

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

H.P. 978 - L.D. 1434

**An Act To Amend the Laws Governing Law Enforcement's Access to, and  
Access to Information about, Certain Persons in Hospitals and Mental  
Health Facilities**

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

**Sec. 1.** 22 MRSA §1711-C, sub-§6, ¶E-2 is enacted to read:

E-2. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the disclosure is required by section 1726;

**Sec. 2.** 22 MRSA §1726 is enacted to read:

**§1726. Cooperation with law enforcement**

A hospital licensed under chapter 404 or 405 shall make a good faith effort to cooperate with law enforcement agencies as provided in this section.

**1. Service of protection from abuse order.** A law enforcement agency may request that a hospital provide access to a defendant who is receiving care in the hospital for the purpose of serving a protection from abuse order pursuant to Title 19-A, section 4006, subsection 6.

A. The hospital shall provide the law enforcement agency with an opportunity to serve the defendant personally with the order at a time the hospital determines is clinically appropriate with due consideration to the medical condition of the defendant.

B. A hospital may disclose that the defendant is a patient to facilitate service under this section regardless of patient consent.

**2. Notice of upcoming release.** A law enforcement agency may request that a hospital provide notice to the law enforcement agency that a person is to be released from the hospital so that the law enforcement agency may arrest the person.

A. The hospital shall provide notice that the person is to be released from the hospital if the person was transported or was caused to be transported to the hospital by the law enforcement agency.

B. The information contained in the notice provided by the hospital must be no more than the minimum amount necessary to satisfy the requirements of this subsection.

**3. Required consistency with federal requirements.** A hospital may provide access under subsection 1 and information under subsection 2 only if the request is consistent with the provisions of 45 Code of Federal Regulations, Section 164.512 (2015) and 42 Code of Federal Regulations, Part 2 (2015).

**4. Immunity; no cause of action.** A hospital, hospital agent, employee or other person who in good faith and without gross negligence provides access or information to a law enforcement agency as required by this section or cooperates in an investigation or a criminal or judicial proceeding related to the requirements of this section is immune from civil and criminal liability and professional licensure action arising out of or related to compliance with this section. This section does not create a cause of action against the hospital, hospital agent, employee or other person for failure to comply with this section.