

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

H.P. 767 - L.D. 1207

**An Act to Implement the Recommendations of the Right To Know Advisory
Committee Concerning Public Records Exceptions**

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

Sec. 1. 24 MRSA §2302-A, sub-§3, as enacted by PL 1987, c. 168, §1, is amended to read:

3. Confidentiality. Any information provided pursuant to this section ~~shall~~ may not identify the names of patients. If patient names are identified in information provided pursuant to this section, the patient names are confidential.

Sec. 2. 24 MRSA §2510, sub-§1, as amended by PL 2011, c. 524, §§9 and 10, is further amended to read:

1. Confidentiality; exceptions. Any reports, information or records received and maintained by the board pursuant to this chapter, including any material received or developed by the board during an investigation ~~shall be~~ is confidential, except for information and data that is developed or maintained by the board from reports or records received and maintained pursuant to this chapter or by the board during an investigation and that does not identify or permit identification of any patient or physician; provided that the board may disclose any confidential information only:

- A. In a disciplinary hearing before the board or in any subsequent trial or appeal of a board action or order relating to such disciplinary hearing;
- B. To governmental licensing or disciplinary authorities of any jurisdiction or to any health care providers or health care entities located within or outside this State that are concerned with granting, limiting or denying a physician's privileges, but only if the board includes along with the transfer an indication as to whether or not the information has been substantiated by the board;
- C. As required by section 2509, subsection 5;
- D. Pursuant to an order of a court of competent jurisdiction;
- E. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any patient or physician is first deleted; or

F. To other state or federal agencies when the information contains evidence of possible violations of laws enforced by those agencies.

Sec. 3. 24 MRSA §2510, sub-§2, as enacted by PL 1977, c. 492, §3, is amended to read:

2. Confidentiality of orders in disciplinary proceedings. Orders of the board relating to disciplinary action against a physician, including orders or other actions of the board referring or scheduling matters for hearing, ~~shall not be~~ are not confidential.

Sec. 4. 24 MRSA §2604, as corrected by RR 2015, c. 1, §25, is amended to read:

§2604. Records of superintendent

For the purpose of evaluation of policy provisions, rate structures and the arbitration process and for recommendations of further legislation, the Superintendent of Insurance shall retain the information and maintain the files in the form and for such period as the superintendent determines necessary. The superintendent shall maintain the reports filed in accordance with this section, and all data or information derived therefrom that identifies or permits identification of the insured or insureds or the incident or occurrences for which a claim was made, as ~~strictly~~ confidential records. Data and information derived from reports filed in accordance with this section that do not identify or permit identification of the insured or insureds or the incident or occurrence for which a claim was made may be released by the superintendent or otherwise made available to the public. Reports made to the superintendent and records thereof kept by the superintendent are not subject to discovery and are not admissible in any trial, civil or criminal, other than proceedings brought before or by the board.

Sec. 5. 24-A MRSA §6907, sub-§1, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

1. Financial information. Any personally identifiable financial information, supporting data or tax return of any person obtained by Dirigo Health under this chapter is confidential ~~and not open to public inspection~~.

Sec. 6. 24-A MRSA §6907, sub-§2, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

2. Health information. Health information obtained by Dirigo Health under this chapter that is covered by the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936 or information covered by chapter 24 or Title 22, section 1711-C is confidential ~~and not open to public inspection~~.