MAINE STATE LEGISLATURE

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1	L.D. 749
3	(Filing No. H-172)
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7	STATE OF MAINE HOUSE OF REPRESENTATIVES
9	114TH LEGISLATURE FIRST REGULAR SESSION
11	•
13	COMMITTEE AMENDMENT "A" to H.P. 552, L.D. 749, Bill, "An Act to Protect the Identity of Complainants Concerning Health
15	Care Facilities and Providers and Certain Financial Information for the Maine Managed Care Insurance Plan Demonstration"
17	Amend the bill by striking out all of section 2 and
19	inserting in its place the following:
21	'Sec. 2. 22 MRSA §1828 is enacted to read:
23	§1828. Records: disclosure
25	1. Confidential information. The following provisions apply to records that are made, acquired or retained by the
27	department in connection with the administration of the Medicaid program and the licensing or certification of hospitals, nursing
29	homes and other medical facilities and entities.
31	A. Except as provided in Title 5, section 9057 and in subsections 2 and 3, confidential information may not be
33	released without a court order or a written release from the person whose privacy interest is protected by this section.
35	
37	B. "Confidential information" means any information which directly or indirectly identifies:
39	(1) Any person who makes a complaint to the department;
41	(2) A resident or a recipient of services of any
43	facility or provider licensed or certified by the department; or
45	(3) Any recipient of a public welfare program, such as
47	the United States Social Security Act, Title XIX: or
49	(4) Any medical or personal information concerning the individuals listed in subparagraphs (2) and (3).

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1	2. Optional disclosure. The department may disclose
	relevant confidential information to the extent allowed by
3	federal law and regulation to the following persons or agencies:
5	A. Employees of the department and legal counsel for the
_	department in carrying out their official functions;
7	B. Destantional and conventional linearing boards approach
9	B. Professional and occupational licensing boards pursuant to chapter 857;
11	C. An agency or person investigating a report of abuse or
	neglect when the investigation is authorized by law or by an
13	agreement with the department;
15	D. A physician treating an individual whom the physician
17	reasonably suspects may have been abused or neglected; or
	E. The resident or recipient of services on whose behalf
19	the complaint was made; or
21	F. A parent, guardian, spouse or adult child of a resident or recipient of services or any other person permitted by
23	the resident or recipient to participate in decisions
4.5	relating to the resident's or recipient's care.
25	retacting to the resident's or recipient's care.
23	3. Mandatory disclosure. The department shall disclose
27	relevant confidential information to the extent allowed by
	federal law and regulations to the following:
29	rederal law and regulations to the following:
2,	A. A law enforcement agency investigating a report of abuse
31	or neglect or the commission of a crime by an owner,
J-1	operator or employee of a facility or provider; or
33	
	B. Appropriate state or federal agencies when disclosure is
35 .	necessary to the administration of the Medicaid program.
37	4. Further disclosure. Information released pursuant to
	subsections 2 and 3 shall be used solely for the purpose for
39	which it was provided and shall not be further disseminated.
41	
7.	
43	STATEMENT OF FACT
45	This amendment clarifies the intent of the bill with regard
	to the type of records that are being made confidential. It also
47	lengthens the list of persons to whom information may be
	disclosed to include the resident or recipient of services and
49	certain other persons participating in decisions relating to the resident or recipient's care.

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Reported by the Committee on Human Resources Reproduced and distributed under the direction of the Clerk of the House

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