

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 654

H.P. 484

House of Representatives, February 17, 2011

### An Act To Amend the Occupational Disease Reporting Laws

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative SANBORN of Gorham.  
Cosponsored by Senator BRANNIGAN of Cumberland and  
Representatives: HERBIG of Belfast, LOVEJOY of Portland, ROCHELO of Biddeford,  
STUCKEY of Portland.

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

2 **Sec. 1. 22 MRSA §1493**, as enacted by PL 1985, c. 452, §1 and amended by PL  
3 2003, c. 689, Pt. B, §6, is further amended to read:

4 **§1493. Duties of health care providers, health care facilities and medical**  
5 **laboratories**

6 All ~~physicians or hospitals~~ health care providers, health care facilities and medical  
7 laboratories shall report to the Department of Health and Human Services all persons  
8 diagnosed as having an occupational disease no later than 30 days from the date of  
9 diagnosis or from discharge from a hospital. The report ~~shall~~ must include any factor  
10 known to the physician ~~which~~ that is suspected of being a contributing factor to the  
11 disease, including, but not limited to, whether or not the person smokes and, if so, the  
12 frequency of smoking.

13 A ~~physician~~ health care provider, health care facility or medical laboratory, upon  
14 notification by the Department of Health and Human Services, shall report to the  
15 department any further information requested by the department concerning any person  
16 now or formerly under ~~his~~ its care, diagnosed as having or having had an occupational  
17 disease.

18 ~~No physician or hospital~~ A health care provider, health care facility or medical  
19 laboratory complying with the reporting requirements of this section ~~may be~~ is not liable  
20 for any civil damages as a result of those acts.

21 **Sec. 2. 22 MRSA §1494**, as enacted by PL 1985, c. 452, §1, is repealed and the  
22 following enacted in its place:

23 **§1494. Confidentiality**

24 Unless otherwise authorized by section 42, subsection 5, the department may not  
25 release any information described in section 1493 regarding reporting of occupational  
26 diseases if that information identifies persons with occupational diseases directly or  
27 indirectly. The department may disclose information that relates to the site of  
28 employment to the Department of Labor, Bureau of Labor Standards if the disclosure  
29 contains only the information necessary to advance the public health and does not directly  
30 identify an individual having an occupational disease.

31 All other information submitted pursuant to this chapter may be made available to the  
32 public.

33 **SUMMARY**

34 This bill amends the laws governing occupational disease reporting to clarify who  
35 must report occupational diseases to the Department of Health and Human Services to be  
36 consistent with the mandated reporters designated in the rules for notifiable diseases and  
37 conditions adopted under the Maine Revised Statutes, Title 22, section 802. The bill also  
38 revises the confidentiality provision to allow the identification of the site of employment

1 where an occupational disease has occurred to the Department of Labor, Bureau of Labor  
2 Standards.