

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)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51
53
55

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 193, L.D. 430, Bill, "An Act to Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal"

Amend the bill by striking out all the title and inserting in its place the following:

'An Act to Allow Health Care Practitioners to Report Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

25 MRSA §2415 is enacted to read:

§2415. Reporting by health care practitioner

1. Reasonable cause to suspect; information disclosed. A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal.

2. Immunity. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

3. Presumption of good faith. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption that a report made under subsection 1 was made in good faith.

4. Privileged or confidential communications. The physician-patient privilege under the Maine Rules of Evidence is abrogated in relation to a report authorized under subsection 1.

FISCAL NOTE

Enactment of this bill would result in additional costs to the Department of Public Safety, Office of the State Fire Marshal, Acct. #04656.1. These costs, however, would be absorbed by the department utilizing existing resources.'

STATEMENT OF FACT

This amendment changes the bill to allow, but not require, health care practitioners to report suspicious burn injuries to the Office of the State Fire Marshal. The amendment provides that health care practitioners who report in good faith are immune from liability for these reports and may testify in court as to matters contained in these reports. The amendment abrogates the physician-patient privilege under the Maine Rules of Evidence in relation to these reports.

Reported by Senator Matthews for the Committee on Legal Affairs. Reproduced and Distributed Pursuant to Senate Rule 12.

(5 / 23 / 89)

(Filing No. S-145)