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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 353, L.D. 534, Bill, “An Act To Improve Care Coordination for Persons with Mental Illness”

Amend the bill in section 1 in paragraph A in subparagraph (2) by striking out all of the last blocked paragraph (page 1, lines 33 to 39 in L.D.) and inserting the following:

'This subparagraph does not prohibit the disclosure without authorization of health care information covered under this paragraph to a health care practitioner or health care facility, or to a payor or person engaged in payment for health care, for purposes of care management or coordination of care. Disclosure of psychotherapy notes is governed by 45 Code of Federal Regulations, Section 164.508(a)(2). A person who has made a disclosure under this subparagraph shall make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure.'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 34-B MRSA §1207, sub-§9 is enacted to read:

9. Disclosure for care management or coordination of care. Notwithstanding any provision of this section to the contrary, a health care practitioner may disclose without authorization health information for the purposes of care management or coordination of care pertaining to a client as provided in this subsection.

A. Disclosure is permitted to a health care practitioner or health care facility as defined in Title 22, section 1711-C, subsection 1.

B. Disclosure is permitted to a payor or person engaged in payment for health care for the purpose of care management or coordination of care.

C. Disclosure of psychotherapy notes is governed by 45 Code of Federal Regulations, Section 164.508(a)(2).

D. A person who has made a disclosure under this subsection shall make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the majority report of the committee. This amendment amends the bill regarding disclosure of protected health care information for care management or coordination of care purposes to require a person who discloses information without authorization to make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure.