

§51. Exemption to written informed consent requirement for mental health services and substance use disorder treatment during public health emergency

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Licensed facility” means a facility licensed under Title 5, section 20005, subsection 6, paragraph B or Title 34-B, section 1203-A. [PL 2021, c. 637, §1 (NEW).]

B. “Public health emergency” means a federal public health emergency declared pursuant to 42 United States Code, Section 247d or a state public health emergency declared pursuant to section 802 or Title 37-B, chapter 13, subchapter 2. [PL 2021, c. 637, §1 (NEW).]

[PL 2021, c. 637, §1 (NEW).]

2. Informed consent. The department may not require a licensed facility to obtain written informed consent from a person receiving mental health services or substance use disorder treatment from the licensed facility during a public health emergency. A licensed facility shall obtain consent from a person receiving mental health services or substance use disorder treatment during a public health emergency; such consent may be obtained through verbal, electronic or written means.

[PL 2021, c. 637, §1 (NEW).]

3. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 637, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 637, §1 (NEW).

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