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3 May 2021

Senator Ned Claxton
Representative Michelle Meyer
Members of the Committee on Health and Human Services

Resolve, to Equitably Fund Legal Fees for Progressive Treatment Programs

Dear Senator Claxton, Representative Meyer and Members of the Committee,

My name is Constance W. Jordan; I am a Psychiatric Nurse Practitioner with a practice in Portland and the President-elect of the Maine Nurse Practitioner Association. I am writing to request your support for LD1090, a Resolve to Equitably Fund Legal Fees for Progressive Treatment Programs.

As you are aware, this resolve establishes a pilot project within DHHS to fund court and legal fees incurred by a superintendent or chief administrative officer of a nonstate mental health institution or director of an assertive community treatment service team in association with filing and obtaining an order from the District Court to admit a patient to a Progressive Treatment Program. The funding for the pilot project, up to \$250,000, would come from the Medical Use of Marijuana Fund.

In 2005 I had the privilege of being a member of the LD151 workgroup, formed to discuss and promulgate guidelines for institution of an involuntary outpatient commitment law for the state of Maine. At that time, the American Association of Community Psychiatrists had compiled research from states with existing involuntary outpatient commitment laws; the AACP found that “the total number of psychiatric admissions can be reduced when IOC lasts for 180 days or greater”... and that “IOC has received attention as a realistic and fair compromise between institutional care and no care. IOC is therefore an attempt to balance public safety with every individual’s right to autonomy, self-determination, and treatment”.

All citizens of our state have unalienable civil rights; one of those rights is also be the right to live as a productive member of society without having to completely decompensate as a result of one’s illness. The lack of treatment compliance is rarely a volitional act; rather it is a symptom of the mental illness. Maine’s Progressive Treatment Program is a reflection of appropriate treatment for severely and persistently mentally ill individuals who neglect compliance with treatment prescribed by committed healthcare professionals. Currently, the Progressive Treatment Program is utilized only at the two state psychiatric hospitals, as the state will pay the legal fees for the hospital’s representation for a PTP hearing. Although readily accessible under statute, nonstate mental hospitals throughout the state are currently faced with the onerous financial burden for legal fees associated with initiating a PTP District Court hearing, regardless of how clinically appropriate. This Resolve addresses this unequal availability of a PTP by alleviating the financial burden for nonstate mental health hospitals.

The Maine Nurse Practitioner Association respectfully requests that you vote this Resolve, LD1090, as ought to pass and correct this barrier in the interest of appropriate and timely care remain citizens with mental illness and for the hospitals which provide treatment for them.

Respectfully submitted,

Constance W. Jordan, MSN, ANP, PMHNP
President-Elect, MNPA