



**LEGAL SERVICES
FOR MAINE ELDERS**

LD 769 – An Act Regarding Access to Behavioral Health Supports
for Adults with Certain Disabilities

Testimony of John Brautigam, Esq. for Legal Services for Maine Elders
Joint Standing Committee on Health and Human Services

March 18, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services.

My name is John Brautigam, and I am here today on behalf of Legal Services for Maine Elders. LSE provides free legal help for Mainers aged 60 and older when their basic human needs are at stake.

LD 769 takes critical steps to improve access to behavioral health supports for adults with intellectual disabilities and autism while reinforcing the principles of dignity, autonomy, and person-centered care.

This bill will help ensure that individuals receiving behavioral health support services are treated with fairness, consistency, and respect. First, by replacing the current complex multiparty review process with a clinical review requirement, the bill streamlines access to necessary behavioral health supports. The existing system creates unnecessary delays and administrative burdens that can impede timely access to care. By shifting to a clinical review model, LD 769 will ensure that individuals receive the appropriate supports based on professional expertise and evidence-based practice rather than bureaucratic obstacles.

Second, the bill takes an essential step in reinforcing the rights and safety of adults with intellectual disabilities and autism by limiting the use of restraints to only emergency situations where there is an imminent risk of harm. The use of restraints has long been a deeply concerning practice, as it can be traumatic, dehumanizing, and counterproductive. This bill ensures that restraints are used only as a last resort, aligning with best practices in disability services and behavioral health care.

LEGAL SERVICES FOR MAINE ELDERS, INC.
5 Wabon Street, Augusta, Maine 04333
(207) 621-0087 Fax (207) 621-0742
Offices in Augusta, Bangor, Lewiston, Biddeford and Presque Isle
LSE Helpline 1-800-750-5353 (Voice/TTY)
www.mainelse.org

March 18, 2025

Legal Services for Maine Elders – LD 769

Page 2

Additionally, the bill codifies existing rules regarding safety devices, clarifying that such devices are not considered positive behavioral support plans. This is essential to ensuring that safety devices—such as seizure helmets or wheelchair straps used for medical or mobility purposes—are appropriately categorized and do not face regulatory delays that could hinder their use.

Finally, this legislation recognizes the evolving best practices in residential care by repealing the outdated authority of providers of residential services to establish house rules in provider-owned or operated homes. This change ensures that individuals living in these settings retain the same rights to self-determination and autonomy as any other person in their home environment. Adults with intellectual disabilities and autism should not be subject to arbitrary rules imposed by service providers that do not align with their individual needs and choices.

This bill is a step forward in ensuring that behavioral health services for adults with intellectual disabilities and autism are person-centered, clinically sound, and protective of individual rights. LD 769 will promote dignity, autonomy, and appropriate behavioral health care for all individuals in need of these services.

Thank you for your time and consideration. I am happy to answer any questions .