

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 822 - L.D. 1144

An Act To Amend the Law Regarding Advance Health Care Directives

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

Sec. 1. 18-C MRSA §5-803-A is enacted to read:

§5-803-A. Remote signing of advance health care directives in health care facilities

When a principal in a hospital or a residential health care facility has an infectious disease and is confined to a room or ward where isolation precautions prevent the physical presence of individuals or documents necessary for executing the principal's advance health care directives, staff, employees and agents of a hospital or a residential health care facility where the principal is located may assist and facilitate the execution of advance health care directives using the process provided in this section.

The principal may direct another individual physically located beyond the isolation area but in the same facility to sign the principal's name to the advance health care directive. If necessary, the principal may employ 2-way audiovisual communication technology to direct the individual to sign and to allow the signing to be witnessed. This audiovisual technology must allow direct contemporaneous interaction between the principal, the individual signing the document and any witness by sight and sound in real time.

The principal must be provided with an unsigned copy of the advance health care directive prior to the signing for the principal to review. The individual signing for the principal must be provided with the original advance health care directive. After it is signed and witnessed, a copy of the original advance health care directive must be given to the principal or the principal's agent if named in the advance health care directive. The signed and witnessed original advance health care directive must be filed with the principal's medical record as soon as possible.

If the principal or the principal's agent identifies any substantive difference between the unsigned copy and the signed and witnessed original advance health care directive, the principal or the agent may revoke the advance health care directive by notifying the primary physician either orally or in writing.

Staff, employees and agents of a hospital or a residential health care facility are immune from suit or legal liability for their good faith actions or omissions arising out of their use of the procedures described in this section.

This section does not apply to any other documents or settings or when advance health care directives are notarized.