

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1384

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H.P. 1027

House of Representatives, March 5, 2001

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**An Act to Make Active Public Health Investigation Records Confidential.**

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Submitted by the Department of Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FULLER of Manchester.

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

4 **Sec. 1. 22 MRSA §42, sub-§5,** as enacted by PL 1993, c. 295,  
§1, is amended to read:

6 **5. Confidentiality of records containing certain medical**  
7 **information.** Department records that contain personally  
8 identifying medical information that are created or obtained in  
9 connection with the department's public health activities or  
10 programs are confidential. These records include, but are not  
11 limited to, information on genetic, communicable, occupational or  
12 environmental disease entities, and information gathered from  
13 public health nurse activities, or any program for which the  
14 department collects personally identifying medical information.

16 The department's confidential records may not be open to public  
17 inspection, are not public records for purposes of Title 1,  
18 chapter 13, subchapter I and may not be examined in any judicial,  
19 executive, legislative or other proceeding as to the existence or  
20 content of any individual's records obtained by the department.

22 Exceptions to this subsection include release of medical and  
23 epidemiologic information in such a manner that an individual can  
24 not be identified; disclosures that are necessary to carry out  
25 the provisions of chapter 250; disclosures made upon written  
26 authorization by the subject of the record, except as otherwise  
27 provided in this section; and disclosures that are specifically  
28 provided for by statute or by departmental rule.

30 Department records related to open, ongoing epidemiologic  
31 investigations, public health research and public health  
32 surveillance may not be disclosed, even upon written  
33 authorization by the subject of the record.

34  
36 **SUMMARY**

38 This bill designates all records related to active public  
health investigations, surveillance and research as confidential.