



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

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

September 15, 2016

City of Augusta Planning Board  
16 Cony Street  
Augusta, ME 04330

Dear Members of the City of Augusta Planning Board:

On Tuesday night, September 13, you reviewed the State of Maine's application seeking approval of a proposal to create a Secure Forensic Rehabilitation Facility on the grounds of the former AMHI campus, near the Riverview Psychiatric Center.

The Maine State Department of Administrative and Financial Services (DAFS), specifically the Bureau of General Services (BGS), whose staff was present at the meeting, are responsible for the oversight of state facilities and were engaged by the Department of Health and Human Services (DHHS) to lead this effort regarding the construction of a building on the State's campus for this purpose.

Under Maine law, individuals who have committed a crime but have been found by the court to be not criminally responsible (NCR) by reason of mental illness are placed under the care and custody of the Commissioner of DHHS. Until the court orders that the individual be released for outpatient treatment or discharged from the custody of the Commissioner, that individual by law must be placed by DHHS in the most appropriate mental health facility. Currently, there are forensic patients at Riverview Psychiatric Center who have been clinically stabilized as a result of treatment received at RPC and no longer meet the clinical need for hospital level of care. However, because these individuals do not have court authorization to live in the community, these patients are occupying a hospital bed that is needed by other sicker patients who are in emergency departments around the state waiting for an inpatient psychiatric bed.

An individual who does not require a hospital level of care is not best cared for in a hospital setting. The new Secure Forensic Rehabilitation Facility is a step-down facility that will provide rehabilitation services in a secure setting for these forensic patients who no longer require hospital level of services. They will be placed in this facility until such time as a court determines they are ready to be placed in the community. The proposed Secure Forensic Rehabilitation Facility is not a hospital. It is also not a correctional facility.

The new facility will be a Level IV Residential Care Facility, or, as the city has defined such facilities in §300-201, a Group Home. This Group Home will be equipped with security features to ensure that patient rehabilitation takes place safely. Although they have progressed beyond, or do not require, a hospital level of care, the court has not yet granted them full community integration. This necessitates a secure group home where movement is monitored and restricted appropriately for each individual case. Visits and time away from the facility will be structured clinically according to court orders and individual treatment plans.

The Secure Forensic Rehabilitation Facility will be licensed by the DHHS Division of Licensing and Regulatory Services. It will also have full inspection and approval by all necessary entities, for example the State Fire Marshall's Office and local Code Enforcement. The facility will be operated by Maine DHHS, as Riverview is, and will utilize contracted services for much of the day-to-day operations including for clinical staff.

DHHS and DAFS attorneys have reviewed the City of Augusta Table of Land Uses in the Base Zoning Districts and have determined that a Group Home falls squarely into the permitted use category for this zone. This was verified via discussions with city staff. We trust the comprehensive application packet that was previously submitted, along with the information in this letter, will provide you with the details you need for approval.

We also understand that the Augusta City Council placed a temporary moratorium on new Group Homes in this zoning district, purportedly in order to study an unrelated project and its impacts. While our application appears to have been submitted prior to the moratorium being issued, which may make this a moot point; we respectfully request that, if applicable, an exception to the moratorium is made for this project given the importance to the State of Maine and to the entire mental health system.

The state is excited to move forward with this project. We have construction companies awaiting bid decisions that are standing by to begin the work. Swift approval will allow us to move forward with the process of securing a contract for the dozens of jobs that will be newly created for service to this Augusta-based facility. We look forward to the City of Augusta approving our request to utilize this space for a Secure Forensic Rehabilitation Facility to serve Maine people in our care.

Sincerely,



Mary C. Mayhew  
Commissioner

MCM/klv

cc: William Bridgeo, Augusta City Manager  
Matt Nazar, City of Augusta, Director of Developmental Services  
Augusta City Council Members