

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 286

H.P. 208

House of Representatives, January 11, 1999

**An Act to Amend the Laws Concerning Release of Information on
Hospitalized Individuals.**

(EMERGENCY)

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative STANWOOD of Southwest Harbor.
Cosponsored by Representatives: DAVIS of Falmouth, PINKHAM of Lamoine, POVICH of
Ellsworth, Senators: LONGLEY of Waldo, MITCHELL of Penobscot.

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

Whereas, current law prevents the disclosure to the public of any health care information about a patient without the patient's written authorization; and

Whereas, the public has a right to know whether an individual has been admitted to or discharged from a health care facility; and

Whereas, it is important that this limited right to know no longer be abrogated; 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. 22 MRSA §1711-C, sub-§6, ¶C-1 is enacted to read:

C-1. To any person, provided that a disclosure made pursuant to this paragraph may include only whether an individual has been admitted to or discharged from a health care facility and the date of admission or discharge. For the purposes of this paragraph, "health care facility":

(1) Means a facility or institution licensed pursuant to this title that is providing or has provided in-patient health care to the individual about whom a request for disclosure has been made under this paragraph; and

(2) Does not include a home health care provider, hospice program, pharmacy licensed pursuant to Title 32, state mental health institute, the Elizabeth Levinson Center, the Aroostook Residential Center or Freeport Towne Square.

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

SUMMARY

Current law permits limited disclosure of health care information about an individual by a health care facility without

2 a written authorization from the individual, including disclosure
of admission and general condition of a patient to family or
4 household members. These limited permissible disclosures do not
permit the disclosure to the public of whether an individual has
6 been admitted to or discharged from a hospital. This bill amends
current law to permit any person to receive a statement of the
8 fact of an individual's admission to or discharge from a health
care facility. The bill limits the health care facilities from
which this information can be obtained to those providing
10 in-patient health care and that are not home health care
providers, hospice programs, pharmacies, state mental health
12 institutes or other named facilities. The bill is emergency
legislation.