

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Occupational Disease Reporting Laws

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

Sec. 1. 22 MRSA §1493, as enacted by PL 1985, c. 452, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§ 1493. Duties of health care providers, health care facilities and medical laboratories

All ~~physicians or hospitals~~ health care providers, health care facilities and medical laboratories shall report to the Department of Health and Human Services all persons diagnosed as having an occupational disease no later than 30 days from the date of diagnosis or from discharge from a hospital. The report ~~shall~~must include any factor known to the physician ~~which~~that is suspected of being a contributing factor to the disease, including, but not limited to, whether or not the person smokes and, if so, the frequency of smoking.

A ~~physician~~ health care provider, health care facility or medical laboratory, upon notification by the Department of Health and Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under ~~his~~its care; diagnosed as having or having had an occupational disease.

~~No physician or hospital~~ A health care provider, health care facility or medical laboratory complying with the reporting requirements of this section ~~may be~~is not liable for any civil damages as a result of those acts.

Sec. 2. 22 MRSA §1494, as enacted by PL 1985, c. 452, §1, is repealed and the following enacted in its place:

§ 1494. Confidentiality

Unless otherwise authorized by section 42, subsection 5, the department may not release any information described in section 1493 regarding reporting of occupational diseases if that information identifies persons with occupational diseases directly or indirectly. The department may disclose information that relates to the site of employment to the Department of Labor, Bureau of Labor Standards if the disclosure contains only the information necessary to advance the public health and does not directly identify an individual having an occupational disease.

All other information submitted pursuant to this chapter may be made available to the public.

SUMMARY

This bill amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions adopted under the Maine Revised Statutes, Title 22, section 802. The bill also revises the confidentiality provision to allow the identification

of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.