

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

—  
S.P. 475 - L.D. 1388

**An Act To Prohibit the Falsification of Medical Records**

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

**Sec. 1.** 17-A MRSA §707-A is enacted to read:

**§707-A. Falsifying health care records**

1. A person is guilty of falsifying health care records if, with intent to deceive any person or governmental entity, the person:

A. Makes, or causes to be made, a false material entry in the health care records maintained by a health care provider;

B. Alters, erases, obliterates, deletes, removes or destroys a true material entry in the health care records maintained by a health care provider;

C. Knowingly omits to make a true material entry in the health care records maintained by a health care provider in violation of a duty to do so that is imposed by statute, standard of care or regulatory provision; or

D. Prevents the making of a true material entry or causes the omission of a true material entry in the health care records maintained by a health care provider.

2. Supplementation of information or correction of an error in health care records in a manner that reasonably discloses that the supplementation or correction was performed and that does not conceal or alter prior entries is not a violation of this section.

3. Falsifying health care records is a Class D crime, except as provided in subsection 4.

4. Falsifying health care records is a Class C crime if any reliance on a violation of this section causes serious bodily injury or impairment of the mental or behavioral condition of any person.

5. As used in this section, the following definitions apply.

A. "Health care provider" means a hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and that is licensed or otherwise authorized by the laws of this State.

B. "Health care record" means a record that relates to an individual's physical, mental or behavioral condition, personal or family medical history or medical treatment or the health care provided to that individual.

C. "Material" means capable of altering the course or outcome of any subsequent reliance on the health care record.