

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 421

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H.P. 300

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 DORE of Auburn.

Cosponsored by Representative JACQUES of Waterville, Representative PFEIFFER of Brunswick and Senator GAUVREAU of Androscoggin.

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STATE OF MAINE

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

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**An Act to Ensure Patient Access to Medical Records.**

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

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3       Sec. 1. 22 MRSA §1711, as enacted by PL 1977, c. 122, is  
4 repealed and the following enacted in its place:

6       §1711. Patient access to medical records

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

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

14       B. "Hospital" means an institution licensed as a hospital  
15 under chapter 405.

16       C. "Medical records" means all records, including x-rays,  
17 made by a health care practitioner or hospital relating to a  
18 patient.

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

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

25       B. The person who was the patient is deceased, to the  
26 personal representative of that person; or

27       C. The person who was the patient has not attained 18 years  
28 of age or is mentally incompetent, to the parent, guardian  
29 ad litem or legal guardian of the person.

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

35       Sec. 2. 22 MRSA §1711-A, as enacted by PL 1989, c. 666, is  
36 amended to read:

37       §1711-A. Fees charged for records

38       Whenever a health care practitioner defined in the ~~Maine~~  
39 ~~Revised Statutes,~~ Title 24, section 2502, subsection 1-A or a

2 hospital furnishes requested copies of a patient's medical record  
or a medical report to the patient, the charge for the copies or  
4 the report may not exceed the reasonable costs incurred by the  
health care practitioner or the hospital in making and providing  
6 the copies or the report.

8 **STATEMENT OF FACT**

10 This bill repeals the current provision governing patient  
access to hospital medical records and replaces it with a new  
12 provision that applies to hospitals and health care  
practitioners, including physicians licensed to practice medicine  
14 or osteopathic medicine, nurses, podiatrists, optometrists,  
chiropractors, physical therapists, dentists, psychologists and  
16 physician's assistants. Under this bill, a hospital or health  
care practitioner upon written request has to release copies of  
18 all medical records to the patient or the patient's  
representatives if the patient is deceased, a minor or mentally  
20 incompetent. The bill provides that each day of failure to  
release the records is a civil violation.  
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