

§3480. Investigations

1. Subpoenas and obtaining criminal history. The commissioner, the commissioner's delegate or the legal counsel for the department may:

A. Issue subpoenas requiring persons to disclose or provide to the department information or records in their possession that are necessary and relevant to an investigation of a report of suspected abuse, neglect or exploitation or to a subsequent adult protective proceeding, including, but not limited to, health care information that is confidential under section 1711-C.

(1) The department may apply to the District Court and Probate Court to enforce a subpoena.

(2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the department; and [PL 2003, c. 653, §15 (AMD).]

B. Obtain confidential criminal history record information and other criminal history record information under Title 16, section 703, which the commissioner, the commissioner's delegate or the legal counsel for the department considers relevant to a case of alleged abuse, neglect or exploitation. [PL 2013, c. 267, Pt. B, §17 (AMD).]

[RR 2021, c. 2, Pt. B, §174 (COR).]

2. Confidentiality. Information or records obtained by subpoena shall be treated in accordance with section 3474.

[PL 1981, c. 527, §2 (NEW).]

3. Right of entry and access to records of licensed facilities. The department and any duly designated officer or employee of the department have the right to enter upon and into the premises of any facility licensed under sections 1817 and 7801 in order to obtain information necessary and relevant to an investigation of a report of suspected abuse, neglect or exploitation or to a subsequent adult protective proceeding. The department has access to all records in the facility's possession that are relevant to the investigation of a report of suspected abuse, neglect or exploitation and any subsequent adult protective proceeding and is not required to issue a subpoena to the facility before obtaining access to the records.

[PL 1995, c. 696, Pt. B, §4 (NEW).]

SECTION HISTORY

PL 1981, c. 527, §2 (NEW). PL 1995, c. 696, §B4 (AMD). PL 2003, c. 653, §15 (AMD). RR 2009, c. 2, §56 (COR). PL 2013, c. 267, Pt. B, §17 (AMD). RR 2021, c. 2, Pt. B, §174 (COR).

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