



LD 983 An Act Regarding Service of Notice of Restricted Person Status to Hospitalized Patients

Testimony in Support March 24, 2025

Senator Carney, Representative Kuhn and members of the Committee on Judiciary, my name is Lisa Harvey-McPherson RN. I am speaking today in support of this bill on behalf of Northern Light Health and our member organizations. Northern Light Health member organizations include 10 hospitals located in southern, central, eastern and northern Maine, nursing facilities, air and ground ambulance, behavioral health, addiction treatment, pharmacy, primary and specialty care practices and a state-wide home care and hospice program. Ninety three percent of Maine's population lives in the Northern Light Health service area. Northern Light Health is also proud to be one of Maine's largest employers with more than 10,000 employees statewide.

Just over a year ago leaders with the Northern Light Health legal team and risk management team advised that the law regarding hospital cooperation with law enforcement should be amended to include law enforcement requests to serve a hospitalized patient notice of restricted person status under Maine's yellow flag law. The hospital cooperation with law enforcement statute defines the process for law enforcement to request that a hospital provide access to a defendant who is receiving care in the hospital for the purpose of serving a protection from abuse order pursuant to Title 19-A, section 4107. I have attached a copy of the law with my testimony.

In general law enforcement becomes aware that an individual they are seeking to serve notice on is hospitalized through law enforcement presence in the emergency department or through communications external to the hospital. When we are contacted by law enforcement with a request to serve restricted status notice to one of our patients we are acknowledging protected health care information – that the individual is hospitalized and the identity of the hospital caring for the individual. We voluntarily work with law enforcement following the process in place for notice of protection from abuse orders for notice of restricted person status.

In the time that has passed since we originally discussed the content of this legislation with our legal team we have identified the need to amend section 1B of the bill as follows:

B. A hospital may disclose that the person is a patient to facilitate notice under this subsection regardless of patient consent or confidentiality restrictions.

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Home Care & Hospice
Inland Hospital
Maine Coast Hospital
Mayo Hospital
Mercy Hospital
Northern Light Health Foundation
Northern Light Pharmacy
Sebastcook Valley Hospital

This recommendation comes from situations in which the patient is in “confidential status” so their identity is protected or the patient is in a psychiatric bed thus protected by behavioral health privacy requirements. Adding confidentiality restrictions to the statute makes it clear in these instances we can participate with law enforcement.

In summary, this bill provides hospitals with the same protection regarding our cooperation with law enforcement for purposes of restricted person notice.

We ask for that you support this important legislation.

Thank you.