



**Written Testimony of Katie Fullam Harris, MaineHealth
In Support of LD 227, “An Act Regarding Health Care in the State”
Tuesday, March 5, 2024**

Senator Bailey, Representative Perry and distinguished members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, please accept this written testimony in support of LD 227, “An Act Regarding Health Care in the State.”

MaineHealth is an integrated non-profit health care system that provides a continuum of health care services to communities throughout Maine and New Hampshire. Every day, our almost 23,000 care team members support our vision of “Working Together so Our Communities are the Healthiest in America” by providing high-quality and efficient care, which is demonstrated by the numerous national quality recognitions our hospitals have received and the fact that Maine was recently named as “Top State of the Decade for Patient Safety” by Leapfrog.

The legislation before you today addresses three important areas where Maine patients and providers are currently exposed to potential attacks from threats to privacy, security, and the provision of quality, evidence-based, and legal medical care. Those areas are: (1) preventing hostile litigation against patients and providers solely on the basis of having sought or provided certain legal medical care; (2) preventing access to private patient and provider health care records and information in an effort to enforce legislation, regulations or other agency action from other states to which Maine patients and providers should not be subject; and (3) protecting Maine health care providers from adverse actions by licensing and regulatory oversight bodies and insurance companies based solely on the fact that they provide the identified legal health care services.

While the protections provided in the proposed legislation are important to protect Mainers, another important aspect of the proposed legislation is that it also provides a legal remedy for aggrieved patients or providers who become the targets of such acts. This legal remedy is crucial as a means of deterrence for those out-of-state actors seeking to invade Mainers’ privacy or attack health care providers in Maine.

Importantly, the proposed legislation does not change the standard of care in Maine; the care available to Maine patients; the scope of practice of providers; or anything else relating directly to the provision of legal medical care. It simply prevents interference in Maine patients’ legal rights to access certain health care services and protects providers that offer those health care services which are legal in Maine. Notably, too, the legislation does nothing to weaken patient protections to seek redress for substandard care or administrative agencies’ ability to maintain their obligations to ensure that safe and professional health care is rendered in Maine by all Maine licensed providers.

Barring the enactment of this legislation, one can expect Maine providers and patients to eventually become the targets of out-of-state actors seeking access to private patient information

or seeking to punish a provider or institution for providing care in Maine that is legal in Maine. Similar efforts by individuals or entities located within the state are also foreseeable and are adequately addressed by the proposed legislation. And while such attempts may still come, irrespective of the passage of such legislation, the proposed legislation will equip patients and providers with a remedy to compensate them for such harassment-by-lawsuit and make Maine patients and providers a less attractive target for such invasions of privacy.

Additionally, the portions of the proposed legislation that provide protections for providers from being subject to capricious licensure actions or undue increases in insurance premiums provides safety for providers, allowing ongoing access to these medically necessary and legal services.

Finally, it is important to note that MaineHealth providers are bound by ethical guidelines of informed consent and shared decision making, and MaineHealth and its providers follow all state and federal laws and regulations with regards to patient consent. And, in certain circumstances in the treatment of minors, MaineHealth goes beyond those requirements to ensure that all parents and guardians, not just custodial parents, provide consent to treat.

We urge you to support LD 227 and protect patients' rights and providers' ability to provide high-quality medical care that is permitted by Maine's laws and licensing regulations.