

Right to Know Advisory Committee
Public Records Exceptions Subcommittee
September 12, 2011
Draft Meeting Summary

Convened 2:35 p.m., Room 438, State House, Augusta

Present:
Shenna Bellows, Chair
Rep. Joan Nass
Chief Perry Antone
Joe Brown
AJ Higgins
Linda Pistner

Absent:
none

Staff:
Peggy Reinsch, Colleen McCarthy Reid

Public Records Exceptions Subcommittee Chair Shenna Bellows convened the meeting and asked the members to introduce themselves.

Review of existing public records exceptions

For the benefit of new members of the subcommittee, Ms. Bellows explained the process to review existing public records exceptions as required by statute. She noted that the subcommittee was charged in 2010 with reviewing more than 120 existing public records exceptions in Titles 22 through 24-A. The subcommittee completed its work in 2010 on all but 31 exceptions. Ms. Bellows proposed that the subcommittee review all of the 31 exceptions listed in the chart prepared by staff and make recommendations on as many of those existing exceptions as possible. The subcommittee will table any specific exceptions identified by one or more subcommittee members as needing further information or analysis; action on the tabled exceptions will be deferred until the next meeting.

The subcommittee reviewed all of the exceptions listed on the chart and made the following recommendations with respect to each specific exception as listed below.

#	TITLE, SECTION & DESCRIPTION	SUBCOMMITTEE RECOMMENDATION
15	Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers	11/4: tabled 9/12/11: AMEND - wait for AG draft
18	Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret	11/4: tabled 9/12/11: REPEAL 5-1 (LP)
19	Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret	11/4: tabled 9/12/11: REPEAL 5-1 (LP)
20	Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual	11/4: tabled 9/12/11: no change

#	TITLE, SECTION & DESCRIPTION	SUBCOMMITTEE RECOMMENDATION
21	Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	11/4: tabled 9/12/11: tabled for more info (AG)
22	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act	11/4: tabled 9/12/11: no change 5-1 (SB)
33	Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have "direct and legitimate interest" or meet other criteria Amended in 2011, PL 2011, c. 58	11/4: tabled 9/12/11: no change
34	Title 22, section 2706-A, subsection 6, relating to adoption contact files	11/4: tabled 9/12/11: no change
35	Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form	11/4: tabled 9/12/11: no change
36	Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information	11/4: tabled 9/12/11: no change
37	Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files	11/4: tabled 9/12/11: AMEND
38	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	11/4: tabled 9/12/11: letter to HHS about repeal
39	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data	11/4: tabled 9/12/11: letter to HHS about repeal
44	Title 22, section 4008, subsection 1, relating to child protective records	11/4: tabled 9/12/11: no change
53	Title 22, section 8707, relating to the Maine Health Data Organization	10/18: Table - sub-§2 no change; sub-§4 why MHCFC link? 9/12/11: tabled; contact MHDO for more info
54	Title 22, section 8754, relating to medical sentinel events and reporting	11/4: tabled 9/12/11: tabled - more info and amendment language (AG)
55	Title 22, section 8824, subsection 2, relating to the newborn hearing program	11/4: tabled 9/12/11: no change
56	Title 22, section 8943, relating to the registry for birth defects	11/4: tabled 9/12/11: no change
57	Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority	11/4: tabled 9/12/11: tabled - invite DOT and MTA to next meeting

#	TITLE, SECTION & DESCRIPTION	SUBCOMMITTEE RECOMMENDATION
59	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike Amended by PL 2011, c. 302, §18	11/4: tabled 9/12/11: no change
60	Title 23, section 1982, relating to patrons of the Maine Turnpike	11/4: tabled 9/12/11: no change
61	Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls	11/4: tabled 9/12/11: tabled - invite DOT to next meeting
62	Title 23, section 8115, relating to the Northern New England Passenger Rail Authority	11/4: tabled 9/12/11: tabled - redraft for consistent language and policy; need review by NNEPRA
66	Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act	9/27: table - ask medical licensing boards for input; <i>Consumers for Affordable Health Care input requested</i> 11/4: Tabled until 2011 9/12/11: tabled for Consumers for Affordable Health Care comments
67	Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011 9/12/11: tabled - invite Med Licensing Board comment
68	Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011 9/12/11: tabled - invite Med Licensing Board comment
69	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	9/27: table - ask medical licensing boards, Maine Trial Lawyers for input 11/4: tabled until 2011 9/12/11: no change
70	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	9/27: table - ask medical licensing boards, Courts, Maine Trial Lawyers for input 11/4: tabled until 2011 9/12/11: no change

#	TITLE, SECTION & DESCRIPTION	SUBCOMMITTEE RECOMMENDATION
73	Title 24-A, section 216, subsections 2 and 5, relating to records of the Bureau of Insurance	9/27: table - ask Maine Trial Lawyers for input 9/12/11: tabled - for MTLA input
94	Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges	10/18: Table - obsolete? Rewrite to ensure confidentiality of old records? 9/12/11: tabled -for staff to redraft for review
112	Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators	10/18: Table - ask TRecord, (subpoena) 11/4: divided report - no change 3-1 (SBellows) - but flag that inconsistent with treatment of examination reports 9/12/11: no action; maintain last year's recommendation

Next meeting

The Subcommittee will meet on September 29, 2011 at 9:00 am to review those exceptions that remain tabled. Ms. Bellows noted the subcommittee will focus first on those exceptions for which the subcommittee has asked staff to invite representatives of particular agencies for further comment. Staff will contact representatives from the Attorney General Office, Maine Department of Transportation, Maine Turnpike Authority and Board of Licensure in Medicine.

Adjourned 4:15 p.m.

Respectfully submitted,
Peggy Reinsch and Colleen McCarthy Reid