

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## *Joint Standing Committee on Health and Human Services*

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053. This bill was carried over to await federal legislation, so as not to interfere with litigation and to allow the Bureau of Insurance time to consider a system for registering pharmacy benefit managers.

**LD 1340**     **An Act To Protect Consumers' Health Information Records**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD	ONTP	

This bill concerns the confidentiality of health care information. This bill:

1. Asserts that medical records in the possession of a health care practitioner are the property of the patient and limits the costs a health care practitioner may recoup for providing electronic medical records;
2. Creates a definition of "business associate" of a health care practitioner and applies health care information confidentiality provisions to a business associate;
3. Excepts from the definition of "health care" the activity of communicating with a patient for the purpose of selling or using a product or service in most circumstances;
4. Allows business associates of a health care practitioner to obtain or create health care information only pursuant to a written contract with the health care practitioner;
5. Requires the written authorization from an individual for the sale or payment for the individual's health care information with certain exceptions;
6. Limits the ability of a health care practitioner or business associate to pay or be paid for the exchange of health care information concerning the sale or use of a product or service;
7. Clarifies that a health care practitioner or business associate is subject to the Notice of Risk to Personal Data Act in case of a security breach of health care information;
8. Requires the Department of Health and Human Services to designate an individual in the department to advise health care practitioners, business associates and individuals and to create educational material about the provisions of health care information confidentiality;
9. Clarifies that the provisions concerning the sale of health care information do not prevent a pharmacist from recouping costs in communicating with individuals to reduce medication errors and to improve patient safety; and
10. Requires the Department of Health and Human Services to study and report to the Joint Standing Committee on Health and Human Services on what health care information can be exchanged without authorization after removing individuals' identifiable information and what must require authorization.