



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 534

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H.P. 353

House of Representatives, February 19, 2013

### **An Act To Improve Care Coordination for Persons with Mental Illness**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PRINGLE of Windham.  
Cosponsored by Senator GRATWICK of Penobscot and  
Representatives: CASSIDY of Lubec, DION of Portland, MALABY of Hancock, POULIOT of  
Augusta, SANBORN of Gorham, SIROCKI of Scarborough, TYLER of Windham, Senator:  
CRAVEN of Androscoggin.

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

2 **Sec. 1. 22 MRSA §1711-C, sub-§6, ¶A,** as amended by PL 2011, c. 347, §6, is  
3 further amended to read:

4 A. To another health care practitioner or facility for diagnosis, treatment or care of  
5 individuals or to complete the responsibilities of a health care practitioner or facility  
6 that provided diagnosis, treatment or care of individuals, as provided in this  
7 paragraph.

8 (1) For a disclosure within the office, practice or organizational affiliate of the  
9 health care practitioner or facility, no authorization is required.

10 (2) For a disclosure outside of the office, practice or organizational affiliate of  
11 the health care practitioner or facility, authorization is not required, except that in  
12 nonemergency circumstances authorization is required for health care  
13 information derived from mental health services provided by:

14 (a) A clinical nurse specialist licensed under the provisions of Title 32,  
15 chapter 31;

16 (b) A psychologist licensed under the provisions of Title 32, chapter 56;

17 (c) A social worker licensed under the provisions of Title 32, chapter 83;

18 (d) A counseling professional licensed under the provisions of Title 32,  
19 chapter 119; or

20 (e) A physician specializing in psychiatry licensed under the provisions of  
21 Title 32, chapter 36 or 48.

22 This subparagraph does not prohibit the disclosure of health care information  
23 between a licensed pharmacist and a health care practitioner or facility providing  
24 mental health services for the purpose of dispensing medication to an individual.

25 This subparagraph does not prohibit the disclosure without authorization of  
26 health care information covered under this section to a state-designated statewide  
27 health information exchange that satisfies the requirement in subsection 18,  
28 paragraph C of providing a general opt-out provision to an individual at all times  
29 and that provides and maintains an individual protection mechanism by which an  
30 individual may choose to opt in to allow the state-designated statewide health  
31 information exchange to disclose that individual's health care information  
32 covered under Title 34-B, section 1207½.

33 This subparagraph does not prohibit the disclosure without authorization of  
34 health care information covered under this section, including health care  
35 information derived from mental health services provided by persons described in  
36 divisions (a) to (e), to another health care practitioner or facility or to a payor or  
37 person engaged in the payment for health care under a public program for the  
38 payment of health care for purposes of care management and coordination of  
39 care;

