

# MAINE STATE LEGISLATURE

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L.D. 1165

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-491)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 935, L.D. 1165, Bill,  
"AN ACT Relating to Access, Copying and Release of Medical  
Records."

Amend the Bill in section 1 in that part designated  
"§1711." by striking out in the 4th and 5th lines of subsection  
1 (3rd and 4th lines of the L.D.) the underlined punctuation  
and words ", and on bills, or, upon request,'

Further amend the Bill in section 1 in that part designated  
"§1711." by inserting after the underlined word "authorized"  
in the 5th line of paragraph B of subsection 2 (3rd line  
in L.D.) the underlined word 'adult'

Further amend the Bill in section 1 in that part designated  
"§1711." by striking out all of paragraph C of subsection 2  
and inserting in its place the following:

'C. If an authorized adult representative for a patient requests,  
in writing, that the institution provide that representative  
access to the patient's medical records, and presents a proper  
authorization from the patient for the release of the information,  
access shall be provided that representative within a reasonable  
time, and at a mutually convenient time. The reasonable  
period of time shall not exceed 48 hours in the case of  
patients requesting access while being treated in the institution.'

Further amend the Bill in section 1 in that part designated "§1711." by inserting after the underlined word "authorized" in the first line of subsection 3 (same in L.D.) the underlined word 'adult'

Further amend the Bill in section 2 in that part designated "§1712." by striking out in the first line of paragraph A of subsection 1 the underlined words "An institution" and inserting in their place the following: 'Except as provided in this section, an institution'

Further amend the Bill in section 2 in that part designated "§1712." by striking out all of paragraph B of subsection 1 and inserting in its place the following:

'B. An institution may release information without consent only if the life or health of the patient or of another person is endangered.'

Further amend the Bill in section 2 in that part designated "§1712." by striking out all of subsection 5 and inserting in its place the following:

'5. Exception for other state or federal provisions. This section shall not prohibit release of information in medical records if release is authorized or required by other state or federal statutes or regulations relating to licensing or reimbursement of an institution.'

6. Exception for medicaid records. This section shall not prohibit release of medical records of eligible medicaid patients, on request of and to authorized state personnel who are responsible for detection, investigation and prosecution of fraud, abuse or overutilization in the Maine Medicaid Program. The procedures for release under this subsection shall conform to the regulations of the Department of Human Services.'

Further amend the Bill by striking out all of section 3.

Statement of Fact

This amendment clarifies the language of the bill and also does the following:

1. Removes a requirement to inform patients of their right to access by placing notice on bills or giving them on request;
2. Provides specific exemptions from the limitations on access to allow investigation for licensing, reimbursement and medicaid fraud or abuse; and
3. Deletes all of section 3 of the bill that relates to individual licensed to provide health care services.