



May 3, 2021

Senator Ned Claxton, Chair  
Representative Michele Meyer, Chair  
Joint Standing Committee on Health and Human Services  
Cross Office Building, Room 209  
Augusta, Maine 04333

Re: Testimony Neither for Nor Against LD 869 Title: Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment (Emergency)

Dear Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

My name is Kevin Voyvodich and I am an attorney at Disability Rights Maine. Thank you for the opportunity for Disability Rights Maine (DRM) to provide testimony neither for nor against LD 869.

This bill proposes to establish a working group to review the progressive treatment program (outpatient court commitment) and the commitment process (inpatient court commitment) to see what the barriers to these programs being utilized are. DRM firmly believes that treatment in the persons community, not ordered by a district court, is how treatment should be delivered. That being said, the PTP and Court Commitment are already processes allowed by state law, DRM offers the following comments and questions regarding this bill:

- First, what data has being collected to support the premise the PTP is underutilized to the point that a work group would be necessary?
- Second, the bill in *Section Subsection (2), Review processes for consistency and efficiency*, proposes to review who is responsible for payment of the psychiatric hospitals in these processes. Is the cost of this representation so significant that this is actually a problem for the hospital systems?
- Third, *Section 2* of this bill cites a family member or a person with lived experience as being part of this committee. DRM believes that a person with lived experience should be on this workgroup regardless of any other appointments.

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- Fourth, both of these processes, the PTP and Court Commitment involve significant issues of due process for the clients that DRM serves. Any workgroup related to these issues should include advocates, such as DRM, for the civil rights protections of those with mental health conditions.
- Finally, in 2019 DRM issued a death investigation report regarding an individual who was receiving mental health treatment pursuant to a court ordered PTP. As a result of this investigation DRM made the following recommendations in that report:
  1. The State of Maine ensure that all mental health providers involved in any PTP plan are in compliance with all clinical, ethical, regulatory and statutory standards prior to such plan being submitted to the court.
  2. The State of Maine develop an effective means to oversee that the provisions of these services are being delivered by the mental health providers according to these standards while the PTP plans are in force.
  3. Prior to filing on behalf of a community agency for a PTP the State of Maine ensure that recommendations 1 and 2 are being adhered to.<sup>1</sup>

DRM would recommend that prior to passing any legislation such as this that the above recommendations have been satisfactorily addressed by the State of Maine.

Thank you for the opportunity to provide information neither for nor against this legislation to the committee.

Sincerely,

Kevin Voyvodich, Esq.  
Managing Attorney  
Disability Rights Maine

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<sup>1</sup> The link to the blog post regarding the report and the report itself are here: <https://drme.org/blog/2019-09-10>.