

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: May 13, 2021
To: Joint Standing Committee on Health & Human Services
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LD 38 An Act To Clarify the Timing of an Appeal of a Finding Regarding Involuntary Mental Health Treatment at a Designated Nonstate Mental Health Institution

SUMMARY: This bill amends the process governing a request for review by the Commissioner of Health and Human Services or the commissioner's designee of an order of a clinical review panel regarding involuntary mental health treatment at a designated nonstate mental health institution.

- Provides that the Commissioner or the Commissioner's designee must review a decision of the clinical review panel for abuse of discretion, error of law or findings not supported by substantial evidence in the record
- Extends the deadline for the Commissioner to issue a final decision to 4 business days after the submission of the record and any arguments
- Establishes a deadline of 3 business days for a designated nonstate psychiatric institutions to submit the record to DHHS
- Establishes a deadline of 3 business days for the submission of written arguments by the patient and the institution

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- When will an examiner be hired in Bangor? *From the Judicial Branch: "[I]n April we added an independent examiner for Bangor civil commitment and treatment over objection cases for both Acadia and Dorothea Dix hospitals. . . . The new examiner mentioned in my earlier email is a nurse practitioner."*
- Why there is a recent uptick in cases recently?

FISCAL IMPACT: [No fiscal impact](#)