

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1584

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H.P. 1128

House of Representatives, March 19, 1997

**An Act Regarding Confidentiality of Information Concerning Residents  
of Certain Facilities.**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.

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

4 **Sec. 1. 5 MRSA §19112, sub-§§2 and 3,** as enacted by PL 1993, c.  
738, Pt. B, §3 and affected by §9, are amended to read:

6 **2. Evaluate allocation of resources.** To evaluate on a  
continuing basis the allocation of resources to ensure the  
8 availability of quality services delivered in a coordinated and  
efficient manner that is consistent with the needs of children  
10 and families; and

12 **3. Develop coordinated policy.** To continue the development  
of a comprehensive and coordinated approach to initiation and  
14 revision of policy affecting services to children and families, and

16 **Sec. 2. 5 MRSA §19112, sub-§4** is enacted to read:

18 **4. Informal information exchange.** To develop a plan for  
20 the informal exchange of information among residential service  
providers, local law enforcement agencies and schools concerning  
22 children receiving residential services.

24 **Sec. 3. 22 MRSA §7806** is enacted to read:

26 **§7806. Confidentiality rules**

28 As a condition of licensure under this subtitle, the  
department shall require entities described in section 7801,  
30 subsection 1, paragraphs A, A-1, B and C to develop policies for  
releasing nontreatment information about a resident to law  
32 enforcement agencies, schools, parents, guardians or other  
appropriate public agencies. The department shall establish by  
34 rule a model resident information confidentiality policy for  
entities subject to this section. Rules adopted under this  
36 paragraph are routine technical rules pursuant to Title 5,  
chapter 375, subchapter II-A.

40 **SUMMARY**

42 This bill directs the Department of Human Services to  
require, as a condition of licensure, residential care  
44 facilities, congregate housing services programs, drug treatment  
centers and children's homes to develop policies for releasing  
46 nontreatment information about residents to guardians and certain  
public agencies. The policies are to be modeled on  
48 confidentiality policies developed by the department. The bill  
also requires the Interdepartmental Council to develop a plan for  
50 the informal exchange of information about children receiving  
residential services.