

# C.12

Legislative Draft Language- Good  
Samaritan Law

Specifically, 22 MRSA section 1711-C, subsection 6. E. currently allows disclosure of otherwise protected health information if the disclosure is made to federal, state or local governmental entities in order to protect the public health and welfare when reporting is required or authorized by law or to report a suspected crime against the health care practitioner or dispenser or facility. However, the federal HIPAA regulations allow for disclosure if the practitioner or dispenser believes a crime has been committed on the premises. As other provisions in the law make clear that it is the provision which is more protective of the patient's privacy that applies when there is a conflict, there are instances in which a prescriber would like to share information with law enforcement that would be permitted under the federal law but not the state. That being the case, the Work Group recommends that the state law be amended to add the phrase or when an alleged crime has been committed on the premises. We have provided the precise language in draft legislation attached in an appendix to our Report.