

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 243
H.P. 1118 - L.D. 1619

**An Act To Report Limited
Information to the Controlled
Substances Prescription
Monitoring Program
Concerning Methadone**

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

Sec. 1. 5 MRSA §20047, sub-§3 is enacted to read:

3. Medical emergency; methadone. Notwithstanding subsection 1, records relating to methadone treatment of a patient for the treatment of opioid dependency that have been entered into the Controlled Substances Prescription Monitoring Program established under Title 22, section 7248 may be disclosed in an emergency setting only to the extent necessary to meet a bona fide medical emergency in which the patient's prior informed consent cannot be obtained and only to the health care professionals involved in treating the patient. Any disclosure of records pursuant to this subsection must be documented as described in Title 22, section 7250, subsection 7.

Sec. 2. 22 MRSA §7249-A is enacted to read:

§7249-A. Reporting of methadone treatment with consent

1. Consent form; methadone treatment. The department shall develop a consent form to be presented to every patient receiving treatment at any facility that provides methadone for the treatment of opioid dependency. The form records the patient's identifying information along with consent to enter the name of the patient's methadone treatment facility and dosage information into the program. The form must be available to the facility for use in paper or electronic form. The contents of the form may be disclosed only in a medical emergency as described in section 7250, subsection 7. The patient may decline consent.

2. Treatment facility to enter information into the program. For a patient who has provided consent pursuant to subsection 1, a prescriber or the prescriber's designee at a facility that provides methadone for the treatment of opioid dependency shall enter the patient's identifying information along with the name of the methadone treatment facility and the dosage information into the program. Dosage information must be entered at the beginning of treatment, after the first 90 days of treatment and every 180 days after that. If a patient ceases treatment or moves to a different facility, the patient's methadone treatment facility must notify the program within 30 days of that change in status.

3. Renewal of consent form. A facility that provides methadone for the treatment of opioid dependency must provide a new consent form under subsection 1 to a patient annually and renew that patient's consent. The patient may choose to decline consent or void consent at any time.

Sec. 3. 22 MRSA §7250, sub-§7 is enacted to read:

7. Disclosure of methadone treatment in a medical emergency; documentation. Records entered pursuant to section 7249-A may be disclosed in an emergency setting only to the extent necessary to meet a bona fide emergency in which the patient's prior informed consent cannot be obtained and only to the health care professionals involved in treating the patient. These records may not be disclosed in any other circumstances, including to prescribers using the program to enter or check information outside of the medical emergency. Records disclosed pursuant to this subsection may not be used to initiate or substantiate any criminal charges against a patient or to conduct any criminal investigation. Any disclosure pursuant to this subsection is subject to 42 Code of Federal Regulations, Section 2.32 and the following requirements.

A. The disclosure must be documented by the health care professional involved in treating the patient and entered into the program and communicated to the patient's methadone treatment facility. The documentation must include the date and time of the disclosure, the nature of the patient's emergency, the name of the facility or the hospital where the disclosure occurred and the names of the health care professionals who accessed the records.

B. Any disclosure must include a statement that informs the health care professionals accessing the program that federal law prohibits the health care professionals from making further disclosures that identify the patient without the specific written consent of the patient.

Sec. 4. Enhancement of the Controlled Substances Prescription Monitoring Program. The Department of Health and Human Services shall submit a contract amendment to provide for an enhancement of the Controlled Substances Prescription Monitoring Program under Title 22, chapter 1603. This enhancement must allow a facility that provides methadone for the treatment of opioid dependency to enter the name of the methadone treatment facility treating a patient and the dosage information for a patient who has given consent. The information may not be accessible except to health care professionals during an emergency to the extent necessary to meet a bona fide emergency in which the patient's prior informed consent cannot be obtained. Any disclosure in an emergency setting must be entered into the pro-

gram, including the date and time of the disclosure, the nature of the patient's emergency, the name of the facility or hospital where the disclosure occurred and the names of the health care professionals who accessed the records in the program. The department shall convene stakeholders to advise the department on the criteria for the enhancement of the program. Stakeholders must include representatives from methadone treatment clinics and providers of emergency services. The enhancement of the program must meet the requirements of the Maine Revised Statutes, Title 22, section 7250, subsection 7. The department shall, no later than January 30, 2018, provide a report to the Joint Standing Committee on Health and Human Services describing progress on implementing the enhancement required pursuant to this section.

Sec. 5. Contingent effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 20047, subsection 3, Title 22, section 7249-A and Title 22, section 7250, subsection 7 take effect once the enhancement of the Controlled Substances Prescription Monitoring Program pursuant to section 4 of this Act is implemented. The Department of Health and Human Services shall notify the Revisor of Statutes that section 4 has been implemented.

Sec. 6. Consent form. A facility that provides methadone for the treatment of opioid dependency must provide a consent form as described in the Maine Revised Statutes, Title 22, section 7249-A for every patient no later than 180 days after the effective date of this Act.

See title page for effective date, unless otherwise indicated.

CHAPTER 244

H.P. 189 - L.D. 256

An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries

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

Sec. 1. 35-A MRSA §7104-B, sub-§2, as amended by PL 2011, c. 623, Pt. B, §20, is further amended to read:

2. Authority. Pursuant to the authority granted in section 7104 and in order to carry out the policy goals established by section 7101, subsections 1, 2 and 4, the commission shall establish a telecommunications education access fund, referred to in this section as the "fund," and require all voice network service providers providing service in the State ~~and any other~~

~~entities identified by the commission~~ to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries, qualified schools and the Raymond H. Fogler Library at the University of Maine to assist in paying the costs of acquiring and using advanced telecommunications technologies.

Sec. 2. 35-A MRSA §7104-B, sub-§2-A, as enacted by PL 2011, c. 600, §6 and affected by §10, is amended to read:

2-A. Determination of amount of prepaid wireless telecommunications service fee. The commission shall determine by rule the amount of the fee on prepaid wireless telecommunications service that is required to be contributed to the fund. The commission shall limit the fee to no more than 21¢ per retail transaction established by multiplying \$25 by a percentage that is determined by the commission for purposes of calculating contributions to the fund by providers of intrastate telecommunications services. The fee must be rounded to the nearest penny. The fee may not be adjusted by the commission more frequently than once every 24 months. The collection of the fee is governed by section 7104-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §7104-B, sub-§3, as amended by PL 2011, c. 623, Pt. B, §§21 to 23, is further amended to read:

3. Limitations; imposition. In carrying out the authority granted by subsection 2, the commission shall:

A. ~~Limit~~ With respect to the contributions for the fund required from voice network service providers other than prepaid wireless telecommunications service providers, limit the amount collected contributed to no more than 0.7% of retail charges for 2-way voice communications services as determined by the commission, excluding interstate tolls or interstate private line services; 21¢ per month per line or number, assessed as a monthly surcharge, to be levied on:

(1) Residential and business telephone exchange lines, including private branch exchange lines and Centrex lines;

(2) Interconnected voice over Internet protocol service; and

(3) Providers of mobile telecommunications services that are not providers of prepaid wireless telecommunications service.

The surcharge established in this paragraph may not be levied on more than 25 lines or numbers per customer billing account;