



**Northern Light
Health**

**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**

Testimony in Opposition

March 4, 2021

Senator Claxton, Representative Meyer and members of the Health and Human Services 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 opposition to 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 over 12,000 employees statewide.

To my knowledge Northern Light Acadia Hospital is the only nonstate mental health institution with an internal clinical review panel making recommendations regarding involuntary mental health treatment. Northern Light Acadia Hospital began using the clinical review panel process when our patients lost access to an independent examiner with prescribing status several years ago. Both the independent examiner and the clinical review panel may authorize involuntary medication as part of a mental health treatment plan for an involuntarily hospitalized patient. The decision of a clinical review panel currently is subject to the administrative hearing process at the Department of Health and Human Services.

Our goal is to restore access to an independent examiner, and we are in discussion with the Office of the Attorney General, who is in discussions with the Judicial Branch, to expand independent examiner services from Southern Maine (such as those provided to patients at Spring Harbor) to Northern Maine (including Acadia) patients via telemedicine assessment. This is the right solution to eliminate the continued need for the clinical review panel at Acadia Hospital.

The bill before you today doesn't address the primary issue and it is not clear to us if the bill eliminates the administrative hearing process at the Department of Health and Human Services by creating a new process allowing the Commissioner to make the final decision after review of the record.

What this bill does do is extends deadlines for information submission and ultimately extends the number of days that the Commissioner has to make a final decision on involuntary treatment. Now, Northern Light Health routinely provides information to the Department of Health and Human Services hearing officer within one business day

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Inland Hospital
Maine Coast Hospital
Mercy Hospital
Northern Light Health Foundation
Sebasticook Valley Hospital

of the clinical review panel decision, but we understand that it may take longer for the patient or designee advocate to submit written arguments for the hearing. Thus, we do not oppose the 3-day timeframe to submit argument. But, we do oppose adding any additional days of hospitalization without necessary treatment and recommend that the Commissioner have one business day to render a final decision should the committee decide to act upon this bill. The process for clinical review panel decisions and appeals is already slow to meet the treatment needs of our patients. This new process unnecessarily delays needed treatment even longer.

In closing we ask that the committee consider formally requesting that the Department of Health and Human Services in conjunction with the Judicial Branch act to restore independent examiner services to patients involuntarily hospitalized at Acadia Hospital.

Thank you.