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Home Care & Hospice
Inland Hospital
Maine Coast Hospital
Mayo Hospital
Mercy Hospital
Northern Light Health Foundation
Northern Light Pharmacy
Sebasticook Valley Hospital

LD 2224 “An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws and Mental Health System”

Testimony in Support March 7, 2024

Senator Carney, Representative Moonen and members of the Judiciary Committee, my name is Lisa Harvey-McPherson RN. I am here today providing testimony on behalf of Northern Light Health and our member organizations speaking in support of this bill. Northern Light Health member organizations include 10 hospitals located in southern, central, eastern and northern Maine, 8 nursing facilities, air and ground ambulance, behavioral health, addiction treatment, pharmacy, primary and specialty care practices and a state-wide home care and hospice program. Ninety three percent of Maine’s population lives in the Northern Light Health service area. Northern Light Health is also proud to be one of Maine’s largest employers with more than 10,000 employees statewide.

Northern Light Health worked closely with the Maine Hospital Association, Maine Health and legislators on the original yellow flag law legislation that creates a process for temporary weapons removal. Our priority has always focused on protecting our emergency room personnel from risk of harm that can result from a positive determination of foreseeable harm. We believed then and continue to believe that a provider, our nurses and emergency room staff are at great risk of harm when the individual can identify the clinician making the decision that results in removal of weapons. Alternative locations for foreseeable harm assessments conducted via telehealth is foundational for our support and we do have concerns with the proposal to delete the word “must” and replace it with the word “may”. We understand the intent is to provide flexibility in the law for hospitals that perform the assessments onsite. Our concern is law enforcement choosing not to access the telehealth service and arriving at one of our emergency departments expecting Northern Light Health clinicians to perform the assessments in violation of our policies.

Northern Light Health established a workgroup specifically focused on creating the policies, procedures and protocols that allow law enforcement to conduct a telehealth assessment of foreseeable harm in our emergency departments. The policy is limited to individuals brought to the emergency department by law enforcement in protective custody for a blue paper assessment to determine the need for involuntary psychiatric hospitalization. Once the patient is medically stable law enforcement may ask to use their equipment to link to the state contracted telehealth assessment provider and conduct what we have determined to be a law enforcement directed service – the yellow flag law assessment. We do not plan to change our policy requiring law enforcement requested telehealth assessments should the standard change from must

to may as proposed in this bill. We will continue to work closely with local law enforcement in each of our communities to understand our policy and how we work collaboratively to support law enforcement to access the telehealth consultation service.

The process is working but we do question the necessity of the practitioner assessment of likelihood of foreseeable harm given that many other states have adopted red flag laws that are successfully implemented and do not include the assessment in criteria to determine weapons removal. While we don't have all of the data, it is our understanding that the telehealth assessments conducted have determined that there is a likelihood of foreseeable harm meaning law enforcement is correctly making the determination of risk. With the experience we have all gained in this process can we leave the decision to law enforcement and the judicial system thus removing the clinician from the process and restructure the law accordingly? We think this is an important discussion for the committee to have.

Another health care related section of the bill directs the Department of Health and Human Services to develop a plan for behavioral health crisis receiving centers across the State. Currently the only behavioral health crisis center is located in Portland, and we do see benefit in a service that supports individuals at risk of crisis escalation with an opportunity to stabilize with peers and service providers and access additional community based resources. We support expanding crisis center capacity statewide.

Thank you for the opportunity to speak in support of this important legislation.