



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 882

S.P. 307

In Senate, March 5, 2013

**An Act To Amend the Laws Governing Confidentiality of Health
Care Information To Enhance Public Safety**

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
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 CRAVEN of Androscoggin.
Cosponsored by Representative GATTINE of Westbrook.

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

2 **Sec. 1. 22 MRSA §1711-C, sub-§6, ¶E**, as amended by PL 2011, c. 572, §1, is
3 further amended to read:

4 E. To federal, state or local governmental entities in order to protect the public health
5 and welfare when reporting is required or authorized by law, ~~to report a suspected~~
6 ~~crime against the health care practitioner or facility or to report information that the~~
7 ~~health care facility's officials or health care practitioner in good faith believes~~
8 ~~constitutes evidence of criminal conduct that occurred on the premises of the health~~
9 ~~care facility or health care practitioner; and when, in a health care practitioner's~~
10 ~~judgment, disclosure is necessary to:~~

11 (1) Avert a serious threat to the health or safety of others, if the conditions, as
12 applicable, described in 45 Code of Federal Regulations, Section 164.512(j)
13 (2010) are met; or

14 (2) Prevent or respond to imminent and serious harm to the individual and
15 disclosure is to a health care practitioner for diagnosis or treatment;

16 **SUMMARY**

17 Current law permits health care practitioners or facilities to provide private health
18 care information to law enforcement officials and other governmental entities in order to
19 protect public health and welfare when reporting is authorized by law and when reporting
20 a suspected crime against them or a crime they believe occurred on their premises.
21 Federal regulations permit disclosure of private health care information when, in the
22 health care practitioner's judgment, disclosure is necessary to avert a serious threat to the
23 health or safety of others under conditions prescribed by the regulations. This bill makes
24 Maine law consistent with federal regulations and preserves a practitioner's ability to report
25 private health care information to law enforcement officials and other governmental
26 entities in order to protect public health and welfare when reporting is authorized by law
27 while expanding permitted disclosure in other cases when necessary to avert a threat to
28 the health or safety of others.