

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1490

S.P. 570

In Senate, June 10, 2009

**An Act Regarding the Transfer of Patient Health Care Information  
through an Electronic Health Information Exchange**

(EMERGENCY)

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Reported by Senator BRANNIGAN of Cumberland for the Joint Standing Committee on Health and Human Services pursuant to Joint Order, S.P. 568.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** it is necessary for the public health and welfare that the electronic health  
4 information exchange known as HealthInfoNet begin operations as early during the  
5 summer of 2009 as possible in order to implement the exchange of electronic health care  
6 records, improve the quality of health care and contribute to slowing the rate of growth of  
7 health care costs; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

13           **Sec. 1. 22 MRSA §1711-C, sub-§6, ¶B,** as amended by PL 1999, c. 512, Pt. A,  
14 §5 and affected by §7, is further amended to read:

15           B. To an agent, employee, independent contractor or successor in interest of the  
16 health care practitioner or facility including a health information exchange that makes  
17 health care information available electronically to health care practitioners and  
18 facilities or to a member of a quality assurance, utilization review or peer review  
19 team to the extent necessary to carry out the usual and customary activities relating to  
20 the delivery of health care and for the practitioner's or facility's lawful purposes in  
21 diagnosing, treating or caring for individuals, including billing and collection, risk  
22 management, quality assurance, utilization review and peer review. Disclosure for a  
23 purpose listed in this paragraph is not a disclosure for the purpose of marketing or  
24 sales. A health information exchange to which health care information is disclosed  
25 under this paragraph shall provide an individual protection mechanism by which an  
26 individual may prohibit the health information exchange from disclosing the  
27 individual's health care information to a health care practitioner or health care  
28 facility;

29           **Sec. 2. 22 MRSA §1711-C, sub-§11,** as amended by PL 1999, c. 512, Pt. A, §5  
30 and affected by §7, is further amended to read:

31           **11. Health care information subject to other laws, rules and regulations.** Health  
32 care information that is subject to the provisions of 42 United States Code, Section  
33 290dd-2 (Supplement 1998); chapters ~~710~~ 710-B and 711; Title 5, section 200-E; Title 5,  
34 chapter 501; Title 24 or 24-A; Title 34-B, section 1207; Title 39-A; or other provisions of  
35 state or federal law, rule or regulation is governed solely by those provisions.

36           **Sec. 3. 22 MRSA §1711-F** is enacted to read:



1 It authorizes the MaineCare program to transfer that same information for the  
2 purposes of diagnosis, treatment or care of MaineCare members while retaining  
3 protection for sensitive health information that is controlled by other provisions of state  
4 or federal law and providing an opt-out mechanism for members.

5 This bill requires a report to the joint standing committee of the Legislature having  
6 jurisdiction over health and human services matters by January 15, 2011.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**



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LD

LR 2018(01)

## An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange

**Preliminary Fiscal Impact Statement for Original Bill**

**Committee: Health and Human Services Committee**

**Fiscal Note Required: Yes**

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### Preliminary Fiscal Impact Statement

Minor cost increase - General Fund

#### **Fiscal Detail and Notes**

Additional costs to the Department of Health and Human Services and the Office of Health Policy and Finance can be absorbed utilizing existing budgeted resources.