

**§3801. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §7 (NEW).]

**1. Hospital.**

[PL 2007, c. 319, §1 (RP).]

**1-A. Designated nonstate mental health institution.** "Designated nonstate mental health institution" means a nonstate mental health institution that is under contract with the department for receipt by the hospital of involuntary patients.

[PL 1995, c. 496, §1 (NEW).]

**1-B. Least restrictive form of transportation.** "Least restrictive form of transportation" means the vehicle used for transportation and any restraining devices that may be used during transportation that impose the least amount of restriction, taking into consideration the stigmatizing impact upon the individual being transported.

[PL 1997, c. 422, §4 (NEW).]

**2. Licensed physician.** "Licensed physician" means a person licensed under the laws of the State to practice medicine or osteopathy or a medical officer of the Federal Government while in this State in the performance of official duties.

[RR 2019, c. 2, Pt. B, §94 (COR).]

**3. Licensed clinical psychologist.** "Licensed clinical psychologist" means a person licensed under the laws of the State as a psychologist and who practices clinical psychology.

[PL 1983, c. 459, §7 (NEW).]

**4. Likelihood of serious harm.**

[PL 2009, c. 651, §3 (RP).]

**4-A. Likelihood of serious harm.** "Likelihood of serious harm" means:

A. A substantial risk of physical harm to the person as manifested by recent threats of, or attempts at, suicide or serious self-inflicted harm; [PL 2009, c. 651, §4 (NEW).]

B. A substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm; [PL 2009, c. 651, §4 (NEW).]

C. A reasonable certainty that the person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the person adequately from impairment or injury; or [PL 2009, c. 651, §4 (NEW).]

D. For the purposes of section 3873-A, in view of the person's treatment history, current behavior and inability to make an informed decision, a reasonable likelihood that the person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious harm as defined in paragraphs A, B or C. [PL 2009, c. 651, §4 (NEW).]

[PL 2009, c. 651, §4 (NEW).]

**4-B. Medical practitioner.** "Medical practitioner" or "practitioner" means a licensed physician, licensed physician assistant, certified psychiatric clinical nurse specialist, certified nurse practitioner or licensed clinical psychologist.

[PL 2019, c. 627, Pt. B, §20 (AMD).]

**5. Mentally ill person.** "Mentally ill person" means a person having a psychiatric or other disease that substantially impairs that person's mental health or creates a substantial risk of suicide. "Mentally ill person" includes persons suffering effects from the use of drugs, narcotics, hallucinogens or

intoxicants, including alcohol. A person with developmental disabilities or a person diagnosed as a sociopath is not for those reasons alone a mentally ill person.

[PL 2009, c. 651, §6 (AMD).]

**6. Nonstate mental health institution.** "Nonstate mental health institution" means a public institution, a private institution or a mental health center, which is administered by an entity other than the State and which is equipped to provide inpatient care and treatment for the mentally ill.

[PL 1983, c. 459, §7 (NEW).]

**7. Patient.** "Patient" means a person under observation, care or treatment in a psychiatric hospital or residential care facility pursuant to this subchapter, a person receiving services from an assertive community treatment team, a person receiving intensive mental health management services from the department or a person being evaluated for emergency admission under section 3863 in a hospital emergency department.

[PL 2009, c. 651, §7 (AMD).]

**7-A. Progressive treatment program.** "Progressive treatment program" or "program" means a program of court-ordered services provided to participants under section 3873-A.

[PL 2009, c. 651, §8 (AMD).]

**7-B. Psychiatric hospital.** "Psychiatric hospital" means:

A. A state mental health institute; [PL 2009, c. 651, §9 (AMD).]

B. A nonstate mental health institution; or [PL 2009, c. 651, §9 (AMD).]

C. A designated nonstate mental health institution. [PL 2009, c. 651, §9 (NEW).]

[PL 2009, c. 651, §9 (AMD).]

**8. Residential care facility.** "Residential care facility" means a licensed or approved boarding care, nursing care or foster care facility which supplies supportive residential care to individuals due to their mental illness.

[PL 1983, c. 459, §7 (NEW).]

**8-A. Severe and persistent mental illness.** "Severe and persistent mental illness" means a diagnosis of one or more qualifying mental illnesses or disorders plus a listed disability or functional impairment that has persisted continuously or intermittently or is expected to persist for at least one year as a result of that disease or disorder. The qualifying mental illnesses or disorders are schizophrenia, schizoaffective disorder or other psychotic disorder, major depressive disorder, bipolar disorder or a combination of mental disorders sufficiently disabling to meet the criteria of functional disability. The listed disabilities or functional impairments, which must result from a diagnosed qualifying mental illness or disorder, include inability to adequately manage one's own finances, inability to perform activities of daily living and inability to behave in ways that do not bring the attention of law enforcement for dangerous acts or for acts that manifest the person's inability to protect the person from harm.

[PL 2005, c. 519, Pt. BBBB, §3 (NEW); PL 2005, c. 519, Pt. BBBB, §20 (AFF).]

**9. State mental health institute.** "State mental health institute" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

[PL 1983, c. 459, §7 (NEW); PL 2005, c. 236, §§3, 4 (REV).]

**10. Inability to make an informed decision.** "Inability to make an informed decision" means being unable to make a responsible decision whether to accept or refuse a recommended treatment as a result of lack of mental capacity to understand sufficiently the benefits and risks of the treatment after a thorough and informative explanation has been given by a qualified mental health professional.

[PL 2005, c. 519, Pt. BBBB, §3 (NEW); PL 2005, c. 519, Pt. BBBB, §20 (AFF).]

**11. Assertive community treatment.** "Assertive community treatment" or "ACT" means a self-contained service with a fixed point of responsibility for providing treatment, rehabilitation and support services to persons with mental illness for whom other community-based treatment approaches have been unsuccessful. Assertive community treatment uses clinical and rehabilitative staff to address symptom stability; relapse prevention; maintenance of safe, affordable housing in normative settings that promote well-being; establishment of natural support networks to combat isolation and withdrawal; the minimizing of involvement with the criminal justice system; individual recovery education; and services to enable the person to function at a work site. Assertive community treatment is provided by multidisciplinary teams who are on duty 24 hours per day, 7 days per week; teams must include a psychiatrist, registered nurse, certified rehabilitation counselor or certified employment specialist, a peer recovery specialist and a substance use disorder counselor and may include an occupational therapist, community-based mental health rehabilitation technician, psychologist, licensed clinical social worker or licensed clinical professional counselor. An ACT team member who is a state employee is, while in good faith performing a function as a member of an ACT team, performing a discretionary function within the meaning of Title 14, section 8104-B, subsection 3. [PL 2017, c. 407, Pt. A, §159 (AMD).]

#### SECTION HISTORY

PL 1983, c. 459, §7 (NEW). PL 1995, c. 496, §1 (AMD). PL 1997, c. 422, §4 (AMD). PL 2005, c. 236, §§3,4 (REV). PL 2005, c. 519, §§BBBB1-3 (AMD). PL 2005, c. 519, §BBBB20 (AFF). PL 2007, c. 319, §§1-3 (AMD). PL 2009, c. 651, §§3-9 (AMD). PL 2017, c. 407, Pt. A, §159 (AMD). PL 2019, c. 627, Pt. B, §20 (AMD). RR 2019, c. 2, Pt. B, §94 (COR).

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