

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2106

H.P. 1492

House of Representatives, December 31, 2007

### An Act To Enhance the Newborn Hearing Program

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Submitted by the Department of Health and 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 MAKAS of Lewiston.  
Cosponsored by Senator MARRACHÉ of Kennebec and  
Representative: JONES of Mount Vernon.

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

2 **Sec. 1. 22 MRSA §42, sub-§5**, as amended by PL 2001, c. 407, §1, is further  
3 amended to read:

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

11 The department's confidential records may not be open to public inspection, are not  
12 public records for purposes of Title 1, chapter 13, subchapter 4 1 and may not be  
13 examined in any judicial, executive, legislative or other proceeding as to the existence or  
14 content of any individual's records obtained by the department.

15 Exceptions to this subsection include release of medical and epidemiologic information in  
16 such a manner that an individual can not be identified; disclosures that are necessary to  
17 carry out the provisions of chapter 250; disclosures made upon written authorization by  
18 the subject of the record, except as otherwise provided in this section; and disclosures that  
19 are specifically provided for by statute or by departmental rule. The department may  
20 participate in a regional or national tracking system as provided in section 8824 or both.

21 Nothing in this subsection precludes the department, during the data collection phase of  
22 an epidemiologic investigation, from refusing to allow the inspection or copying of any  
23 record or survey instrument, including any redacted record or survey instrument,  
24 containing information pertaining to an identifiable individual that has been collected in  
25 the course of that investigation. The department's refusal is not reviewable.

26 **Sec. 2. 22 MRSA §8824, first ¶**, as amended by PL 2007, c. 236, §1, is further  
27 amended to read:

28 The department is authorized to implement a tracking system that provides the  
29 information necessary to effectively plan, establish and evaluate a comprehensive system  
30 of developmentally appropriate services for newborn infants and children up to 3 years of  
31 age who are deaf or hard-of-hearing and to ensure that all families are given information  
32 regarding the availability of hearing screening for their infants. The services must be  
33 designed to reduce the likelihood of associated disabling conditions for these children.  
34 The tracking system ~~must~~ may be integrated with any national database or similar system  
35 developed by the Federal Government or with any regional database or with both.

36 **SUMMARY**

37 This bill gives the Department of Health and Human Services the authority to  
38 participate in a national or regional database or both for tracking information about  
39 newborns and children who are deaf or hard-of-hearing so as to plan more effectively for

- 1 developmentally appropriate services to further the goals of the Newborn Hearing
- 2 Program.