



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 654

H.P. 484

House of Representatives, February 17, 2011

An Act To Amend the Occupational Disease Reporting Laws

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative SANBORN of Gorham.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: HERBIG of Belfast, LOVEJOY of Portland, ROCHELO of Biddeford,
STUCKEY of Portland.

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

2 **Sec. 1. 22 MRSA §1493**, as enacted by PL 1985, c. 452, §1 and amended by PL
3 2003, c. 689, Pt. B, §6, is further amended to read:

4 **§1493. Duties of health care providers, health care facilities and medical**
5 **laboratories**

6 All ~~physicians or hospitals~~ health care providers, health care facilities and medical
7 laboratories shall report to the Department of Health and Human Services all persons
8 diagnosed as having an occupational disease no later than 30 days from the date of
9 diagnosis or from discharge from a hospital. The report ~~shall~~ must include any factor
10 known to the physician ~~which~~ that is suspected of being a contributing factor to the
11 disease, including, but not limited to, whether or not the person smokes and, if so, the
12 frequency of smoking.

13 A ~~physician~~ health care provider, health care facility or medical laboratory, upon
14 notification by the Department of Health and Human Services, shall report to the
15 department any further information requested by the department concerning any person
16 now or formerly under ~~his~~ its care, diagnosed as having or having had an occupational
17 disease.

18 ~~No physician or hospital~~ A health care provider, health care facility or medical
19 laboratory complying with the reporting requirements of this section ~~may be~~ is not liable
20 for any civil damages as a result of those acts.

21 **Sec. 2. 22 MRSA §1494**, as enacted by PL 1985, c. 452, §1, is repealed and the
22 following enacted in its place:

23 **§1494. Confidentiality**

24 Unless otherwise authorized by section 42, subsection 5, the department may not
25 release any information described in section 1493 regarding reporting of occupational
26 diseases if that information identifies persons with occupational diseases directly or
27 indirectly. The department may disclose information that relates to the site of
28 employment to the Department of Labor, Bureau of Labor Standards if the disclosure
29 contains only the information necessary to advance the public health and does not directly
30 identify an individual having an occupational disease.

31 All other information submitted pursuant to this chapter may be made available to the
32 public.

33 **SUMMARY**

34 This bill amends the laws governing occupational disease reporting to clarify who
35 must report occupational diseases to the Department of Health and Human Services to be
36 consistent with the mandated reporters designated in the rules for notifiable diseases and
37 conditions adopted under the Maine Revised Statutes, Title 22, section 802. The bill also
38 revises the confidentiality provision to allow the identification of the site of employment

1 where an occupational disease has occurred to the Department of Labor, Bureau of Labor
2 Standards.