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**LD 1948 "An Act to Amend the State's Data Governance Program Regarding Proprietary Data"
Committee on State and Local Government
February 5, 2024**

Opposition

I am writing on behalf of the Maine Ambulance Association, a non-profit trade association committed to improving and supporting Maine's EMS system. Our members include emergency medical services of all sizes and corporate structures, and from every corner of the state. Today we write to express our opposition to the proposed legislative document titled "An Act to Amend the State's Data Governance Program Regarding Proprietary Data."

While we acknowledge the intent behind the proposed LD to enhance data governance and transparency within state agencies, we are concerned about the potential implications for patient privacy and the confidentiality of health information under the control of Maine EMS, a department under Public Safety. We are worried that the proposed changes conflict with the existing legal framework that meticulously safeguards patient information, as outlined in "Title 32, section 91-B. Confidentiality exceptions" of the current law. This law clearly stipulates the conditions under which confidentiality can be waived, ensuring that patient information remains secure and is only disclosed under strictly controlled circumstances. The protections provided under sections 1 and 2 of this law are fundamental to maintaining the trust and confidentiality that our patients expect when they receive emergency medical services.

Our specific concerns with the proposed LD include:

Erosion of Patient Privacy Protections: The broad language of the LD risks undermining the detailed confidentiality protections currently in place, which are crucial for the sensitive nature of health information handled by emergency medical services.

Conflict with Existing Legal Frameworks: The LD appears to conflict with the nuanced approach to confidentiality and disclosure outlined in the existing law, potentially leading to confusion and legal challenges.

Implications for Quality Assurance Activities: The existing law recognizes the importance of protecting the proceedings and records of emergency medical services quality assurance activities. The proposed LD could jeopardize these activities by undermining the confidentiality under which they are conducted.

Risks to Data Security and Integrity: By making data non-proprietary and potentially more accessible, the LD increases the risk of unauthorized access and breaches, compromising the security and integrity of sensitive health information.

We urge you to consider the existing legal protections that have been carefully crafted to balance the need for data governance with the imperative to protect patient confidentiality. Any amendments to data governance policies should reinforce these protections, ensuring that the privacy and security of health information are not compromised. We recommend a thorough review of the proposed LD in consultation with the Office of Maine EMS under the Department of Public Safety, and legal experts to ensure that any changes to data governance laws strengthen, rather than weaken, patient privacy protections.

The Maine Ambulance Association is committed to working collaboratively with lawmakers, regulatory bodies, and other stakeholders to ensure that any changes to data governance and privacy laws serve the best interests of patients and the healthcare community.

Thank you for considering our position on this crucial issue. We are available for further discussion and to participate in any efforts to review and revise the proposed legislation.

Thank you for your support of Maine's EMS providers.

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