

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

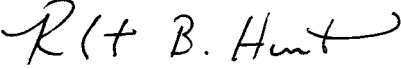
No. 764

H.P. 494

House of Representatives, February 25, 2025

An Act to Improve the Efficiency of Certain Department of Health and Human Services Licensing Investigations

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.

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

2 **Sec. 1. 22 MRSA §1816, sub-§5** is enacted to read:

3 **5. Subpoenas.** The commissioner, the commissioner's delegate or the legal counsel
4 for the department may issue subpoenas requiring persons to disclose or provide to the
5 department information or records in their possession that are necessary and relevant to an
6 investigation of a report of suspected abuse, neglect or exploitation or to a credible
7 allegation of licensure violations, including, but not limited to, health care information that
8 is confidential under section 1711-C. The department may apply to the District Court to
9 enforce a subpoena. A person who complies with a subpoena is immune from civil or
10 criminal liability that might otherwise result from the act of turning over or providing
11 information or records to the department.

12 **Sec. 2. 22 MRSA §1816, sub-§6** is enacted to read:

13 **6. Confidentiality.** Information or records obtained by subpoena must be treated in
14 accordance with section 3474.

15 **Sec. 3. 22 MRSA §1820-A, sub-§1** is enacted to read:

16 **1. Subpoenas.** The commissioner, the commissioner's delegate or the legal counsel
17 for the department may issue subpoenas requiring persons to disclose or provide to the
18 department information or records in their possession that are necessary and relevant to an
19 investigation of a report of suspected abuse, neglect or exploitation or to a credible
20 allegation of licensure violations, including, but not limited to, health care information that
21 is confidential under section 1711-C. The department may apply to the District Court to
22 enforce a subpoena. A person who complies with a subpoena is immune from civil or
23 criminal liability that might otherwise result from the act of turning over or providing
24 information or records to the department.

25 **Sec. 4. 22 MRSA §1820-A, sub-§2** is enacted to read:

26 **2. Confidentiality.** Information or records obtained by subpoena must be treated in
27 accordance with section 3474.

28 **Sec. 5. 22 MRSA §7804, sub-§1** is enacted to read:

29 **1. Subpoenas.** The commissioner, the commissioner's delegate or the legal counsel
30 for the department may issue subpoenas requiring persons to disclose or provide to the
31 department information or records in their possession that are necessary and relevant to an
32 investigation of a report of suspected abuse, neglect or exploitation or to a credible
33 allegation of licensure violations, including, but not limited to, health care information that
34 is confidential under section 1711-C. The department may apply to the District Court to
35 enforce a subpoena. A person who complies with a subpoena is immune from civil or
36 criminal liability that might otherwise result from the act of turning over or providing
37 information or records to the department.

38 **Sec. 6. 22 MRSA §7804, sub-§2** is enacted to read:

39 **2. Confidentiality.** Information or records obtained by subpoena must be treated in
40 accordance with section 3474.

SUMMARY

1
2
3
4
5
6

This bill grants the Commissioner of Health and Human Services, the commissioner's delegate or the legal counsel for the Department of Health and Human Services the ability to issue a subpoena to obtain records and testimony relevant to a licensure violation investigation. This is consistent with authority already established in accordance with the Adult Protective Services Act and with other professional licensure boards.