

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1316

S.P. 546

In Senate, March 27, 2025

An Act to Amend the Mandated Reporter Laws Regarding Medical Records, Additional Information and Immunity

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MOORE of Washington.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and
Senator: BAILEY of York.

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

2 Sec. 1. 22 MRSA §3477, sub-§2-A is enacted to read:

3 **2-A. Documentation of abuse, neglect or exploitation in medical records or other**
4 **reports shared with 3rd parties.** This section does not require a reporter under this
5 section acting in the reporter's professional capacity to report suspected abuse, neglect or
6 exploitation of an incapacitated or dependent adult in the adult's medical record or other
7 report shared with a person outside of the reporter's office or place of business. If a reporter
8 under this section documents suspected abuse, neglect or exploitation of an incapacitated
9 or dependent adult in the adult's medical record or other report that is shared with a person
10 outside of the reporter's office or place of business and the reporter subsequently receives
11 additional information that may dispute or counter the documented suspicion, the reporter
12 shall, subject to the approval of the involved adult or the involved adult's legal guardian,
13 add the additional information to the medical record or other report and forward the
14 amended medical record or other report to every person outside the reporter's office or place
15 or business that received the medical record or report from the reporter.

16 Sec. 2. 22 MRSA §3477, sub-§2-B is enacted to read:

17 **2-B. Subsequent information disputing or countering report.** If a reporter receives
18 information that may dispute or counter a report of suspected abuse, neglect or exploitation
19 of an incapacitated or dependent adult that the reporter reported to the department, the
20 reporter shall forward the subsequent information to the department within 48 hours of
21 discovery of the information, referencing any identifying document or report number of the
22 initial report, the name and address of the involved adult, the content of the subsequent
23 information and any supporting documentation regarding the subsequent information, the
24 source of the subsequent information, the reporter's name and occupation and contact
25 information for the reporter. This subsection applies regardless of whether the department
26 accepted the initial report.

27 Sec. 3. 22 MRSA §3477, sub-§9 is enacted to read:

28 **9. Violations.** In addition to a penalty under section 3475, a person who violates this
29 section must be investigated by the department.

30 Sec. 4. 22 MRSA §3479-A, sub-§3 is enacted to read:

31 **3. Limitations on immunity.** This section does not apply to a person reporting under
32 this chapter who violates section 3477 or documents an unverified diagnosis or subjective
33 opinion associated with suspected abuse, neglect or exploitation in the involved adult's
34 medical record or other report that is shared with a person outside the reporter's office or
35 place or business, except for a report that was made solely to the department.

36 Sec. 5. 22 MRSA §4012, sub-§3 is enacted to read:

37 **3. Documentation of abuse, neglect or exploitation in medical records or other**
38 **reports shared with 3rd parties.** This section does not require a reporter under this
39 section acting in the reporter's professional capacity to report suspected abuse, neglect or
40 exploitation of child in the child's medical record or other report shared with a person
41 outside of the reporter's office or place of business. If a reporter under this section
42 documents suspected abuse, neglect or exploitation of a child in the child's medical record
43 or other report that is shared with a person outside of the reporter's office or place of

1 business and the reporter subsequently receives additional information that may dispute or
2 counter the documented suspicion, the reporter shall, subject to the approval of the child or
3 child's parent or legal guardian, add the additional information to the medical record or
4 other report and forward the amended medical record or other report to every person outside
5 the reporter's office or place or business that received the medical record or report from the
6 reporter.

7 **Sec. 6. 22 MRSA §4012, sub-§4** is enacted to read:

8 **4. Subsequent information disputing or countering report.** If a reporter receives
9 information that may dispute or counter a report of suspected abuse, neglect or exploitation
10 of a child that the reporter reported to the department, the reporter shall forward the
11 subsequent information to the department within 48 hours of discovery of the information.
12 The reporter shall reference any identifying document or report number of the initial report,
13 the name and address of the involved child, the content of the subsequent information and
14 any supporting documentation regarding the subsequent information, the source of the
15 subsequent information, the reporter's name and occupation and contact information for the
16 reporter. This subsection applies regardless of whether the department accepted the initial
17 report.

18 **Sec. 7. 22 MRSA §4012, sub-§5** is enacted to read:

19 **5. Violations.** In addition to a penalty under section 4009, a person who violates this
20 section must be investigated by the department.

21 **Sec. 8. 22 MRSA §4014, sub-§4** is enacted to read:

22 **4. Limitations on immunity.** This section does not apply to a person reporting under
23 this chapter who violates section 4012 or documents an unverified diagnosis or subjective
24 opinion associated with suspected abuse, neglect or exploitation in the involved child's
25 medical record or other report that is shared with a person outside the reporter's office or
26 place or business, except for a report that was made solely to the department.

27 SUMMARY

28 This bill clarifies that mandated reporters are not required to document suspected
29 abuse, neglect or exploitation in the subject's medical record or report shared to 3rd parties.
30 Reports must still be made to the Department of Health and Human Services. If suspected
31 abuse, neglect or exploitation is documented in a medical record or other report that is
32 shared with a 3rd party outside of the reporter's office or place of business and the reporter
33 subsequently discovers information that may dispute or counter a report of suspected abuse,
34 neglect or exploitation, the reporter is required to add the subsequent information to the
35 medical record or other report and forward the amended medical record or other report to
36 every 3rd party who received the initial medical record or other report. If a reporter
37 discovers information that disputes or counters a report of abuse, neglect or exploitation
38 provided to the Department of Health and Human Services, the reporter is required to
39 forward the subsequent information to the department within 48 hours of discovery of the
40 subsequent information. This bill excepts from immunity persons who violate the reporting
41 laws or provide 3rd parties an unverified diagnosis or subjective opinion of abuse, neglect
42 or exploitation.