

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-696)
109TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §1711, as enacted by PL 1977, c. 122, is
amended to read:

If ~~a-patient~~ an ex-patient of an institution licensed as
a hospital or patient of an institution licensed as an inter-
mediate care facility or skilled nursing facility by the State
~~after-discharge-from-such-institution~~, makes written request
for copies of his or her medical records, the copies shall, if
available, be made available within a reasonable time, not exceed-
ing 24 hours, unless, in the opinion of the ~~hospital~~ institution,
it would be detrimental to the health of the patient to obtain
the records. If the ~~hospital~~ institution ----->
is of the opinion that release of the records to the patient
would be detrimental to the health of the patient, the ~~hospital~~
institution shall advise the patient that copies of the records
shall be made available to the patient's authorized adult
representative upon presentation of a proper authorization signed
by the patient.

If an authorized adult representative for a patient requests, in writing, that ~~a-hospital~~ an institution provide the authorized adult representative with a copy of the patient's medical records and presents a proper authorization from the patient for the release of the information, copies shall be provided to the authorized adult representative within a reasonable time, not exceeding 24 hours.

Reasonable costs incurred by the ~~hospital~~ institution in making and providing copies of medical records, shall be borne by the requesting person and the ~~hospital~~ institution may require payment prior to responding to the request.

Sec. 2. 22 MRSA §1712 is enacted to read:

§1712. Release of medical records

1. Consent and authorization to release.

A. Except as provided in this section, an institution licensed or certified by the State as a hospital, intermediate care facility or skilled nursing facility shall not release medical records to any person other than to patients or their authorized representatives, or a patient's physician, pursuant to section 1711, unless the patient, or his estate if the patient is deceased, provides written authorization for that release. The institution shall notify patients that they may limit their authorization to specified records or particular persons. Any authorization shall expire 2 years from the date of signing.

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

2. Release list. The institution shall maintain a list of all persons to whom it has released^a patient's records. This list shall be part of the patient's medical record.

3. Penalties. Any institution which releases medical records without proper authorization commits a civil violation for which a forfeiture of not less than \$250 shall be adjudged.

4. Research. Any portion of a medical record may be released by an institution for bona fide research purposes, provided that the identity of the patient cannot be ascertained.

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.'

Statement of Fact

The purpose of this amendment is to expand a patient's right to access to his or her medical records to patients of skilled nursing facilities and intermediate care facilities, and to provide that records may be released only to the patient or to his or her authorized adult representative. Secondly, the intent is to specify law regarding release of such records.