



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1316

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S.P. 546

In Senate, March 27, 2025

**An Act to Amend the Mandated Reporter Laws Regarding Medical  
Records, Additional Information and Immunity**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MOORE of Washington.  
Cosponsored by Representative FAULKINGHAM of Winter Harbor and  
Senator: BAILEY of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3477, sub-§2-A** is enacted to read:

3 **2-A. Documentation of abuse, neglect or exploitation in medical records or other**  
4 **reports shared with 3rd parties.** This section does not require a reporter under this  
5 section acting in the reporter's professional capacity to report suspected abuse, neglect or  
6 exploitation of an incapacitated or dependent adult in the adult's medical record or other  
7 report shared with a person outside of the reporter's office or place of business. If a reporter  
8 under this section documents suspected abuse, neglect or exploitation of an incapacitated  
9 or dependent adult in the adult's medical record or other report that is shared with a person  
10 outside of the reporter's office or place of business and the reporter subsequently receives  
11 additional information that may dispute or counter the documented suspicion, the reporter  
12 shall, subject to the approval of the involved adult or the involved adult's legal guardian,  
13 add the additional information to the medical record or other report and forward the  
14 amended medical record or other report to every person outside the reporter's office or place  
15 or business that received the medical record or report from the reporter.

16 **Sec. 2. 22 MRSA §3477, sub-§2-B** is enacted to read:

17 **2-B. Subsequent information disputing or countering report.** If a reporter receives  
18 information that may dispute or counter a report of suspected abuse, neglect or exploitation  
19 of an incapacitated or dependent adult that the reporter reported to the department, the  
20 reporter shall forward the subsequent information to the department within 48 hours of  
21 discovery of the information, referencing any identifying document or report number of the  
22 initial report, the name and address of the involved adult, the content of the subsequent  
23 information and any supporting documentation regarding the subsequent information, the  
24 source of the subsequent information, the reporter's name and occupation and contact  
25 information for the reporter. This subsection applies regardless of whether the department  
26 accepted the initial report.

27 **Sec. 3. 22 MRSA §3477, sub-§9** is enacted to read:

28 **9. Violations.** In addition to a penalty under section 3475, a person who violates this  
29 section must be investigated by the department.

30 **Sec. 4. 22 MRSA §3479-A, sub-§3** is enacted to read:

31 **3. Limitations on immunity.** This section does not apply to a person reporting under  
32 this chapter who violates section 3477 or documents an unverified diagnosis or subjective  
33 opinion associated with suspected abuse, neglect or exploitation in the involved adult's  
34 medical record or other report that is shared with a person outside the reporter's office or  
35 place or business, except for a report that was made solely to the department.

36 **Sec. 5. 22 MRSA §4012, sub-§3** is enacted to read:

37 **3. Documentation of abuse, neglect or exploitation in medical records or other**  
38 **reports shared with 3rd parties.** This section does not require a reporter under this  
39 section acting in the reporter's professional capacity to report suspected abuse, neglect or  
40 exploitation of child in the child's medical record or other report shared with a person  
41 outside of the reporter's office or place of business. If a reporter under this section  
42 documents suspected abuse, neglect or exploitation of a child in the child's medical record  
43 or other report that is shared with a person outside of the reporter's office or place of

1 business and the reporter subsequently receives additional information that may dispute or  
2 counter the documented suspicion, the reporter shall, subject to the approval of the child or  
3 child's parent or legal guardian, add the additional information to the medical record or  
4 other report and forward the amended medical record or other report to every person outside  
5 the reporter's office or place or business that received the medical record or report from the  
6 reporter.

7 **Sec. 6. 22 MRSA §4012, sub-§4** is enacted to read:

8 **4. Subsequent information disputing or countering report.** If a reporter receives  
9 information that may dispute or counter a report of suspected abuse, neglect or exploitation  
10 of a child that the reporter reported to the department, the reporter shall forward the  
11 subsequent information to the department within 48 hours of discovery of the information.  
12 The reporter shall reference any identifying document or report number of the initial report,  
13 the name and address of the involved child, the content of the subsequent information and  
14 any supporting documentation regarding the subsequent information, the source of the  
15 subsequent information, the reporter's name and occupation and contact information for the  
16 reporter. This subsection applies regardless of whether the department accepted the initial  
17 report.

18 **Sec. 7. 22 MRSA §4012, sub-§5** is enacted to read:

19 **5. Violations.** In addition to a penalty under section 4009, a person who violates this  
20 section must be investigated by the department.

21 **Sec. 8. 22 MRSA §4014, sub-§4** is enacted to read:

22 **4. Limitations on immunity.** This section does not apply to a person reporting under  
23 this chapter who violates section 4012 or documents an unverified diagnosis or subjective  
24 opinion associated with suspected abuse, neglect or exploitation in the involved child's  
25 medical record or other report that is shared with a person outside the reporter's office or  
26 place or business, except for a report that was made solely to the department.

## 27 SUMMARY

28 This bill clarifies that mandated reporters are not required to document suspected  
29 abuse, neglect or exploitation in the subject's medical record or report shared to 3rd parties.  
30 Reports must still be made to the Department of Health and Human Services. If suspected  
31 abuse, neglect or exploitation is documented in a medical record or other report that is  
32 shared with a 3rd party outside of the reporter's office or place of business and the reporter  
33 subsequently discovers information that may dispute or counter a report of suspected abuse,  
34 neglect or exploitation, the reporter is required to add the subsequent information to the  
35 medical record or other report and forward the amended medical record or other report to  
36 every 3rd party who received the initial medical record or other report. If a reporter  
37 discovers information that disputes or counters a report of abuse, neglect or exploitation  
38 provided to the Department of Health and Human Services, the reporter is required to  
39 forward the subsequent information to the department within 48 hours of discovery of the  
40 subsequent information. This bill excepts from immunity persons who violate the reporting  
41 laws or provide 3rd parties an unverified diagnosis or subjective opinion of abuse, neglect  
42 or exploitation.