

MAINE STATE LEGISLATURE

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March 14, 1962

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Pineland Hospital and Training Center

Courtland D. Perry, Ass't. Attorney General

Mental Health and Corrections

Confidentiality of Records

QUESTION PRESENTED: Under Section 1 of Chapter 27, Revised Statutes of Maine, 1954, which reads in part - ". . . All orders of commitment, medical and administrative records, in the department are held to be confidential. Such records may be subpoenaed by a court of record . . ." - may State Probation-Parole officers have access to medical or other records kept by officials at the Pineland Hospital and Training Center without securing prior authority therefor from a parent or legal guardian of the patient involved?

It is the opinion of this office that since the Probation-Parole Division is a part of the Department of Mental Health and Corrections and since the Statute quoted above refers to departmental records as a whole, and not merely the records of component parts of the Department, all records covered by the Statute and kept in one institution or division of the Department shall be accessible to any other institution or division of the Department. An authorization to examine such records need not be obtained from a parent or legal guardian. Of course, it should always be kept in mind and understood between the divisions of the Department that when records move between such divisions, the confidentiality of the records shall be preserved.

Courtland D. Perry
Assistant Attorney General

CDP/slw

CC: Attorney General's Department