

# MAINE STATE LEGISLATURE

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Date: 3/19/12

L.D. 1813  
(Filing No. H- 797)

3 HEALTH AND HUMAN SERVICES

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5 STATE OF MAINE  
6 HOUSE OF REPRESENTATIVES  
7 125TH LEGISLATURE  
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1337, L.D. 1813, Bill, "An Act To  
10 Amend the Laws Governing Confidentiality of Health Care Information"

11 Amend the bill by inserting after the title and before the enacting clause the  
12 following:

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

15 Whereas, prescribers and dispensers of scheduled drugs may be prohibited by  
16 health information privacy laws from informing law enforcement personnel about  
17 suspected drug diversion, which puts emergency health care workers at risk of violence;  
18 and

19 Whereas, emergency health care workers will remain at greater risk of violence  
20 unless the law governing disclosure of certain information to law enforcement personnel  
21 is clarified; and

22 Whereas, in the judgment of the Legislature, these facts create an emergency within  
23 the meaning of the Constitution of Maine and require the following legislation as  
24 immediately necessary for the preservation of the public peace, health and safety; now,  
25 therefore,'

26 Amend the bill by striking out everything after the enacting clause and before the  
27 summary and inserting the following:

28 'Sec. 1. 22 MRSA §1711-C, sub-§6, ¶E, as amended by PL 1999, c. 512, Pt. A,  
29 §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

30 E. To federal, state or local governmental entities in order to protect the public health  
31 and welfare when reporting is required or authorized by law or, to report a suspected  
32 crime against the health care practitioner or facility or to report information that the  
33 health care facility's officials or health care practitioner in good faith believes  
34 constitutes evidence of criminal conduct that occurred on the premises of the health  
35 care facility or health care practitioner;

**ROFS**

COMMITTEE AMENDMENT "A" to H.P. 1337, L.D. 1813

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

**SUMMARY**

This amendment replaces the bill. It replaces the language from the bill with language that mirrors the federal Health Insurance Portability and Accountability Act of 1996 regulations in 45 Code of Federal Regulations, Section 164.512(f)(5). It also adds an emergency preamble and emergency clause.