

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

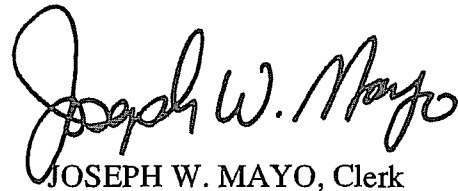
No. 1026

H.P. 759

House of Representatives, March 25, 1993

**An Act to Clarify the Requirements of Disclosure of Information
Pertaining to Mentally Disabled Clients.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FITZPATRICK of Durham.
Cosponsored by Representatives: DORE of Auburn, JOHNSON of South Portland, MORRISON
of Bangor.

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

4 Sec. 1. 34-B MRSA §1207, sub-§5 is enacted to read:

6 5. Permitted disclosure. Notwithstanding subsections 1 to
8 4, a mental health professional providing care and treatment to
10 an adult client may provide certain information to a family
12 member or other person if this person lives with or provides
14 direct care to the client, without which there would be
16 significant deterioration in the client's daily functioning, and
18 such a disclosure is in the best interest of the client.

20 A. Disclosure may be made only at the written request of
22 the family member or person living with the client.

24 B. Prior to the disclosure, the client must be informed in
26 writing of the request, the name of the person requesting
28 the information, the reason for the request and the specific
30 information being provided.

32 C. Disclosures are limited to information regarding
34 diagnosis, admission to or discharge from a treatment
36 facility, the name of any medication prescribed, side
38 effects of that medication, the likely consequences of
40 failure of the client to take the prescribed medication,
42 treatment plans and goals, and behavioral management
strategies.

30 STATEMENT OF FACT

32 This bill provides for disclosure of basic information, such
34 as diagnosis, medication, side effects of medication and likely
36 consequences of failure to take medication, to family members or
38 care givers who live with and care for people who are clients as
defined by the Maine Revised Statutes, Title 34-B, section 1001,
subsection 2.

40 The bill permits disclosure only in cases when a care giver
42 lives with a client or provides care that prevents serious
deterioration in that client's condition, the care giver makes a
written request for the disclosure and the disclosure is in the
best interests of the client.