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Testimony of Rep. Colleen Madigan Introducing LD716, “An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel”
March 23, 2021

Good afternoon Senator Claxton, Representative Meyer and fellow members of the Health and Human Services Committee. I am Representative Colleen Madigan, and I represent part of Oakland and part of Waterville. I am here today to introduce LD716, “An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel.”

This bill has a long history. In the summer of 2017, the federal Office of the Inspector General issued a report that found that Maine’s Department of Health and Human Services (DHHS) had failed to investigate 133 deaths and properly report critical incidents including sexual assault, suicidal acts and serious injuries among thousands of developmentally disabled individuals in Maine over a 2½-year period.

The report was very troubling, but even more alarming was the silence that followed. The fact that there was no oversight body to catch this failure is almost unbelievable.

That absence of appropriate oversight prompted our late colleague, Dale Denno, to put in legislation in 2018. It passed, but it was vetoed, and the veto was sustained.

Rep. Denno put in this bill again 2019, but, when his health worsened, I agreed to take over sponsorship for him. That bill was amended and unanimously endorsed by this this Committee, but died because the House and Senate had not voted on it when we adjourned for the pandemic.

Sadly, the lack of oversight over how serious incidents and death among this population are reported still exists, and this bill seeks to remedy that situation.

This bill establishes the “Aging and Disability Mortality Review Panel” to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. This panel would consist of up to 15 members and would include health care providers, social service providers, public health officials and other persons with professional expertise on the health and mortality of adults with disabilities and adults who are aging.

This panel will assure independent oversight of Maine's system of reporting and investigating deaths and serious incidents occurring to Maine citizens with intellectual disabilities or autism who are receiving waiver-funded services.

I sincerely hope we can finally pass something this year to help oversee and protect these people. As Representative Denno said in his testimony on this bill back in the 128th, "If we fail to act to protect these Maine citizens, then we will have failed to do our jobs."

Thank you very much. I would be glad to answer any questions, and I look forward to working with you on this bill.