

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 604

H.P. 417

House of Representatives, March 3, 2015

An Act To Encourage Communication Regarding Persons with Mental Illness

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MALABY of Hancock.
Cosponsored by Senator BURNS of Washington and
Representatives: HAWKE of Boothbay Harbor, HUBBELL of Bar Harbor, MAKER of Calais,
McCLELLAN of Raymond, SANDERSON of Chelsea, SIROCKI of Scarborough, VACHON
of Scarborough, WARD of Dedham.

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

2 **Sec. 1. 22 MRSA §1711-C, sub-§6, ¶¶R and S,** as enacted by PL 1999, c. 512,
3 Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, are amended to read:

4 R. To a member of the media who asks a health care facility about an individual by
5 name, of brief confirmation of general health status unless expressly prohibited by the
6 individual or a person acting pursuant to subsection 3-B; ~~and~~

7 S. To a member of the public who asks a health care facility about an individual by
8 name, of the room number of the individual and brief confirmation of general health
9 status unless expressly prohibited by the individual or a person acting pursuant to
10 subsection 3-B; and

11 **Sec. 2. 22 MRSA §1711-C, sub-§6, ¶T** is enacted to read:

12 T. To a family member or guardian who provides daily protection to an individual
13 with a mental health diagnosis who withholds consent for disclosure of health care
14 information because of the individual's compromised view of the individual's mental
15 health. A health care practitioner may, without the consent of the individual, provide
16 health care information that the health care practitioner reasonably believes is
17 necessary for the health, safety or welfare of the individual or for the safety of others.
18 A health care practitioner is not liable for failing to make a disclosure if the health
19 care practitioner determines in good faith that there is no serious or imminent threat
20 and the disclosure would interfere with providing effective care.

21 **SUMMARY**

22 This bill allows a health care practitioner to disclose health care information to the
23 parent or guardian of an individual with a mental health diagnosis who withholds consent
24 because of the individual's compromised view of that individual's mental health. A health
25 care practitioner is not liable for failing to make a disclosure if the practitioner determines
26 in good faith that there is no serious or imminent threat and the disclosure would interfere
27 with providing effective care.