

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

REPORT TO THE LEGISLATURE

TO: Joint Standing Committee on Health and Human Services
FROM: Maine Department of Health and Human Services
DATE: January 12 2026
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 six months until provisional rule changes are adopted.

Progress Since Last Report

DHHS last submitted a report to the Legislature in July 2025 with an update on the progress toward implementing Resolves 2021, Ch. 132. As referenced in previous reports, the Department extensively sought input of interested parties through various channels in 2023 and 2024, including a public survey, four virtual listening sessions, and engagement with adult residential programs licensed by, funded by, or contracted with the Department throughout the state via mailed workbooks and three additional in-person listening sessions in northern, central, and southern regions.

The Rights of Recipients of Mental Health Services for adult recipients was drafted through late 2024 and submitted to the Office of the Attorney General for legal pre-review through the beginning of 2026. The Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment has an anticipated submission to the Office of the Attorney General for legal pre-review in the first quarter of 2026 with review through mid-year 2027.

Update on the Timeline to Rule Promulgation

The Department continues to maintain and adhere to an internal project plan to ensure timely adoption of both the adult and children's rules and regular meetings with key individuals and offices focused on the development and progression of the rules. Nevertheless, given the scope of the work and other developments related to the provision of mental health services, the Department anticipates being able to complete rule promulgation in time for the Legislature to review both proposed rules during the legislative session in 2028. There are several reasons for this delay, which we will outline below.

Some of the factors that have impacted the timeline of rulemaking include the following. Each provides challenges and opportunities and addressing them thoroughly will ensure that the final proposed rules are the best possible product.

1. Office Integration

Since the passage of Res. 2021, Ch. 132, the state's behavioral health services for adults and children have been united under the umbrella of the Office of Behavioral Health (OBH). Children's Behavioral Health Services (CBHS) was previously supported through the Office of Child and Family Services (OCFS). This is advantageous for supporting strategic rule development and alignment between the adult and children's rules. However, the integration process took time and Department resources to complete and temporarily impacted overall progress on the rules during the transition period. Staff within OBH have worked closely on developing consistent rules and policies while remaining mindful of the nuances between the two populations of recipients, differences in laws impacting both rules, and other relevant considerations.

2. Department of Justice Settlement Agreement

The Department and Office of the Attorney General (OAG) have been managing several time-sensitive priorities -- particularly the Department of Justice Settlement Agreement¹ (Settlement Agreement) -- directly impacting CBHS and OAG capacity. While this settlement and related improvements and investments will improve access to behavioral health services for children in Maine, the added volume of work and planning for changes to the system slowed progress toward updating both rules.

3. Dismissal of the Consent Decree

The adult rule was borne out of the AMHI Consent Decree which was successfully resolved and dismissed in December 2024. The initial draft of the adult rule was completed and submitted to the OAG for legal pre-review shortly before this and therefore did not account for possible policy revisions resulting from the dissolution of the Consent Decree.

4. Complexity and Antiquity of Current Rules

As a reminder, the last substantive revisions to these rules occurred more than 30 years ago, prior to not only many of the current laws and regulations they are now subject to, but also advancements in mental health treatment and services and best practices more broadly. These rules are a vital aspect of, and resource for, Maine's behavioral health system of care and those who access it. Thorough review and process is necessary to ensure quality rules are developed accounting for the last three decades of evolution in this field. These rules are critical to upholding the rights of individuals receiving mental health services in Maine, and the Department's focus remains on ensuring the rules receive the attention necessary to ensure the new rules are clear, comprehensive, and can serve to effectively guide recipients and providers alike for years to come.

Given these considerations and the current status of this work, new timeline projections are provided in this report with discrete workplans for each rule.

¹ <https://www.justice.gov/crt/case-document/settlement-agreement-us-v-state-maine>

Updated DHHS Workplan for the Rights of Recipients of Mental Health Services (Adult Rule)

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	
June 2023 – October 2024	DHHS rule drafting	
July 2023 – April 2024	<p>Stakeholder Engagement Activities</p> <ul style="list-style-type: none"> • <i>July – August 2023 Stakeholder Survey Distributed</i> <ul style="list-style-type: none"> ○ Surveys distributed to stakeholders for initial comments and feedback. <ul style="list-style-type: none"> ▪ Survey 1: Rights of recipients for adults ▪ Survey 2: Rights of recipients for children ○ Survey results compiled • <i>October – December 2023 Stakeholder Listening Sessions</i> <ul style="list-style-type: none"> ○ Stakeholder listening sessions launched with population-specific tracks. Listening sessions will include feedback and comments captured in the survey. Tracks to run concurrently. ○ Track 1: Two sessions hosted by the Office of Behavioral Health (OBH) for the rights of recipients who are adults ○ Track 2: Two sessions hosted by the Office of Child and Family Services (OCFS) for the rights of recipients who are children • <i>March – April 2024 PNMI Stakeholder Listening Sessions</i> <ul style="list-style-type: none"> ○ Stakeholder listening sessions held at three residential PNMI locations in Bangor, Augusta, and southern Maine with virtual attendance available for all PNMI residents ○ Workbooks for distributed to every PNMI licensed, contracted, and/or funded by the Department with self-addressed, postage-paid envelopes for completion and return 	  
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	
Summer 2024	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
November 2024 – Spring 2027	OAG Pre-review of proposed rule drafts; DHHS final revisions to proposed rule drafts; Commissioner review of proposed rule drafts	In process
January 2025	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Summer 2025	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
January 2026	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Summer 2026	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Spring 2027 – Fall 2027	DHHS proposes major substantive rules in spring 2027; noticing; public hearings, comment periods and final reviews by OAG	
Fall 2027	Commissioner provisionally adopts major substantive rules	
January 2028	DHHS submits provisionally adopted rules to Legislature for major substantive review with final adoption in summer 2028	

Updated DHHS Workplan for the Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment

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	
June 2023 - Spring 2026	DHHS rule drafting	In process
July 2023 – December 2023	<p>Stakeholder Engagement Activities</p> <ul style="list-style-type: none"> • <i>July – August 2023 Stakeholder Survey Distributed</i> <ul style="list-style-type: none"> ○ <u>Surveys distributed</u> to stakeholders for initial comments and feedback. <ul style="list-style-type: none"> ▪ Survey 1: <u>Rights of recipients for adults</u> ▪ Survey 2: <u>Rights of recipients for children</u> ○ Survey results compiled • <i>October – December 2023 Stakeholder Listening Sessions</i> <ul style="list-style-type: none"> ○ Stakeholder listening sessions launched with population-specific tracks. Listening sessions will include feedback and comments captured in the survey. Tracks to run concurrently. ○ Track 1: Two sessions hosted by the Office of Behavioral Health (OBH) for the rights of recipients who are adults ○ Track 2: Two sessions hosted by the Office of Child and Family Services (OCFS) for the rights of recipients who are children 	 
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	

Summer 2024	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
January 2025	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Summer 2025	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
January 2026	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Spring 2026 – Summer 2027	OAG Pre-review of proposed rule drafts; DHHS final revisions to proposed rule drafts; Commissioner review of proposed rule drafts	
Summer 2026	DHHS provides a written progress report to the Joint Standing Committee on Health and Human Services	
Summer 2027 – December 2027	DHHS proposes major substantive rules in or around Summer 2027; noticing; public hearings, comment periods, and final reviews by OAG	
December 2027	Commissioner provisionally adopts major substantive rules	
January 2028	DHHS submits provisionally adopted rules to Legislature for major substantive review with final adoption in summer 2028	