

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 596

S.P. 179

In Senate, February 17, 2011

### **An Act To Allow Medical Records To Contain an Option Regarding HIV Status Disclosure**

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset. (BY REQUEST)

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

2 **Sec. 1. 5 MRSA §19203-D, sub-§1, ¶A,** as reenacted by PL 1999, c. 512, Pt. B,  
3 §4 and affected by §§5 and 6, is amended to read:

4 A. When release has been authorized, the custodian of the medical record may  
5 release, upon request, the person's medical record, including any HIV infection status  
6 information contained in the medical record. Release of HIV infection status  
7 information pursuant to this paragraph is not a violation of any of the confidentiality  
8 provisions of this chapter. A general release form or check box on a form is  
9 sufficient to meet the requirements of this subsection.

10 **Sec. 2. 5 MRSA §19203-D, sub-§1, ¶B,** as reenacted by PL 1999, c. 512, Pt. B,  
11 §4 and affected by §§5 and 6, is amended to read:

12 B. When release has not been authorized, the custodian of the medical record may,  
13 upon request, release that portion of the medical record that does not contain the HIV  
14 infection status information. Except as otherwise provided in this section, HIV  
15 infection status information may be released only if the person has specifically  
16 authorized a separate release of that information. A general release form or check  
17 box on a form is insufficient sufficient to meet the requirements of this subsection.

18 **SUMMARY**

19 This bill allows the use of a general release form or check box on a form for a patient  
20 to authorize the release of HIV infection status information.