

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1684

H. P. 1216

House of Representatives, January 17, 1966

The Committee on Legal Affairs suggested.

JEROME G. PLANTE, Clerk

Presented by Mr. Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SIX

**AN ACT Relating to Disclosure of Information to Insurers of
State Hospital Patients.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, many patients in the state hospitals for the mentally ill are incapable of giving consent to the disclosure of information needed by insurers, governmental and commercial, from whom such patients are entitled to benefits, and with the advent of "medi-care" under the Social Security Act the frequency of the availability of such benefits will increase sharply; thus, bringing about an increase in the number of inquiries regarding patients made by the Social Security Agency. There is also a continuing increase in the number of inquiries regarding patients made by commercial insurers of such patients as such companies offer and expand coverage for mental illness; and

Whereas, requests by such insurers for information regarding such patients are made for the limited purpose of determining eligibility for, and amount of, benefits, and not for a purpose even possibly detrimental to such patients; and

Whereas, the availability of reimbursement to the State for furnishing board and care to such patients is dependent upon the prompt availability to the insurers of pertinent information regarding such patients, the realization of reimbursement in many cases being hampered by the restrictive disclosure of information provisions of the existing statute; and

Whereas, the following Act is vitally necessary to assure the prompt receipt of benefits to which patients incapable of giving consent to the disclosure of

information are entitled, and to assure the efficient and productive operation of the Reimbursement Division of the Department of Mental Health and Corrections; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety: now, therefore,

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

R. S., T. 34, § 2256, amended. The 2nd paragraph of section 2256 of Title 34 of the Revised Statutes is amended to read as follows:

'Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to his current medical condition to any members of the family of a patient or to his relatives or friends, nor the disclosure of any information concerning the patient to other hospitals, accredited social agencies or for purposes of research; **nor the disclosure of any information concerning the patient to commercial or governmental insurers, or any other corporation, association or agency from which the department may receive reimbursement for the care and treatment or support of the patient;** nor shall this section affect the public-record status of the court docket, so called.'

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.