I August 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 808, “An Act To Restore Community Support Services for Adults with Mental Illness.”

As a result of the Department of Health and Human Services’ review of Section 17, it was determined that for members with conditions such as depression, post-traumatic stress disorder, or anxiety, Section 17 services were very often not clinically appropriate. In making this determination, the Department relied on objective sources, including guidance published up by the National Institute for Mental Health, which recommends other treatments that are available under a separate section of Medicaid policy (Section 65).

In an effort to ensure Section 17 services were directed towards those for whom the services were clinically appropriate, the Department made changes to the clinical criteria to align them with evidence-based treatment. Specifically, the Department required that individuals with diagnoses other than schizophrenia or schizoaffective disorder submit clinical documentation supporting the need for Section 17 services.

This bill would reverse many of the changes made by the Department last year and would force the State to provide reimbursement for treatment that is not clinically appropriate. Specifically, it would require all members with post-traumatic stress disorder or bipolar disorder qualify for all Section 17 services without regard to functional ability or actual demonstrated need. The idea that our State would endorse mental health treatment that is not clinically appropriate is unconscionable.

For the reasons, I return LD 808 unsigned and vetoed. I strongly urge the Legislature to support clinically appropriate treatment for MaineCare members and sustain it.

Sincerely,

[Signature]
Paul R. LePage
Governor