act To Expand Access to Mental Health and Crisis Care for Individuals in Jails and Individuals Experiencing Homelessness”

Amend the amendment in Part A in section 1 in subsection 10 in the last line (page 1, line 21 in amendment) by inserting after the following: "Service" the following: 'unless an extraordinary circumstance causes a necessary delay. The Commissioner of Health and Human Services shall notify the court of the extraordinary circumstance causing a delay'

Amend the amendment by striking out all of Part C and inserting the following:

'PART C

Sec. C-1. Department of Health and Human Services to ensure there is a plan for a comprehensive system of residential care to serve people with behavioral health needs. The Department of Health and Human Services shall ensure that the State has a plan for a comprehensive system of residential care for adults and children with high levels of behavioral health needs who are at increased risk of involvement with the criminal justice system or who, because of their behaviors, require high levels of staffing. For purposes of this Part, "behavioral health" includes a wide range of mental disorders and illnesses, substance use disorder, developmental disabilities and autism.

Sec. C-2. Residential care; participation. The Department of Health and Human Services shall work in collaboration with stakeholders including consumer groups, behavioral health service providers, public safety organizations, representatives of the education system, law enforcement organizations and hospitals to identify and fill gaps in services in residential care for adults and children pursuant to this Part. The department shall align this collaborative effort with the development of a strategic plan for behavioral health services as required by Resolve 2021, chapter 80.

Sec. C-3. Elements. In ensuring that the State has a plan for a comprehensive system of residential care for adults and children pursuant to this Part, the Department of Health and Human Services shall incorporate the following elements as they relate to behavioral health:

HOUSE AMENDMENT

1 **1. Needs study.** A needs study to identify the current and predicted residential needs
2 of individuals with behavioral health needs, based on current best practices and evidence,
3 for the next 10 years; and

4 **2. Gaps analysis.** A data-informed analysis that identifies the gaps between currently
5 available residential services and those predicted needs identified through the needs study
6 under subsection 1 and that includes, at a minimum, the following:

7 A. Population information:

8 (1) Geography;

9 (2) Insurance status;

10 (3) Guardianship and family status;

11 (4) Age;

12 (5) Medical diagnoses;

13 (6) Propensity for violent behaviors;

14 (7) Special populations, including, but not limited to, pregnant persons and foster
15 children; and

16 (8) Other identified factors;

17 B. Human and facility infrastructure and access information:

18 (1) Availability of providers and community services;

19 (2) Labor costs by geographic area; and

20 (3) Barriers to access;

21 C. Existing barriers that may inhibit access to or the development of needed services;

22 D. Evidence-based review of social determinants;

23 E. Existing strengths and weaknesses in the systems and support services; and

24 F. Defined metrics and outcomes to measure success and progress.

25 **Sec. C-4. Report.** No later than January 2, 2023, the Department of Health and
26 Human Services shall submit a report to the joint standing committee of the Legislature
27 having jurisdiction over health and human services matters regarding the status of the
28 comprehensive system of residential care for adults and children pursuant to this Part,
29 including the number of staffed community residential treatment beds for individuals with
30 behavioral health needs, including children with behavioral health needs, in each
31 geographic region of the State. The report must include the plan under this Part including
32 the results of the collaborative work with the stakeholders under section 2 and a timeline
33 and metrics to achieve the comprehensive system of residential care identified by the
34 analysis under section 3. The committee may report out legislation to implement the plan
35 to the First Regular Session of the 131st Legislature.'

36 Amend the amendment by striking out all of Part E.

37 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
38 section number to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A" to require the Department of Health and Human Services to ensure that the State has a plan for a comprehensive system of residential care for adults and children with high levels of behavioral health needs who are at risk of involvement with the criminal justice system or who, because of their behaviors, require high levels of staffing. Committee Amendment "A" requires the department to develop a comprehensive system and to develop a plan for and implement such a system.

Committee Amendment "A" provides that when a court commits a defendant to the custody of the Commissioner of Health and Human Services for placement in an institution for the care and treatment of persons with mental illness, the transfer of the defendant must take place within 30 days from the time the order is transmitted to the State Forensic Service. This amendment provides that such a transfer must be made within that 30-day period unless an extraordinary circumstance causes a necessary delay and it requires the commissioner to notify the court of the extraordinary circumstance causing a delay.

This amendment also removes the appropriations and allocations section.

SPONSORED BY: _____

(Representative TALBOT ROSS, R.)

TOWN: Portland