

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 419

H.P. 298

House of Representatives, February 7, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative PENDLETON of Scarborough and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Requests for Medical Records.



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

4 22 MRSA §1711-B is enacted to read:

6 §1711-B. Patient access to medical records; health care
practitioners

8 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
following meanings.

12 A. "Health care practitioner" has the same meaning as set
14 out in Title 24, section 2502, subsection 1-A.

16 B. "Medical records" means all records relating to a
patient, including x rays, made by a health care
18 practitioner.

20 2. Access. Upon written request of the person to whom
records must be given, a health care practitioner shall release
22 copies of all medical records of a patient within a reasonable
time to:

24 A. The person who was the patient, if that person is 18
26 years of age or older; or

28 B. The parent, guardian ad litem or legal guardian of the
person who was the patient, if the person who was the
30 patient has not attained 18 years of age or is mentally
incompetent.

32 3. Violation. A person who does not release copies of
34 medical records as required by this section commits a civil
violation for which a forfeiture of not more than \$100 may be
36 adjudged. Each day that the records are not released constitutes
a separate violation.

38 **STATEMENT OF FACT**

40 Under this bill, a health care practitioner upon written
42 request has to release copies of all medical records to a patient
44 or to a patient's representatives if the patient is a minor or
46 mentally incompetent. This bill provides that each day of
48 failure to release the records is a civil violation. Health care
practitioners include physicians licensed to practice medicine or
osteopathic medicine, nurses, podiatrists, optometrists,
chiropractors, physical therapists, dentists, psychologists and
physicians' assistants.