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VOICE FOR HEALTHCARE

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## **Testimony of the Maine Hospital Association**

In Opposition to

**LD 1316 - *An Act To Amend the Mandated Reporter Laws Regarding Medical Records, Additional Information and Immunity***

**April 9, 2025**

Senator Ingwersen, Representative Meyer and members of the Health and Human Services Committee, my name is Jeffrey Austin and I am presenting testimony in opposition to LD 1316 on behalf of the Maine Hospital Association.

Hospitals support the mandate on our members to report to DHHS situations that may be abuse or neglect. The statute obligates reporting when a “*person knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is likely to be abused, neglected or exploited.*”

While the standard is fairly high, it does not require absolute certainty on the part of the reporter.

We certainly understand the motivation for the legislation – people’s lives are disrupted by such a report and if the report is ultimately not validated it might create difficulty later on.

However, the bill has a number of very concerning provisions that we can’t support.

Removal of immunity is simply unfair. The government is mandating that dozens of groups report their suspicions; if this report were purely at our discretion a lack of immunity might make sense. But, when the government is ordering us to act, immunity is a must.

A second provision obligates mandated reporters to add information to the medical record that they receive that may undercut the suspicion of abuse or neglect.

This is a seemingly open-ended, never-ending obligation on the provider that is just unrealistic.

However, there may be an alternative that allows the suspect of the report to add information to the medical record.

Thank you.