

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 337

H.P. 242

House of Representatives, February 12, 2013

**An Act To Require That Burn Injuries and Wounds Be Reported to
the Office of the State Fire Marshal**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LAJOIE of Lewiston.
Cosponsored by Senator DUTREMBLE of York and
Representatives: CRAY of Palmyra, DION of Portland, GILBERT of Jay, KAENRATH of
South Portland, MAKER of Calais, SHAW of Standish, TIMBERLAKE of Turner, WERTS of
Auburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1725** is enacted to read:

3 **§1725. Report to the State Fire Marshal**

4 A health care practitioner shall report to the State Fire Marshal burn injuries and
5 wounds as provided in this section.

6 **1. Definitions.** As used in this section, unless the context indicates otherwise, the
7 following terms have the following meanings.

8 A. "Health care practitioner" means a physician or a person certified, registered or
9 licensed in the healing arts, including but not limited to a nurse, podiatrist,
10 optometrist, chiropractor, physical therapist, dentist, counselor, psychologist,
11 physician assistant or veterinarian.

12 B. "Office" means the Office of the State Fire Marshal as established in Title 25,
13 section 2396.

14 C. "Reportable burn injury" means a burn injury or wound in which the victim has
15 sustained:

16 (1) Second-degree or 3rd-degree burns to 5% of the body;

17 (2) Burns to the upper respiratory tract or sustained laryngeal edema from
18 inhaling superheated air; or

19 (3) Burns or wounds that may result in the death of the victim.

20 **2. Requirement.** Within 72 hours of being called upon to treat, dress or bandage a
21 reportable burn injury, a health care practitioner shall notify the office. The report must
22 be made in the manner and on the forms required by the office.

23 **3. Privileged or confidential communications and health care information.** The
24 health care professional-patient privilege under the Maine Rules of Evidence, Rule 503 is
25 abrogated for the purposes of reporting under subsection 2. A report made under
26 subsection 2 is considered to be required by statute for the purposes of section 1711-C,
27 subsection 6, paragraph F-1.

28 **4. Immunity from liability.** A health care practitioner who reports in good faith
29 under subsection 2 is immune from any criminal or civil liability for the act of reporting.
30 In a proceeding regarding immunity from liability, there is a rebuttable presumption that a
31 report made under subsection 2 is made in good faith.

32 **5. Rules.** The office shall adopt rules to implement this section. Rules adopted
33 pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375,
34 subchapter 2-A.

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SUMMARY

2 This bill establishes a requirement that health care practitioners report to the Office of
3 the State Fire Marshal within the Department of Public Safety certain burn injuries and
4 wounds. The bill authorizes the Office of the State Fire Marshal to adopt routine
5 technical rules as required for reporting. The bill provides criminal and civil immunity
6 for persons who report in good faith, abrogates the health care practitioner-patient
7 privilege for the purposes of reporting, provides a rebuttable presumption of good faith
8 and clarifies that a report made pursuant to the law is an exception to certain
9 confidentiality requirements for the purposes of the Maine Revised Statutes, Title 22,
10 section 1711-C, subsection 6, paragraph F-1.