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BRENDA M. HARVEY
COMMISSIONER

RONALD S. WELCH, DIRECTOR
ADULT MENTAL HEALTH SERVICES

To: Mental Health Services Providers
Fr: Ronald S. Welch, Director of Adult Mental Health Services
Re: Changes to the Involuntary Commitment Law Effective July 1, 2006
Da: June 27, 2006

As you are aware, the Legislature included in its supplemental budget bill this year changes to the involuntary commitment law that had previously been considered as "LD 151."

Some changes that may be applicable to your operations are these:

- A voluntarily admitted patient who seeks to leave must either be allowed to leave or be blue papered within 16 hours of the request.
- On a blue paper, the certifying examiner (who fills out section 2) must include the grounds for the opinion that the patient is mentally ill and because of that illness poses a likelihood of serious harm.
- The blue paper only allows a hospital to hold a patient for 3 days, unless the third day falls on a weekend or holiday, in which case the blue paper allows the hospital to hold the patient until the next business day after the weekend or holiday. This means that a patient admitted on a blue paper on a Wednesday, Thursday, or Friday must be discharged, be changed to voluntary status, or be the subject of a District Court application ("white paper") on or before Monday, assuming the Monday is not a holiday.
- If the hospital is considering holding a forced medication hearing, an application for the hearing can occur before the patient is committed by the court, as long as the medication hearing is held within four days after the commitment.
- The District Court must hold a hearing within 14 days of the court application.

The recently enacted law also includes the new progressive treatment program. However, that program has a limited beginning. It currently applies only to people being discharged from Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and will not go into effect until the ACT teams described in the bill are in place and training is available.

If you wish to look at the text of the changes yourself, you can find it in P.L. 2005, chapter 516, Part BBBB, on the following web page:

<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280020163&LD=1968&Type=1&SessionID=6>

Our vision is Maine people enjoying safe, healthy and productive lives.

To reflect the changes to the law, and to address some recurring problems with the current blue paper, the Department is issuing some new forms that revise the blue paper. The Department is issuing these forms under statutory authority to prescribe the form of applications related to hospitalization at mental facilities (34-B M.R.S.A. § 3802(5)). Enclosed please find the new forms. As of July 1, 2006, these forms are to be used in place of the blue paper (MH 100 - revised 2001) that is currently in effect. On July 1, please discard any old, unused blue papers in your possession and replace them with the new forms.

The changes in the forms are highlighted as follows:

1. The applicant's printed name, as well as signature, must now appear on the blue paper.
2. The certifying examiner must now:
 - Clarify whether the examination took place in a hospital emergency room;
 - State symptoms of the mental illness;
 - Indicate by check mark whether the likelihood of serious harm posed by the illness is harm to the patient, harm to others, or reasonable certainty that the person will suffer severe physical or mental injury or impairment (the so-called paragraph A, B, or C criteria);
 - For each kind of harm indicated by check mark, describe grounds for the opinion that the illness poses a likelihood of serious harm, including recent behaviors that demonstrate that; and
 - Make a determination about what is the least restrictive form of transportation that meets the patient's clinical needs.

The examiner's printed name, as well as signature, must appear on the blue paper.

3. The judicial officer's printed name, as well as signature, must appear on the blue paper.
4. Section 4 of the old blue paper, the Endorsement for Transfer, has been removed from the new blue paper. After July 1, if a hospital seeks to transfer a patient who is being held under a blue paper, the hospital must attach the blue paper to form MH-101 Revised July 2006 and present them to a judicial officer for endorsement of the transfer before transferring the patient.

If you need additional forms, please contact Aileen Maher at (207) 287-4250, Office of Adult Mental Health Services, Department of Health and Human Services, or go to AMHS website at: maine.gov/dhhs/bds/mhservices/ and click on Rights and Legal Issues.

Thank you for your anticipated timely implementation of this new statutory obligation.