

§206. Additional duties of the commissioner

In addition to other duties set out in this Title, the commissioner has the following duties. [PL 2007, c. 539, Pt. N, §45 (NEW).]

1. General. The commissioner has general supervision, management and control of the research and planning, grounds, buildings, property, officers, employees and clients of all state institutions. [PL 2007, c. 539, Pt. N, §45 (NEW).]

2. Enforcement of laws. The commissioner shall enforce all laws concerning the institutions within the department, unless specific law enforcement duties are given by law to other persons. [PL 2007, c. 539, Pt. N, §45 (NEW).]

3. Rules. Rules adopted pursuant to section 205, subsection 2 must be established as set out in this subsection.

A. The commissioner shall establish such rules, regulations, procedures and practices as the commissioner may determine appropriate or necessary for the care and management of the property of all state institutions, for the production and distribution of the products of the institutions, for guiding the institutions in determining whether to approve admissions and for the execution of the statutory purposes and functions of the institutions. [PL 2007, c. 539, Pt. N, §45 (NEW).]

B. The central principle underlying all rules relating to residents of the institutions within the department is that the residents retain all rights of ordinary citizens, except those expressly or by necessary implication taken from them by law. [PL 2007, c. 539, Pt. N, §45 (NEW).]
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4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients who receive mental health services or adult developmental services, of children who receive behavioral health services or of adults who receive acquired brain injury services. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may contract for the services of the hearing examiner, who shall conduct adjudicatory proceedings pursuant to the Maine Administrative Procedure Act. [PL 2021, c. 284, Pt. A, §2 (AMD).]

5. Residential child care facilities. The commissioner shall approve all programs for the provision of mental health services to residential child care facilities, as defined in Title 22, section 8101, subsection 4, and shall participate in licensure of these programs in accordance with Title 22, section 8104. [PL 2007, c. 539, Pt. N, §45 (NEW).]

6. Abuse allegations in state institutions. The commissioner shall ensure appropriate intervention and remediation in cases of substantiated abuse and neglect in state institutions. The commissioner shall ensure, through inspection on a periodic basis, that all state institutions meet appropriate federal and state standards relating to the health, safety and welfare of clients of these institutions. [PL 2007, c. 539, Pt. N, §45 (NEW).]

7. Establish standards of care. The commissioner shall establish standards of care for patients at the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center. [PL 2007, c. 539, Pt. N, §45 (NEW).]

8. Substance use disorder prevention, treatment and recovery. The commissioner shall administer and carry out the purposes of the Maine Substance Use Disorder Prevention, Treatment and Recovery Act. [PL 2019, c. 524, §18 (AMD).]

9. Annual reporting.

[PL 2019, c. 612, §4 (RP).]

SECTION HISTORY

PL 2007, c. 539, Pt. N, §45 (NEW). PL 2011, c. 542, Pt. A, §51 (AMD). PL 2017, c. 284, Pt. NNNNNNN, §17 (AMD). PL 2017, c. 407, Pt. A, §91 (AMD). PL 2019, c. 524, §18 (AMD). PL 2019, c. 612, §4 (AMD). PL 2021, c. 284, Pt. A, §2 (AMD).

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