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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:** August 7, 2023  
**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*

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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. While the latest update was in March 2023, DHHS is submitting this report now to begin a roughly January/July schedule of submissions.

### Progress Since Last Report

DHHS last submitted a report to the Legislature in March with an update on the progress toward implementing Reslv 2021, Ch. 132. Since then, staff from the Office of the Attorney General provided an initial legal review of the current *Rights of Recipients of Mental Health Services* and *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment*. The information from the OAG's review has guided the Department's further review to determine whether statutory changes will be necessary to promulgate rules that align with the current behavioral health systems for children and adults, as well as updating outdated language and references. Recommendations, if any are identified, will be provided in the next report.

Concurrently, an internal working group of staff has been meeting to design the approach to stakeholder engagement. To date, the working group has designed a survey, engaged with Disability Rights Maine (DRM) to gather their feedback, and made additional survey revisions. The surveys were deployed both in paper and electronic form in July and responses are coming in. Additionally, DHHS has begun planning listening sessions and gathering input on that process. The listening sessions remain on target for completion by the end of 2023. On the following page, the workplan that was submitted with the September 2022 report and updated in the March 2023 report is included and updated, with completed activities noted as such.

## 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	
May 2023 – December 2023	<p>Stakeholder Engagement Activities</p> <ul style="list-style-type: none"> <li>• <i>July 2023 Stakeholder Survey Distributed</i> <ul style="list-style-type: none"> <li>○ <a href="#">Surveys distributed</a> to stakeholders for initial comments and feedback. <ul style="list-style-type: none"> <li>▪ Survey 1: <a href="#">Rights of recipients for adults</a></li> <li>▪ Survey 2: <a href="#">Rights of recipients for children</a></li> </ul> </li> <li>○ Survey results compiled</li> </ul> </li> <li>• <i>October – December 2023 Stakeholder Listening Sessions</i> <ul style="list-style-type: none"> <li>○ Stakeholder listening sessions launched with population-specific tracks. Listening sessions will include feedback and comments captured in the survey. Tracks to run concurrently. <ul style="list-style-type: none"> <li>○ Track 1: Two to four sessions hosted by Office of Behavioral Health (OBH) for rights of recipients for adults</li> <li>○ Track 2: Two to four sessions hosted by and Office of Child and Family Services (OCFS) for rights of recipients for children</li> </ul> </li> </ul> </li> </ul>	
Summer 2023	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
January 2024	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	

<b>January 2024 – March 2024</b>	DHHS rule drafting	
<b>April – July 2024</b>	OAG Pre-review of proposed rule drafts; DHHS final revisions to proposed rule drafts; Commissioner review of proposed rule drafts	
<b>July 2024</b>	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
<b>August – December 2024</b>	DHHS proposes major substantive rules on or about August 1, 2024; noticing; public hearing, comment period and final review by OAG	
<b>December 2024</b>	Commissioner provisionally adopts major substantive rules	
<b>January 2025</b>	DHHS submits provisionally adopted rules to Legislature for major substantive review	