

# MAINE STATE LEGISLATURE

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Date: 3/30/18 Majority

L.D. 1709  
(Filing No. H-702)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1189, L.D. 1709, Bill, "An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services"

Amend the bill in section 1 in subsection 10 in paragraph F in the 2nd line (page 1, line 29 in L.D.) by inserting after the following: "record" the following: 'in the possession of the department'

Amend the bill in section 1 in subsection 10 in paragraph H in the last line (page 2, line 3 in L.D.) by inserting after the following: "estate." the following: 'This paragraph does not authorize the disclosure of a record generated by a hospital and provided to the department that is otherwise confidential, including, but not limited to, a sentinel event record, a root cause analysis and a professional competency review. As used in this paragraph, "sentinel event" has the same meaning as in Title 22, section 8752, subsection 4-A and "root cause analysis" has the same meaning as in Title 22, section 8752, subsection 3-B.'

Amend the bill by inserting after section 1 the following:

**'Sec. 2. Department of Health and Human Services to implement within existing resources.** The Department of Health and Human Services shall implement the requirements of this Act within existing resources.'

**SUMMARY**

This amendment is the majority report of the committee. It clarifies that records being accessed by the Maine Developmental Services Oversight and Advisory Board are records that are in the possession of the Department of Health and Human Services and do not include records generated by a hospital. The department is required to implement the requirements of this legislation within existing resources.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 128th MAINE LEGISLATURE

LD 1709

LR 2704(02)

An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

*A (H-702)*

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## Fiscal Note

Current biennium cost increase - General Fund

### Fiscal Detail and Notes

This bill grants the Maine Developmental Services Oversight and Advisory Board direct access to the personal planning and other records of a person receiving adult developmental services and grants the board direct access to the records of an investigation into the suspicious death of or the records of a mortality review pertaining to a person with intellectual disabilities or autism. It requires the Department of Health and Human Services (DHHS) to notify the board of any report made to a medical examiner regarding a mandated reporter's knowledge or reasonable suspicion that an adult receiving adult developmental services has died as a result of abuse or neglect. It is expected that two DHHS systems, the Enterprise Information System (EIS) and the Maine Adult Protective Services Information System (MAPSIS), will require functionality updates to allow direct access for board members. The cost for these updates is estimated to be \$39,978. The bill requires that its provisions be carried out within existing budgeted resources. Because no funding was provided in the bill, the impact on other programs and services cannot be determined.