

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend the Application Process for the Progressive Treatment Program**

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

**Sec. 1. 34-B MRSA §3873-A, sub-§1**, as enacted by PL 2009, c. 651, §29, is amended to read:

**1. Application.** ~~The superintendent or chief administrative officer of a psychiatric hospital, the commissioner or the director of an ACT team, except as limited by subsection 10,~~ A health officer, law enforcement officer or any other person may obtain an order from the District Court to admit a patient to a progressive treatment program upon the following conditions:

- A. The patient suffers from a severe and persistent mental illness;
- B. The patient poses a likelihood of serious harm;
- C. The patient has the benefit of a suitable individualized treatment plan;
- D. Community resources are available to support the treatment plan;
- E. The patient is unlikely to follow the treatment plan voluntarily;
- F. Court-ordered compliance will help to protect the patient from interruptions in treatment, relapses or deterioration of mental health; and
- G. Compliance will enable the patient to survive more safely in a community setting without posing a likelihood of serious harm.

**Sec. 2. 34-B MRSA §3873-A, sub-§2**, as enacted by PL 2009, c. 651, §29, is amended to read:

**2. Contents of the application.** The application must be accompanied by a certificate of a medical practitioner providing the facts and opinions necessary to support the application. The certificate must indicate that the examiner's opinions are based on one or more recent examinations of the patient or upon the examiner's recent personal treatment of the patient. Opinions of the examiner may be based on personal observation ~~or on~~ and must include a consideration of history and information from other sources considered reliable by the examiner when such sources are available.

The applicant must also provide a written statement certifying that a copy of the application and the accompanying documents have been given personally to the patient and that the patient and the patient's guardian or next of kin, if any, have been notified of:

- A. The patient's right to retain an attorney or to have an attorney appointed;
- B. The patient's right to select or to have the patient's attorney select an independent examiner; and

C. How to contact the District Court.

### **SUMMARY**

Current law limits who may obtain an order from the District Court to admit a patient to a progressive treatment program. This bill allows a health officer, law enforcement officer or any other person to obtain the order. The bill also requires that when an examiner forms an opinion it must be based on history as well as personal observation.