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Date: (Filing No. S-)

INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 580, L.D. 1746, Bill, “An Act To Amend the Licensing Laws of Certain Professions and Occupations”

Amend the bill in Part A in section 2 in paragraph A by striking out all of subparagraph (12) (page 2, lines 5 to 7 in L.D.) and inserting the following:

'(12) Failure of an individual subject to Title 22, section 1711 or Title 22, section 1711-B to provide to a patient, upon written request, a copy of that patient's treatment records in accordance with the requirements of Title 22, section 1711 or Title 22, section 1711-B, whichever is applicable.'

Amend the bill by inserting after Part E the following:

'PART F

Sec. F-1. 22 MRSA §1711, first and 2nd ¶¶, as amended by PL 1997, c. 793, Pt. A, §1 and affected by §10, are further amended to read:

If a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of the patient's medical records, the copies must, if available, be made available to the patient in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time unless, in the opinion of the hospital, it would be detrimental to the health of the patient to obtain the records. If the hospital is of the opinion that release of the records to the patient would be detrimental to the health of the patient, the hospital shall advise the patient that copies of the records will be made available to the patient's authorized representative upon presentation of a proper authorization signed by the patient. The hospital may exclude from the copies of medical records released any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration.

COMMITTEE AMENDMENT

1 If an authorized representative for a patient requests, in writing, that a hospital
2 provide the authorized representative with a copy of the patient's medical records and
3 presents a proper authorization from the patient for the release of the information, copies
4 must be provided to the authorized representative in accordance with the requirements of
5 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to
6 the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a
7 reasonable time.

8 **Sec. F-2. 22 MRSA §1711-B, sub-§2**, as amended by PL 1997, c. 793, Pt. A, §4
9 and affected by §10, is further amended to read:

10 **2. Access.** Upon written authorization executed in accordance with section 1711-C,
11 subsection 3, a health care practitioner shall release copies of all treatment records of a
12 patient or a narrative containing all relevant information in the treatment records to the
13 patient. The health care practitioner may exclude from the copies of treatment records
14 released any personal notes that are not directly related to the patient's past or future
15 treatment and any information related to a clinical trial sponsored, authorized or regulated
16 by the federal Food and Drug Administration. The copies or narrative must be released to
17 the designated person in accordance with the requirements of 45 Code of Federal
18 Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the
19 requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a
20 reasonable time.

21 If the practitioner believes that release of the records to the patient is detrimental to the
22 health of the patient, the practitioner shall advise the patient that copies of the treatment
23 records or a narrative containing all relevant information in the treatment records will be
24 made available to the patient's authorized representative upon presentation of a written
25 authorization signed by the patient. The copies or narrative must be released to the
26 authorized representative in accordance with the requirements of 45 Code of Federal
27 Regulations, Section 164.524 (2019) or for a health care practitioner not subject to the
28 requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a
29 reasonable time.

30 Except as provided in subsection 3, release of a patient's treatment records to a person
31 other than the patient is governed by section 1711-C.'

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
33 section number to read consecutively.

34 SUMMARY

35 This amendment changes the language that allows an office, board or commission to
36 discipline a licensee for failure to provide treatment records in a reasonable amount of
37 time to instead reference the Maine Revised Statutes, Title 22, section 1711 and Title 22,
38 section 1711-B. The amendment amends Title 22, section 1711 and Title 22, section
39 1711-B to reference the requirements of the federal Health Insurance Portability and
40 Accountability Act of 1996 regarding access to patient records.

41 FISCAL NOTE REQUIRED

42 (See attached)