

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1992

S.P. 771

In Senate, February 2, 2006

### **An Act To Protect the Confidentiality of Prescription Information**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health and Human Services 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 MAYO of Sagadahoc.  
Cosponsored by Representative PINGREE of North Haven and  
Senator: MARTIN of Aroostook, Representatives: BURNS of Berwick, MILLER of  
Somerville, WALCOTT of Lewiston.

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

4 **Sec. 1. 22 MRSA §1711-C, sub-§1, ¶B-1 is enacted to read:**

6 B-1. "Electronic transmission intermediary" means an entity  
8 that provides the infrastructure that connects the computer  
10 systems or other electronic devices used by prescribing  
12 practitioners with those used by pharmacies in order to  
facilitate the secure transmission of electronic  
prescription orders, refill authorization requests,  
communications and other patient care information between  
such entities.

14 **Sec. 2. 22 MRSA §1711-C, sub-§1, ¶F, as amended by PL 1999, c.**  
16 **512, Pt. A, §5 and affected by §7, is further amended to read:**

18 F. "Health care practitioner" means a person licensed by  
20 this State to provide or otherwise lawfully providing health  
22 care or a partnership or corporation made up of those  
24 persons or an officer, employee, agent or contractor of that  
person acting in the course and scope of employment, agency  
or contract related to or supportive of the provision of  
health care to individuals, a pharmacy benefits manager as  
defined in section 2699, subsection 1, paragraph F or an  
electronic transmission intermediary.

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28 **SUMMARY**

30 Current law prohibits health care providers, pharmacies and  
32 insurance companies from releasing health care information, which  
34 is defined as information that directly identifies an individual  
and that relates to the individual's physical, mental or  
behavioral condition, personal or family medical history or  
medical treatment or the health care provided to that individual,  
36 unless permission is received from the individual or other  
authorized person.

38 This bill applies that prohibition to pharmacy benefits  
40 managers and electronic transmission intermediaries.