

Erica Burkhart
Portland
LD 2106

To: Members of the Judiciary Committee
RE: Support for LD 2106 (HP 1421)

Dear Chair Senator Carney, Representative Kuhn, and Members of the Committee,
My name is Dr. Erica Burkhart, FNP-C, and I practice as a nurse practitioner in South Portland, Maine. I am also an adjunct faculty at the University of Southern Maine and I have a daughter who attends the Portland Public Schools.

I am writing in strong support of LD 2106 (HP 1421), An Act to Prohibit the Disclosure of Nonpublic Records Without Proper Judicial Review.

Patient confidentiality and trust are fundamental to safe, ethical, and effective healthcare. As a nurse practitioner, I have a professional and ethical obligation to protect sensitive information and ensure that records are disclosed only through appropriate legal processes. I also understand the current actions in our state by immigration and customs enforcement are terrorizing citizens and preventing them from accessing health care due to fear of being abducted there due to the color of their skin, their accent/language, or perceived ethnicity. If there is the threat that ICE agents can come into healthcare facilities (as they are in other states), this deters people from accessing care - and this is an effective tactic. Please imagine what that would mean for a pregnant person, a parent of a small child who is ill or an elderly person needing chronic care or acute care who will not leave their home due to fear. People are going to suffer and die in their homes without access to needed care. It is deeply disturbing that the members of this committee would participate in allowing this to happen.

LD 2106 reinforces these principles by ensuring that nonpublic records are not released without proper judicial review. This safeguard is essential for maintaining public trust and protecting individuals from unnecessary harm. Otherwise, we completely undermine laws already firmly in place - like the Health Insurance Portability and Accountability Act (HIPPA) and the Emergency Medical Treatment and Labor Act (EMTALA). Whether the racist, white nationalists spinning our country out of control like it or not, asylum seekers in the U.S. have the right to access emergency and preventive medical care, regardless of status, under federal law. They also have the legal right to privacy and healthcare providers are not required to report immigration status, and immigration agents cannot enter private areas of hospitals without a warrant.

LD 2106 also protects other important spaces including libraries, schools, and childcare facilities. That children of all ages and students may not be able to access daycares, schools or universities due to the terror of being raided by ICE agents is a cruel and backward tragedy.

Those of us working in healthcare facilities and schools already know how many people are missing from the public sphere. This is absolutely unacceptable and harms not only individuals and families, but also society.

I respectfully urge the committee to support LD 2106. Thank you for your consideration.

Sincerely,
Dr. Erica Burkhart, FNP