

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 382

H.P. 270

House of Representatives, February 23, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative KILKELLY of Wiscasset and Representative BURKE of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases.

[Faint, mostly illegible text of the act follows]



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

3 32 MRSA §93-B is enacted to read:

5 §93-B. Communicable disease notification

7 Notwithstanding Title 5, chapter 501, emergency medical
9 services persons may, in a manner consistent with protecting the
11 confidentiality of all involved individuals, notify the emergency
department staff, of a hospital which receives a patient, of any
communicable disease transmission risk created by that patient.

13 When a hospital is notified or is otherwise aware that a
15 patient who has been or will be transferred by ambulance has a
17 communicable disease, the hospital shall determine, within a
19 reasonable degree of medical certainty, the nature and risk of
transmission of the disease to emergency medical services
personnel involved in the care and transport of the patient.

21 When a hospital has determined that a significant risk of
23 disease transmission to emergency medical services personnel may
25 be created by the care and transportation of a patient, the
27 hospital shall so notify the emergency medical services persons
29 involved in the care and transportation. The nature, extent and
31 promptness of this notification shall be consistent with the
33 hospital's determination of disease type, severity and risk of
35 transmission. The hospital shall advise the emergency medical
services persons involved of the type of precautions to be taken
in the case of a patient to be transported from the hospital, and
of the type of medical diagnostic and treatment attention
required in the case of a patient already transported to the
hospital. The hospital is not obligated under this section to
provide this medical diagnostic or treatment attention.
Notification of emergency medical services persons shall be
accomplished in a manner consistent with protecting the
confidentiality of all individuals involved.

37 Failure of a hospital to comply with this section is a civil
39 violation for which a forfeiture of not more than \$500 may be
41 adjudged.

43 No civil action may be brought in any court against any
45 hospital or hospital employee or agent for injuries alleged to
have been caused by a hospital's compliance with this section.

47 **STATEMENT OF FACT**

49 Emergency medical services personnel do not benefit from
51 access to hospital medical records or otherwise have any
assurance of being notified should a patient, for whom they have
provided or will provide care, pose a significant risk of

1 communicable disease transmission. Without this, emergency
medical services personnel may be inadequately prepared to take
3 needed precautions on interfacility transfers with supposedly
stable patients, or to seek diagnostic, treatment, and counseling
5 assistance for exposures which have occurred.