

MAINE STATE LEGISLATURE

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10/20/91
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L.D. 770

(Filing No. H- 60)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 251, L.D. 770, Bill, "An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 34-A MRSA §3003, sub-§1, as amended by PL 1991, c. 314, §27, is further amended to read:

1. **Limited disclosure.** All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, must be kept confidential and may not be disclosed by any person, except that criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter VIII, and documents, other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated, or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, that person's legal guardian, if any, or, if that person is a minor, that person's parent or legal guardian, gives informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; and

D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of juveniles receiving services from the department and, if applicable, the Medicaid eligibility numbers and the dates on which those juveniles received Medicaid services to the Bureau of Medical Services and the Bureau of Income Maintenance within the Department of Human Services for the sole purpose of determining eligibility and billing for Medicaid services provided by or through the department. Department of Human Services personnel must treat this information as confidential in accordance with federal and state law. This paragraph does not authorize the department to release client treatment plans, psychological profiles or criminal records to the Department of Human Services.

Sec. 2. 34-A MRSA §3003, sub-§1-A is enacted to read:

1-A. Expenditure of funds for Maine Youth Center. General Fund revenues equivalent to funds generated from billing for Medicaid services provided by or through the department must be expended for Maine Youth Center activities and in support of those activities. All funds received from reimbursement for Medicaid services provided by or through the department must be credited to General Fund undedicated revenue in fiscal year 1992-93.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

CORRECTIONS, DEPARTMENT OF

Maine Youth Center

Personal Services \$750,000

Provides for the appropriation of funds to meet payroll obligations for the remainder of fiscal year 1992-93. Undedicated revenue to the General Fund will be increased by \$750,000 for Medicaid reimbursement.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1992-93

APPROPRIATIONS/ALLOCATIONS

General Fund

\$750,000

REVENUES

General Fund

\$750,000

This bill will facilitate the reimbursement of federal Medicaid funds related to case management services in the Department of Corrections, which will be credited to General Fund undedicated revenue. The Bureau of the Budget has estimated the increase of General Fund revenue in fiscal year 1992-93 to be \$750,000.

This bill appropriates \$750,000 from the General Fund in fiscal year 1992-93 to the Maine Youth Center for payroll obligations for the remainder of fiscal year 1992-93.'

STATEMENT OF FACT

This amendment strikes the provision proposed by the bill and replaces it with a revised section that allows for release of certain information from the Department of Corrections to the Department of Human Services.

Filed by Rep. Larrivee of Gorham
Reproduced and distributed under the direction of the Clerk of the House
3/15/93

(Filing No. H-60)