

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 494 - L.D. 764

**An Act to Improve the Efficiency of Certain Department of Health and
Human Services Licensing Investigations**

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

Sec. 1. 22 MRSA §1816, sub-§5 is enacted to read:

5. Subpoenas. The commissioner, the commissioner's delegate or the legal counsel for the department may 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 credible allegation of licensure violations, including, but not limited to, health care information that is confidential under section 1711-C. The department may apply to the District Court to enforce a subpoena. 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.

Sec. 2. 22 MRSA §1816, sub-§6 is enacted to read:

6. Confidentiality. Information or records obtained by subpoena must be treated in accordance with section 1828.

Sec. 3. 22 MRSA §1820-A, sub-§1 is enacted to read:

1. Subpoenas. The commissioner, the commissioner's delegate or the legal counsel for the department may 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 credible allegation of licensure violations, including, but not limited to, health care information that is confidential under section 1711-C. The department may apply to the District Court to enforce a subpoena. 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.

Sec. 4. 22 MRSA §1820-A, sub-§2 is enacted to read:

2. Confidentiality. Information or records obtained by subpoena must be treated in accordance with section 1828.

Sec. 5. 22 MRSA §7804, sub-§1 is enacted to read:

1. Subpoenas. The commissioner, the commissioner's delegate or the legal counsel for the department may 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 credible allegation of licensure violations, including, but not limited to, health care information that is confidential under section 1711-C. The department may apply to the District Court to enforce a subpoena. 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.

Sec. 6. 22 MRSA §7804, sub-§2 is enacted to read:

2. Confidentiality. Information or records obtained by subpoena must be treated in accordance with section 7703.