

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1388

S.P. 475

In Senate, April 11, 2017

An Act To Prohibit the Falsification of Medical Records

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

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

2 **Sec. 1. 17-A MRSA §707-A** is enacted to read:

3 **§707-A. Falsifying health care records**

4 1. A person is guilty of falsifying health care records if, with intent to deceive any
5 person, the person:

6 A. Makes, or causes to be made, a false material entry in the health care records
7 maintained by a health care provider;

8 B. Alters, erases, obliterates, deletes, removes or destroys a true material entry in the
9 health care records maintained by a health care provider;

10 C. Knowingly omits to make a true material entry in the health care records
11 maintained by a health care provider in violation of a duty to do so that is imposed by
12 statute, standard of care or regulatory provision; or

13 D. Prevents the making of a true material entry or causes the omission of a true
14 material entry in the health care records maintained by a health care provider.

15 2. Supplementation of information or correction of an error in health care records in
16 a manner that reasonably discloses that the supplementation or correction was performed
17 and that does not conceal or alter prior entries is not a violation of this section.

18 3. Falsifying health care records is a Class D crime, except as provided in subsection
19 4.

20 4. Falsifying health care records is a Class C crime if any reliance on a violation of
21 this section causes bodily injury or impairment of the mental or behavioral condition of
22 any person.

23 5. As used in this section, the following definitions apply.

24 A. "Health care provider" means a hospital, clinic, nursing home or other facility in
25 which skilled nursing care or medical services are prescribed by or performed under
26 the general direction of persons licensed to practice medicine, dentistry, podiatry or
27 surgery in this State and that is licensed or otherwise authorized by the laws of this
28 State; in addition, "health care provider" means a veterinary hospital.

29 B. "Health care record" means a record that relates to an individual's physical,
30 mental or behavioral condition, personal or family medical history or medical
31 treatment or the health care provided to that individual.

32 C. "Material" means capable of altering the course or outcome of any subsequent
33 reliance on the health care record.

34 **SUMMARY**

35 This bill provides that the falsification of health care records maintained by a health
36 care provider with the intent to deceive another person is a Class D crime except that it is

1 a Class C crime if any reliance on the falsification causes bodily injury or the impairment
2 of a person's mental or behavioral condition.