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Legislative Document

No. 1418

H.P. 1031

House of Representatives, March 28, 2019

**An Act To Address Maine's Shortage of Behavioral Health Services
for Minors**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator SANBORN, L. of Cumberland and
Representatives: BEEBE-CENTER of Rockland, DAUGHTRY of Brunswick, GATTINE of
Westbrook, McDONALD of Stonington, PERRY of Calais, RECKITT of South Portland,
TALBOT ROSS of Portland, Senator: CLAXTON of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §7708** is enacted to read:

3 **§7708. Behavioral health resource for minors website**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Behavioral health needs" means a wide range of mental health disorders and
7 illnesses, substance use disorder, developmental disabilities and autism spectrum
8 disorder.

9 B. "Community service provider" has the same meaning as in Title 5, section 20003,
10 subsection 4.

11 C. "Extended stay" means a stay of a patient in a health care facility that is longer
12 than required to stabilize immediate threats to the life and safety of the patient for the
13 purpose of a longer term treatment of a health care issue.

14 D. "Hospital emergency department" means the department of a hospital responsible
15 for the provision of medical and surgical care to patients arriving at the hospital with
16 health conditions, including illnesses and trauma, requiring immediate care.

17 E. "Mental health disorders and illness" means certain mental and emotional
18 disorders including depression, anxiety, bipolar disorder, schizophrenia,
19 post-traumatic stress disorder, conduct disorder, attention deficit disorder and
20 attention deficit hyperactivity disorder and aggressive behavior, risk of harm to self
21 or others and difficulty with anger control.

22 F. "Substance use disorder" means a significant functional impairment of a person,
23 including a health problem or a disability, caused by the misuse of alcohol or another
24 drug as addressed by Title 5, chapter 521.

25 **2. Website.** The department shall maintain:

26 A. A daily updated statewide list on a publicly accessible website accessible by
27 hospital emergency departments that displays available placements to assist hospital
28 emergency departments to locate potential openings in mental health facilities or
29 programs and with community service providers for minors with behavioral health
30 needs for the purpose of referring the persons to the facilities or programs for
31 residential placement or care; and

32 B. A quarterly updated resource list for hospital emergency departments on a
33 publicly accessible website that includes mental health facilities or programs and
34 community service providers for minors with behavioral health needs with
35 descriptions of the admissions and exclusions criteria of the programs, facilities and
36 providers, including age, gender and populations served, such as individuals with
37 physical or developmental disabilities or autism or other behavioral health needs.

1 **3. Data collection and analysis.** The department shall collect and analyze data on
2 the issue of minors with behavioral health needs being held in hospital emergency
3 departments for extended stays, including:

4 A. Collecting on a monthly basis data regarding:

5 (1) Admissions to all hospital emergency departments of minors with behavioral
6 health needs, including length of stay and criteria for admission and discharge;

7 (2) Programs available to minors with behavioral health needs, including the
8 number and type of programs and the number of beds, slots or placements of the
9 programs available to the minors; and

10 (3) Minors with behavioral health needs sent to a facility or program outside the
11 State for treatment, including the type of program and length of stay for each
12 minor; and

13 B. Analyzing the data in paragraph A, including identifying:

14 (1) Reasons for extended stays, including lack of beds, slots or placements in
15 other facilities or programs, refusal of admission to other facilities or programs
16 due to behavioral concerns or lack of community-based programs such as home-
17 based support, step-down programs providing partial hospitalization or outpatient
18 treatment providers or programs;

19 (2) Specific behavioral health needs treatment programs and the waiting list for
20 admission to each program; and

21 (3) Funding mechanisms for appropriate service delivery and programming to
22 provide short-term, transitional assistance, such as temporary staff increases, one-
23 on-one staffing or staff training to address specific areas of behavioral health
24 needs, to minors with behavioral health needs who are discharged to residential
25 placements, partial hospitalization or home-based programs.

26 The department shall study the data collected and analyzed to determine the extent of the
27 issue of minors with behavioral health needs being held in hospital emergency
28 departments, the characteristics of the minors and any progress made on efforts to address
29 the issue. By January 1st of each year, the department shall submit a summary of the
30 study along with conclusions and any recommendations to the joint standing committee
31 of the Legislature having jurisdiction over health and human services matters. The
32 committee may report out legislation based upon the study and recommendations to the
33 Legislature by February 1st of that year.

34 **Sec. 2. Department of Health and Human Services to study behavioral**
35 **health needs advocate.** In conjunction with the report required under the Maine
36 Revised Statutes, Title 22, section 7708, subsection 3, for the report due January 1, 2020,
37 the Department of Health and Human Services shall study the feasibility of adding a child
38 behavioral health needs advocate within the department to ensure best practices among
39 behavioral health needs providers and to coordinate the department's activities regarding
40 addressing the behavioral health needs of minors with activities by hospital emergency
41 departments and behavioral health treatment providers such as hospitals, step-down
42 programs providing partial hospitalization, contracted behavioral health residential

1 programs and the Department of Corrections. For purposes of this section, "behavioral
2 health needs" has the same meaning as in Title 22, section 7708, subsection 1, paragraph
3 A.

4 SUMMARY

5 This bill:

6 1. Defines "behavioral health needs" to mean a wide range of mental health disorders
7 and illnesses, substance use disorder, developmental disabilities and autism spectrum
8 disorder;

9 2. Directs the Department of Health and Human Services to take measures to address
10 the issue of extended stays in hospital emergency departments by minors with behavioral
11 health needs by:

12 A. Maintaining a daily updated online statewide list of available mental health
13 facility or program and community service provider placements for referral purposes
14 by hospital emergency departments;

15 B. Maintaining a quarterly updated online resource list of mental health programs or
16 facilities and community service providers that treat behavioral health needs; and

17 C. Collecting monthly data on and study the issue of extended stays of minors with
18 behavioral health needs in hospital emergency departments and annually submitting a
19 report with a summary of the study along with any recommendations to the joint
20 standing committee of the Legislature having jurisdiction over health and human
21 services matters;

22 3. Directs the department to study the data and analysis on extended stays in hospital
23 emergency departments by minors with behavioral health needs and submit an annual
24 report to the Legislature that identifies:

25 A. Reasons for the extended stays;

26 B. Specific behavioral health needs treatment programs and the waiting list for
27 admission to each program; and

28 C. Funding mechanisms to provide short-term transitional assistance to minors with
29 behavioral health needs discharged from a hospital emergency department to
30 residential placements, partial hospitalizations or home-based programs; and

31 4. Directs the department to study the feasibility of adding a child behavioral needs
32 advocate within the department to coordinate the department's activities with those of
33 various agencies and programs that provide behavioral health needs services to minors
34 and to submit a report to the Legislature by January 1, 2020.