

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

---

J.S. McCarthy Company  
Augusta, Maine  
1991

---

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

**33 MRSA §1660, sub-§1, ¶B**, as enacted by PL 1987, c. 734, §2, is amended to read:

B. Money is paid or delivered or a security held in the name of a broker, financial institution or its nominee is transferred to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor or a trust company, followed in substance by the words "as custodian for.....(name of minor) under the Maine Uniform Transfers to Minors Act;"

See title page for effective date.

---



---

## CHAPTER 142

### H.P. 298 - L.D. 419

#### An Act Concerning Requests for Treatment Records

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

**Sec. 1. 22 MRSA §1711-A**, as enacted by PL 1989, c. 666, is amended to read:

#### **§1711-A. Fees charged for records**

Whenever a health care practitioner defined in ~~Title 24, section 2502, subsection 1-A~~ section 1711-B furnishes requested copies of a patient's medical record or a medical report to the patient, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report.

**Sec. 2. 22 MRSA §1711-B** is enacted to read:

#### **§1711-B. Patient access to treatment records; health care practitioners**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A.** "Health care practitioner" has the same meaning as in Title 24, section 2502. "Health care practitioner" also includes "licensed clinical social workers" as defined in Title 32, chapter 83 and "marriage and family therapists" and "professional counselors" as defined in Title 32, chapter 119.

**B.** "Treatment records" means all records relating to a patient's diagnosis and treatment, including x rays, performed by a health care practitioner.

**2. Access.** Upon written consent of the person to whom copies of records must be released pursuant to this

section, a health care practitioner shall release copies of all treatment records of a patient or a narrative containing all relevant information in the treatment records. The health care practitioner may exclude from the copies of treatment records released any personal notes that are not directly related to the patient's past or future treatment. The copies or narrative must be released to the designated person within a reasonable time.

If the practitioner believes that release of the records is detrimental to the health of the patient, the practitioner shall advise the patient that copies of the treatment records or a narrative containing all relevant information in the treatment records will be made available to the patient's authorized representative upon presentation of a written authorization signed by the patient. The copies or narrative must be released to the authorized representative within a reasonable time.

**3. Person receiving the records.** Except as otherwise provided in this section, the copies or narrative specified in subsection 2 must be released to:

**A.** The person who is the subject of the treatment record, if that person is 18 years of age or older and mentally competent;

**B.** The parent, guardian ad litem or legal guardian of the person who is the subject of the record if the person is a minor, or the legal guardian if the person who is the subject of the record is mentally incompetent; or

**C.** The designee of a durable medical power of attorney, if the person who is the subject of the record is incompetent and executed such an instrument.

**4. Minors.** This section does not affect the right of minors to have their treatment records treated confidentially pursuant to the provisions of Title 19, chapter 18.

**5. HIV test.** Release of information regarding the HIV infection status of a patient is governed by Title 5, section 19203-D.

**6. Hospital records.** Release of treatment records in a hospital is governed by the provisions of Title 22, section 1711.

**7. Retention of records.** This section does not alter the existing law or ethical obligations of a health care practitioner with respect to retaining treatment records.

**8. Violation.** A person who willfully violates this section commits a civil violation for which a forfeiture of not more than \$25 may be adjudged. Each day that the treatment records or narrative is not released after the reasonable time specified in subsection 2 constitutes a separate violation, up to a maximum forfeiture of \$100.

See title page for effective date.

---



---