

MAINE STATE LEGISLATURE

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S.M.C.
R.O.F.S

L.D. 882

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 307, L.D. 882, Bill, "An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety"

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

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

D. To appropriate persons when a health care practitioner or facility that is providing or has provided diagnosis, treatment or care to the individual ~~has determined, based on reasonable professional judgment, that the individual poses a direct threat of imminent harm to the health or safety of any individual~~ in good faith believes that disclosure is made to avert a serious threat to health or safety and meets the conditions, as applicable, described in 45 Code of Federal Regulations, Section 164.512(j) (2012). A disclosure pursuant to this paragraph must protect the confidentiality of the health care information consistent with sound professional judgment;

Sec. 2. 22 MRSA §1711-C, sub-§6, ¶E-1 is enacted to read:

E-1. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the following requirements, as applicable, are satisfied:

(1) With regard to a disclosure for public health activities, for law enforcement purposes or that pertains to victims of abuse, neglect or domestic violence, the provisions of 45 Code of Federal Regulations, Section 164.512(b), (c) or (f) (2012) must be met; and

(2) With regard to a disclosure that pertains to a victim of domestic violence or a victim of sexual assault, the provisions of 45 Code of Federal Regulations,

COMMITTEE AMENDMENT

ROFS

1 Section 164.512(c)(1)(iii)(A) (2012) and Section 164.512(c)(1)(iii)(B) (2012)
2 must be met.'

3 **SUMMARY**

4 This amendment replaces the bill. This amendment clarifies the language of the bill
5 that allows disclosure of protected health information to appropriate persons, law
6 enforcement officials and other governmental entities in accordance with federal law and
7 regulation.