

MaineHealth

MaineHealth Local Health Systems

Franklin Community
Health Network
LincolnHealth
MaineHealth Care At Home
Maine Behavioral Healthcare
Memorial Hospital
Maine Medical Center
Mid Coast-Parkview Health
NorDx
Pen Bay Medical Center
Southern Maine Health Care
Waldo County General Hospital
Western Maine Health

Part of the MaineHealth Family

MaineHealth Accountable
Care Organization

MaineHealth Affiliates

MaineGeneral Health
New England Rehabilitation
Hospital of Portland
St. Mary's Health System

Testimony of Sarah Calder, MaineHealth In Qualified Support of LD 1385, “An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms” Tuesday, April 13, 2021

Senator Claxton, Representative Meyer and distinguished members of the Joint Standing Committee on Health and Human Services, I am Sarah Calder, Director of Government Affairs at MaineHealth, and I am here to testify in qualified support of LD 1385, “An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms,” with the changes detailed below.

MaineHealth is Maine’s largest integrated non-profit health care system that provides the full continuum of health care services to the residents of eleven counties in Maine and one in New Hampshire. Every day, MaineHealth’s over 23,000 care team members work tirelessly to support our vision of “Working together so our communities are the healthiest in America,” by providing safe, high-quality care.

Despite maintaining a culture of safety, as acts of violence against health care workers in the Emergency Department (ED) continue to rise to unprecedented levels, the commitment our frontline staff make to caring for all in need comes with more risk. Our care team members are threatened and experience acts of physical violence on an all too regular basis. Our hospital EDs are ill-equipped to deal with this dangerous behavior. Furthermore, when violence is committed by patients with behavioral health diagnoses, we struggle to place these patients in the next appropriate level of care, which often leads to these patients languishing in our EDs for days and weeks at a time.

Within the MaineHealth system, reported acts of violence have increased almost 16% in the past four years. There is no one reason that we can point to account for this increase. Certainly, it could be attributed to our deteriorating behavioral health system, including residential and community-based treatment, and a growing substance use epidemic, but [the Joint Commission](#) has also attributed acts of violence to stressful conditions, such as long wait times, being given “bad news,” and domestic disputes. With that said, a multifaceted approach must be used to address this incredibly complex situation – one that includes rebuilding our behavioral health system (LD 1262 – Sen. Cathy Breen), addressing children languishing in hospital EDs (LD 118 – Rep. Jay

McCreight), and equipping hospitals with the supports necessary to pursue legal recourse (LD 629 – Rep. Walter Riseman).

It is for that reason that we also support the intent of the legislation before you today, but ask that the Committee amend LD 1385 as follows:

- Amend Section 1 to add: “This section does not require the health care facility to immediately discharge the patient if there is no appropriate placement for the patient, a safe discharge cannot otherwise be effectuated at that time, or if discharge would cause the health care facility to violate any of its State or Federal regulatory or statutory obligations.”
- Amend Section 2 to read: “The department shall establish measures to ensure the safety of emergency department staff and provide appropriate treatment to a person admitted to an emergency department of a health care facility who is seeking treatment for a mental health diagnosis and exhibits violent behavior, including...”
- Amend Section 2 to add: “The Department must approve any facility denial of readmission back to the facility.”
- Amend Section 2 to delete Subsection F.

Without these changes, MaineHealth is unable to support this legislation.

A physician leader within our organization once told me that the ED is the only place in the hospital where we can guarantee a patient will get worse the longer they are there. It is critical to understand that it is neither good, nor safe patient care for patients to languish for days and weeks in hospital EDs. For those reasons, I urge the Committee to amend the legislation as detailed above and vote Ought to Pass on LD 1385. Thank you and I would be happy to answer any questions you may have.