## MAINE STATE LEGISLATURE

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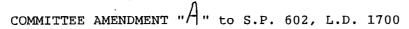


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4	DATE: 3/2/94	(Filing No. S- 424)				
б		JUDICIARY				
8	Reported by: Senator	Conley of Cumberland				
10	Reproduced and distribution of the Senate.	ted under the direction of the Secretary				
12		STATE OF MAINE				
14	SENATE SENATE 116TH LEGISLATURE SECOND REGULAR SESSION					
16						
1.8	COMMITTEE AMENDMEN	r "Å" to S.P. 602, L.D. 1700, Bill, "An				
20	Act to Maintain Confide	entiality of Certain Information Received ing Professionals Licensure and the State				
22	Board of Substance Abuse					
24	Amend the bill by the following:	striking out the title and substituting				
26	·					
28	'An Act to Maintain Received by Licensing Bo	Confidentiality of Certain Information pards and Commissions'				
3.0		bill by striking out everything after the ore the statement of fact and inserting in				
32	its place the following:	•				
34	'Sec. 1. 10 MRSA §80	003-B, sub-§2-A is enacted to read:				
36		nt records confidential. Notwithstanding record provided to a licensing board or				
38	commission within or	affiliated with the department during rson licensed by the department in a				
40	medical, mental health,	substance abuse, psychological or health information personally identifying a				
42	licensee's client or pa	tient is confidential during the pendency remains confidential upon the conclusion				
44	_	record may be disclosed only if:				
46		patient executes a written release that				
48	states that:					
50	disclosure, ex	the release provides for more limited ecution of the release may result in the gapublic record; or				
	record pecomity	d a bantic record, or				

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	(2) If the client or patient wishes, execution of the
2	release allows disclosure to only the person or persons clearly identified in the release. The release must
4	require the person or persons identified in the release
6	not to make a disclosure to another person;
	B. The disclosure is necessary under Title 22, chapter 857
8	concerning personnel and licensure actions;
10	C. The disclosure is necessary under Title 22, section 3474 concerning reports of suspected adult abuse or exploitation;
12	
14	D. The disclosure is necessary under Title 22, section 4011 concerning reports of suspected child abuse or neglect; or
16	E. The disclosure is necessary under Title 22, section 7703 concerning reports of suspected child or adult abuse or
18	neglect.
20	A release executed by a client or patient does not operate to disclose a record otherwise made confidential by law.
22	
24	This subsection does not prevent disclosure of records pursuant to an order of a court of competent jurisdiction upon good cause shown.
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28	Sec. 2. 10 MRSA §8003-B, sub-§4, as enacted by PL 1989, c. 173, is amended to read:
30	4. Violation. A person who knowingly or intentionally
32	makes a disclosure in violation of this section or who knowingly violates a condition of a release pursuant to subsection 2-A commits a civil violation for which a forfeiture not to exceed
34	\$1,000 may be adjudged.
36	FISCAL NOTE
38	
40	Many of the professional regulatory boards within the Department of Professional and Financial Regulation will incur some minor additional costs to ensure the confidentiality of
42	certain records. These costs can be absorbed within the boards' existing budgeted resources.
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46	The additional workload and administrative costs associated with the minimal number of new cases filed in the court system
48	can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

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## STATEMENT OF FACT

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This amendment revises the title of the bill to correctly indicate that the provisions apply to all licensing boards and commissions within or affiliated with the Department Professional and Financial Regulation. This amendment replaces the bill to cover all the licensing boards and commissions when there is an investigation of a licensee in a medical, mental health, substance abuse, psychological or other health field. also provides additional situations in which the records, otherwise confidential, may be released to someone other than the licensing boards listed. If there is a situation in which child or adult abuse, neglect or exploitation is suspected, persons mandated by law to report to the Department of Human Services would still do so. In addition, disclosure is allowed under the narrow constraints listed in the Maine Revised Statutes, Title 22, chapter 857 on personnel and licensure actions undertaken by the Department of Human Services. Those records would remain confidential within the Department of Human Services for those The amendment specifically states that the new language is not intended to prohibit disclosure under a proper court order.

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The amendment provides that violation of a condition of the client's or patient's release is a civil violation. It also adds a fiscal note to the bill.

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