

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1700

S.P. 602

In Senate, January 11, 1994

**An Act to Maintain Confidentiality of Certain Information Received by
the Board of Counseling Professionals Licensure and the State Board of
Substance Abuse Counselors.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LUDWIG of Aroostook.
Cosponsored by Senators: AMERO of Cumberland, BERUBE of Androscoggin, CARPENTER
of York, CONLEY of Cumberland, HALL of Piscataquis, HANLEY of Oxford, Representatives:
CLUKEY of Houlton, COTE of Auburn, GOULD of Greenville.

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

2 Sec. 1. 10 MRSA §8003-B, sub-§2-A is enacted to read:

4 2-A. Certain client records confidential. Notwithstanding
6 subsections 1 and 2, any record provided by or relating to a
8 consumer of services or client of an individual licensed pursuant
10 to Title 32, chapter 81 or chapter 119 that contains personally
12 identifying information is confidential during the pendency of an
14 investigation and remains confidential upon the conclusion of the
investigation as between the consumer or client and the State
Board of Substance Abuse Counselors or the Board of Counseling
Professionals Licensure. Any such record may be disclosed only
if:

16 A. The consumer or client executes a written release;

18 B. The release clearly identifies the person or persons to
20 whom the record will be released;

22 C. The release states that execution of the release may
result in the record becoming a public record; and

24 D. Disclosure is made only to the person or persons
26 identified pursuant to paragraph B.

28 STATEMENT OF FACT

30 This bill provides that certain records that contain
32 personally identifying information remain confidential during the
34 pendency and upon conclusion of an investigation by the State
36 Board of Substance Abuse Counselors or the Board of Counseling
Professionals Licensure. The bill allows disclosure only upon
execution of a written release that identifies who will be the
recipient of the information.

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42 This document has not yet been reviewed to determine the
44 need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.