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REPORT TO THE LEGISLATURE

TO: Joint Standing Committee on Health and Human Services
FROM: Maine Department of Health and Human Services
DATE: March 21, 2024
RE: Work Plan Report pursuant to Resolves 2021, Ch. 132, *Resolve, Directing the Department of Health and Human Services to Update the Rights of Recipients of Mental Health Services*

The Maine Department of Health and Human Services (DHHS) is submitting this report, pursuant to Resolves 2021, Ch. 132, *Resolve, Directing the Department of Health and Human Services to Update the Rights of Recipients of Mental Health Services*. This resolve requires the Department to submit reports every 6 months until provisional rule changes are adopted. The most recent report was submitted in August 2023.

Progress Since Last Report

DHHS last submitted a report to the Legislature in August 2023 with an update on the progress toward implementing Resolves 2021, Ch. 132. As described in the previous report, a stakeholder survey was deployed for both the *Rights of Recipients of Mental Health Services* and *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment* in July 2023. Since then, DHHS has received and analyzed the results of the stakeholder surveys that were deployed in July 2023. The survey was available in an online format, as well as a paper version that could be returned via postal mail or email. Additionally, a total of four virtual listening sessions were conducted, two each for the *Rights of Recipients of Mental Health Services* and *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment*. The input of stakeholders is invaluable in guiding the Department in updating the rules, and as such, both the Office of Behavioral Health and the Office of Child and Family Services have created dedicated email inboxes to receive any additional stakeholder feedback.




Both OBH and OCFS have begun the process of reviewing feedback from the listening sessions to help inform the drafting of the proposed rule changes for the *Rights of Recipients of Mental Health Services* and *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment*. As reflected in the timeline below, the rule drafting will occur in the first three quarters of 2024, followed by OAG pre-review, DHHS final revisions, review by the Commissioner in the latter half of 2024 and first quarter of 2025 and DHHS will propose major substantive rules on or about April 29, 2025.

Updated Timeline for Anticipated Proposal

The Department is committed to continuing the comprehensive public feedback and stakeholder engagement campaign to better inform updates to the Rights of Recipients rules. Concurrently, staff are working to ensure that any changes are consistent with current best practices and the priorities of key audiences including the consumers of mental health services, providers, advocacy agencies, and other similar organizations and individuals impacted by the rules. DHHS received more than one hundred responses to public surveys issued in July 2023 and had a larger turnout for four virtual listening sessions (two for adults and two for children) in October and November 2023. These rules have not received meaningful attention in decades and an additional year will allow the Department to achieve the most practical and lasting amendments to the rules and policies within them while aligning with current laws, practices, and standards.

Additionally, rulemaking under the Maine Administrative Procedures Act (MAPA) requires sequential review with defined timelines pertaining to public hearings, legal and legislative review, and other requisite actions that may take up to a year for completion. Considering this requirement, the Department is concerned that the current timeline for adoption is not sufficient to allow the Department time to achieve our goals in meeting stakeholders' needs and concerns while adhering to the MAPA rulemaking requirements. We are confident that we can comply with all legal and legislative requirements while ensuring a greater quality of the final rules that oversee the health care and rights of many constituents in our state by January 2026, at which point the provisionally adopted rules will be submitted to the Legislature for major substantive review.

Updated DHHS Workplan

Timeframe	Activity Benchmark	
September 2022	DHHS commences planning and preparation activities for rule development and stakeholder engagement	
Winter 2023	DHHS provides a workplan to the Joint Standing Committee on Health and Human Services	
March/April 2023	DHHS provides notice of and solicits input on stakeholder engagement process	

April 2025 – September 2025	DHHS proposes major substantive rules on or about April 29, 2025; noticing; public hearings, comment periods and final reviews by OAG	
July 2025	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
October 2025	Commissioner provisionally adopts major substantive rules	
January 2026	DHHS submits provisionally adopted rules to Legislature for major substantive review	