



130th MAINE LEGISLATURE

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Legislative Document

No. 1385

H.P. 1019

House of Representatives, April 7, 2021

An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative DODGE of Belfast.

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

2 **Sec. 1. 22 MRSA §1728** is enacted to read:

3 **§1728. Violent patients in emergency departments**

4 **1. Discharge after treatment.** A person exhibiting violent behavior admitted to an
5 emergency department of a health care facility licensed under sections 1811 and 1817 must
6 be discharged once medically stabilized.

7 **2. Duties of department.** The department shall establish measures to ensure the safety
8 of emergency department staff and provide appropriate treatment to a person admitted to
9 an emergency department of a health care facility who exhibits violent behavior, including:

10 A. Developing and communicating to health care facilities with emergency
11 departments protocols for securing placement and timely discharge of the person;

12 B. Requiring the unit within the department responsible for the person to accept the
13 person once the person is cleared for discharge from the emergency department;

14 C. Identifying and securing an alternate care site within 24 hours of a health care
15 facility's request for placement and prior to the person's being cleared for discharge;

16 D. Requiring a residential care facility to take the person back once the person is
17 cleared for discharge and no longer needs medical care;

18 E. Creating an enhanced rate paid to institutions for persons with mental illness or
19 residential care facilities that are required to close a bed due to a staffing or safety
20 concern when accepting the person;

21 F. Covering the costs of security in an emergency department when the person
22 becomes violent;

23 G. Working to increase the number of secure residential treatment options in the State;
24 and

25 H. Adopting rules to carry out the purposes of this section. Rules adopted pursuant to
26 this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter
27 2-A.

28 **SUMMARY**

29 This bill requires emergency departments of health care facilities to discharge a person
30 exhibiting violent behavior once the person has been medically stabilized and directs the
31 Department of Health and Human Services to establish measures to ensure the safety of
32 emergency department staff and provide appropriate treatment to persons admitted to
33 emergency departments who exhibit violent behavior.