

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)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 770

S.P. 251

In Senate, March 4, 1993

An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code.

(EMERGENCY)

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec. (GOVERNOR'S BILL).
Cosponsored by Senator: KIEFFER of Aroostook, Representatives: CROSS of Dover-Foxcroft,
LARRIVEE of Gorham, PENDEXTER of Scarborough.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Medicaid funds for services to juveniles served by the Department of Corrections may not be made available unless the Department of Corrections is permitted to provide presently confidential information to the Department of Human Services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 15 MRSA §3308, sub-§9 is enacted to read:

9. Release of records to the Department of Human Services. Notwithstanding any other provision of law, the Department of Corrections may release the name, date of birth and social security number of juveniles receiving services from the Department of Corrections and, if applicable, the Medicaid eligibility number and the dates on which those juveniles received Medicaid service to the Bureau of Medical Services and the Bureau of Income Maintenance in the Department of Human Services for the sole purpose of determining eligibility and billing for Medicaid services provided by or through the Department of Corrections. This subsection does not authorize the Department of Corrections to release client treatment plans, psychological profiles or criminal records to the Department of Human Services. Any and all funds generated from billing for services reimbursable through the federal Medicaid program must be expended for Maine Youth Center activities.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

The purpose of this bill is to enable the Department of Corrections to share identifying information about juveniles in its custody with the Department of Human Services for the purpose of establishing eligibility for Medicaid reimbursement for services of the Department of Corrections. This bill supersedes laws relating to the confidentiality of this information in order to implement the Medicaid enhancement program for services of the Department of Corrections.