

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§17402. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§17403. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§17404. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§17405. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 21, 2021.

CHAPTER 292

H.P. 1273 - L.D. 1718

**An Act To Establish the
Accidental Drug Overdose
Death Review Panel**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the number of individuals residing in Maine who die as the result of an accidental drug overdose is increasing and exceeds the national average on a per capita basis; and

Whereas, this legislation must take effect before the expiration of the 90-day period to help prevent, as soon as possible, accidental drug overdose deaths; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §200-M is enacted to read:

§200-M. Accidental Drug Overdose Death Review Panel

There is created, within the Office of the Attorney General, the Accidental Drug Overdose Death Review Panel, referred to in this section as "the panel," in order to recommend to state, county and local agencies methods of preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures. For purposes of this section, "accidental drug overdoses" means those overdoses that are presumed to be self-administered by an individual and excludes any overdose that occurs within a licensed health care facility.

1. Composition. The panel consists of the following members:

- A. The Chief Medical Examiner, ex officio;
- B. The Commissioner of Public Safety, ex officio;
- C. The director of the office of behavioral health within the Department of Health and Human Services, ex officio;
- D. The Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, ex officio;
- E. The Chief Justice of the Supreme Judicial Court, ex officio;
- F. A prosecutor, nominated by a statewide association of prosecutors and appointed by the Attorney General;
- G. A police chief, nominated by a statewide association of chiefs of police and appointed by the Attorney General;
- H. A sheriff, nominated by a statewide association of sheriffs and appointed by the Attorney General;
- I. One or more physicians who treat substance use disorder, appointed by the Governor;

J. An emergency medical services representative, appointed by the Commissioner of Public Safety;

K. An expert in harm reduction strategies, appointed by the Governor;

L. An academic research professor with experience in reviewing drug overdose deaths, appointed by the Attorney General;

M. A representative of families affected by drug overdose deaths, appointed by the Governor;

N. A person in recovery from substance use disorder, appointed by the Governor; and

O. The director of opioid response within the Governor's Office of Policy Innovation and the Future, ex officio, who shall chair the panel.

In making appointments to the panel, the appointing authorities shall take into consideration the racial and ethnic diversity of the State.

2. Designees; terms of office. An ex officio member may appoint a designee to represent the ex officio member on the panel. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. Appointed members of the panel shall serve for a term of 3 years. Any vacancy on the panel must be filled in the same manner as the original appointment but for the unexpired term.

3. Meetings. The panel shall meet at such time or times as may be reasonably necessary to carry out its duties, but it shall meet at least twice per year. The panel's chair shall call the first meeting before July 1, 2021.

4. Powers and duties. The panel shall examine a subset of the deaths associated with accidental drug overdoses, taking into consideration the racial and ethnic composition of the population of individuals whose deaths are associated with an accidental drug overdose. The deaths selected for review must be recommended by the Chief Medical Examiner or the Chief Medical Examiner's designee or by an individual with whom the Office of the Attorney General contracts for services. Notwithstanding any provision of law to the contrary, the panel may review information surrounding an accidental drug overdose that was not fatal, as long as review of such a case promotes the purpose of the panel under this section. The panel shall recommend to state, county and local agencies methods of preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures.

5. Access to information, records and materials. In any case subject to review by the panel, upon oral or written request of the panel, notwithstanding any provision of law to the contrary, any person that possesses information or records that are necessary and relevant

to a panel review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection.

6. Confidentiality. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Office of the Attorney General shall disclose conclusions of the panel upon request, but may not disclose information, records or data that are otherwise classified as confidential.

7. Noninterference. A review by the panel under this section is subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to Title 5, section 200-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 21, 2021.

**CHAPTER 293
H.P. 1279 - L.D. 1730**

**An Act To Correct
Inconsistencies, Conflicts and
Errors in the Laws of Maine**

Emergency preamble. **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, acts of this and previous Legislatures have resulted in certain technical errors, conflicts and inconsistencies in the laws of Maine; and

Whereas, these errors, conflicts and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A