

A Brief History of the MDSOAB Duties and Responsibilities

The Maine Developmental Services Oversight and Advisory Board ("MDSOAB," "OAB," "the Board") was created by the 123rd Legislature in 2007 as ***part of what came to be called "the mechanisms of future compliance"*** legislation.

The history of the Board can be traced back to the class action lawsuit seeking to address the care and treatment of residents of the Pineland Center that was filed in the Southern District Court of Maine in July, 1975. The lawsuit resulted in the settlement known as the Pineland Consent Decree in July, 1978 which was supervised for compliance by a federal master. In November of 1983, the court determined that the state had met the terms of the decree and discharged the special master.

At this time, a citizen advisory board was created, the Consumer Advisory Board ("CAB") to ***provide independent oversight of Maine's system of care for those with intellectual and developmental disabilities***. When the CAB recognized that the State had not kept up with the terms of the decree, the CAB became the plaintiff in a new lawsuit in 1991. That litigation ended with another out of court settlement, the Community Consent Decree, in September, 1994, and another federal master was appointed to oversee the second consent decree.

Part of that second settlement was a requirement that Maine must have a way ***to insure continued compliance with the Community Consent Decree*** before the court could release the state from the supervision of the federal master. The "mechanisms of future compliance legislation" – which included the creation of the OAB – allowed the state to satisfy the requirements of the Court, and the Community Consent Decree was discharged in March, 2010.

Duties of the Board:

The OAB was staffed in 2010 as the successor to the CAB. By statute the Board was created to

A. Provide independent oversight over programs and services for adults with intellectual disabilities or autism that are provided, authorized, funded or supported by the department or any other agency or department of State Government. ***The board shall focus on systemic concerns*** affecting the rights of persons with intellectual disabilities or autism, including but not limited to issues ***surrounding health and safety, inclusion, identification of needs and desires of persons eligible for services*** by the department, the timely meeting of the identified needs and effective and efficient delivery of services and supports

B. Provide advice and systemic recommendations to the Commissioner, the Governor and the Legislature regarding policies, priorities, budgets and legislation affecting the rights and interests of persons with intellectual disabilities or autism

The Board also provides a representative to each of the three-person Regional Review teams who must **approve and monitor restrictive Behavior Management Plans** and Safety Plans. The other members of the review teams are a representative from Disability Rights Maine (non-voting) and an OADS Crisis Team leader. In addition, there is a similarly constituted Statewide Review Panel that makes recommendations to the Commissioner on the Level 5 (the most restrictive) Plans.

Finally, the OAB administers the **Volunteer Correspondent Program**.

New for 2023:

In April of 2022, the Governor signed into law LD716 “An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board” which – along with some administrative adjustments – created an Aging and Disability Mortality Review Panel to review deaths of and serious injuries to -- among others -- all adults with intellectual or developmental disabilities or Autism Spectrum Disorder who receive services under Section 18, 20, 21, and 29 waivers. A representative from the Board will serve on the Panel.

For the hearing on the Budget:

The funding for the OAB appears on page A-24 of the Budget. The Board has been funded at the same level (\$137,682 per annum) for at least the five years that I have served as Executive Director. The budget covers salaries/expenses for the Executive Director and the Coordinator of the Volunteer Correspondent Program, bookkeeping services, stipends and travel reimbursement for meetings (for those receiving MaineCare services) and for representatives to the Behavioral Management Review Team meetings, plus office rent, supplies, etc. We’ve underspent the budget during the pandemic, and while we’ve been without a Volunteer Correspondent Coordinator, but we anticipate a new hire and more travel expense as activities return to normal.

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