

Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1337, L.D. 1813, Bill, “An Act To Amend the Laws Governing Confidentiality of Health Care Information”

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, prescribers and dispensers of scheduled drugs may be prohibited by health information privacy laws from informing law enforcement personnel about suspected drug diversion, which puts emergency health care workers at risk of violence; and

Whereas, emergency health care workers will remain at greater risk of violence unless the law governing disclosure of certain information to law enforcement personnel is clarified; 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,'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §1711-C, sub-§6, ¶E, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

E. To federal, state or local governmental entities in order to protect the public health and welfare when reporting is required or authorized by law ~~to~~ to report a suspected crime against the health care practitioner or facility or to report information that the health care facility's officials or health care practitioner in good faith believes constitutes evidence of criminal conduct that occurred on the premises of the health care facility or health care practitioner;

COMMITTEE AMENDMENT

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

3 **SUMMARY**

4 This amendment replaces the bill. It replaces the language from the bill with
5 language that mirrors the federal Health Insurance Portability and Accountability Act of
6 1996 regulations in 45 Code of Federal Regulations, Section 164.512(f)(5). It also adds
7 an emergency preamble and emergency clause.