

# MaineHealth

## Testimony of Katie Fullam Harris

MaineHealth

In Support of LD 2224

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

**March 7, 2024**

Senator Carney, Representative Moonen and members of the Joint Standing Committee on the Judiciary, I am Katie Fullam Harris of MaineHealth, and I am here to testify in support of LD 2224, which takes a step towards improving the current statute that governs Protection from Substantial Threats. I am also here to suggest that, as a health care system that has spent a great deal of time implementing the current “yellow flag” statute, we believe that a “red flag” statute, similar to that which is in force in 22 states, would be a more effective and efficient way to ensure that dangerous weapons are removed from the possession of individuals who are at risk of committing acts of violence.

MaineHealth is an integrated health care system that provides a continuum of services to the residents of nine counties in Maine and one in New Hampshire. As part of that continuum, we operate nine licensed Emergency Departments in Maine and provide a range of inpatient and outpatient behavioral health services throughout our footprint. Maine Medical Center’s Emergency Department is Maine’s only Level One Trauma Center, providing care to those with the most severe injuries in the State.

When the yellow flag law was originally passed in 2019, MaineHealth’s providers expressed serious concern on two fronts:

1. It is limited to those who are under protective custody due to a mental illness, and therefore unnecessarily stigmatizes those who have mental illness.
2. It put Emergency Department providers who were responsible for performing the assessments in harm’s way.

When the law was amended to require virtual assessment capacity, MaineHealth immediately began an internal process to allow law enforcement to conduct virtual assessments from our Emergency Departments. Virtual assessments provide a layer of protection to our ED care team members by ensuring that the patient being assessed to have their weapons restricted does not know the location of the provider performing the assessment. MaineHealth implemented the process in October, 2022. And it is cumbersome for us, just as it is for law enforcement.

Thus, we have serious concerns about the change in Section 10 which would allow, but not require, assessments to be completed at an alternative location. We feel strongly that virtual assessments are necessary to protect the safety of our care team members. In making the language permissive, our providers may receive additional pressure from law enforcement to do the assessments themselves. It is difficult to say

no to a law enforcement officer, and we do not want to place our care team members in that difficult situation.

In addition, we have had a number of instances in which the current law is not applicable, but in which there is consensus that a person should not be in possession of weapons. These involve patients who are brought into the hospital for assessment or treatment but who are not under protective custody. Two recent examples include:

1. A person who has experienced physical trauma and arrives by ambulance.
2. A person who is brought into the hospital by a family member, friend, or on their own. These are frequently situations in which the patient is at risk of harming themselves, but they do not meet the involuntary commitment standard. Providers are forced to discharge these individuals, often with the fear that they will decompensate and commit acts of violence in the future.

The bill before you does not address either situation. And both represent real situations that our providers have experienced, and which represent real threat of violence.

A red flag law would eliminate the protective custody requirement and mental health evaluation in favor of allowing identified individuals to work directly with a judge to restrict access to weapons. This type of law now exists in 22 states, many of which have specifically tailored the language to protect against its misuse. We strongly urge the Committee to consider replacing the yellow flag law with this, more effective and efficient, cousin.

Finally, we are supportive of the inclusion of crisis receiving centers as a helpful program to support individuals with behavioral health needs. Maine's behavioral health system is in crisis, and we must invest in a data-informed continuum of foundational services, such as medication management and residential treatment, to better meet the needs of our population.

Thank you for the opportunity to testify, and I would be happy to answer questions.