

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. 736

S.P. 266

In Senate, March 5, 2015

**An Act To Require Destruction of Certain Medical Records and
Allow Access to Certain Death Records**

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
Secretary of the Senate

Presented by Senator VOLK of Cumberland.

Cosponsored by Representative ESPLING of New Gloucester and

Senators: BRAKEY of Androscoggin, BURNS of Washington, GERZOFSKY of Cumberland,
KATZ of Kennebec, Representatives: FARNSWORTH of Portland, GUERIN of Glenburn,
PETERSON of Rumford, WARREN of Hallowell.

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

2 **Sec. 1. 34-B MRSA §1207, sub-§1, ¶H**, as amended by PL 2011, c. 347, §10, is
3 further amended to read:

4 H. The names and dates of death of individuals who died while patients at the
5 Augusta Mental Health Institute, the Bangor Mental Health Institute, the Dorothea
6 Dix Psychiatric Center ~~or~~, the Riverview Psychiatric Center or the Pineland Hospital
7 and Training Center may be made available to the public in accordance with rules
8 adopted by the department. The rules must require the department to notify the
9 public regarding the release of the information and to maintain the confidentiality of
10 information concerning any deceased individual whose surviving relatives notify the
11 department that they object to public disclosure. Rules adopted pursuant to this
12 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter
13 2-A; and

14 **Sec. 2. 34-B MRSA §3863, sub-§10** is enacted to read:

15 **10. Destruction of record.** If, after examining a person for the purpose of providing
16 a 2nd opinion pursuant to subsection 7, a staff physician or licensed clinical psychologist
17 determines that the finding required for admission under subsection 2, paragraph B is not
18 met and the person has not been medicated prior to the examination of the person, the
19 staff physician or licensed clinical psychologist shall destroy the written application and
20 accompanying certificate.

21 **SUMMARY**

22 This bill requires that when a physician or clinical psychologist has evaluated a
23 person for the purpose of providing a 2nd opinion on whether the person meets the
24 criteria for emergency admission to a psychiatric hospital and determines that the person
25 does not meet the criteria, the physician or clinical psychologist must destroy the written
26 application for emergency admission. The bill also authorizes the names and dates of
27 death of individuals who died while patients at the Pineland Hospital and Training Center
28 to be made available to the public in accordance with rules adopted by the Department of
29 Health and Human Services.