

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 639 - L.D. 1003

Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, lengthy hospital stays and lack of access to services for children in need of behavioral health services and individuals with intellectual disabilities or autism pose a dire risk to such individuals; and

Whereas, it is essential to address these issues to protect the safety and well-being of children in need of behavioral health services and individuals with intellectual disabilities or autism; and

Whereas, the Department of Health and Human Services, Office of Child and Family Services' 2018 assessment of children's behavioral health services in this State, conducted by the Public Consulting Group, recommended a so-called No Eject, No Reject policy that applies to residential providers of children's behavioral health services, but no policy has yet been developed; and

Whereas, development of a so-called No Eject, No Reject policy, in consultation with a stakeholder group, will take time and needs to begin prior to 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Department of Health and Human Services to develop a so-called No Eject, No Reject proposal; report. Resolved: That the Department of Health and Human Services shall develop a plan for a so-called No Eject, No Reject proposal that requires residential providers of behavioral health services for children or services to individuals with intellectual disabilities or autism to receive written approval from the department for the following:

1. Termination of services to an individual;
2. Executing a discharge plan; or
3. Declining a referral of an individual when a bed is available.

The department shall establish a stakeholder group to develop the No Eject, No Reject proposal. The stakeholder group must include residential providers of behavioral health services to children, residential providers of services to individuals with intellectual disabilities or autism, hospitals, Disability Rights Maine, advocates for services for children and adults and any other relevant interested parties. The department shall also examine any existing data to determine the reasons that providers terminate services, decline referrals or transfer individuals to hospital emergency departments when there is no medical reason for the transfer and determine the barriers to individuals being accepted for residential treatment services. The department shall report its findings, the proposal developed pursuant to this resolve and the steps to implementing the proposal, including any rulemaking and recommended legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2024.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.