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Paul R. LePage
GOVERNOR

20 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1388, "An Act To Prohibit the Falsification of Medical Records."

Healthcare records are relied upon by healthcare professionals to make decisions that can mean the difference between life and death. False entries in a healthcare record can and will alter the decision-making process of doctors with potentially fatal consequences for patients. As a result, the integrity of healthcare records is of the utmost importance.

Extremely sick or injured patients find themselves in an incredibly vulnerable state. They may even be unable to communicate or comprehend what is happening at the moment. They are not in a position to ensure their records are accurate at precisely the time that an inaccuracy could lead to disaster. Instead, patients place their entire trust in the people who care for them during their time of need.

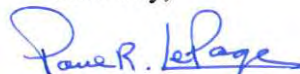
Intentional falsification of records to cover up medical errors or to avoid reporting in the prescription monitoring program is a breach of that trust. This breach would not come to the attention of the patient, or their next of kin, until damage resulting from that breach is already done. This sort of behavior by a healthcare provider must be treated as a serious crime.

A healthcare provider who intentionally falsifies medical records for the purpose of deceiving another person should know that serious injury, or even death, are the reasonably foreseeable consequences of these actions. In other statutes where death or serious bodily injury are reasonably foreseeable consequences of one's actions, penalties are higher. For example, felony murder is a Class A crime. Manslaughter provides for Class A criminal liability where one's reckless activity results in death. Kidnapping provides for Class A criminal liability where one's actions expose another to risk of serious bodily injury. Yet LD 1388 provides only Class C liability for intentional acts that, in fact, result in serious injury.

The penalty for falsification of healthcare records where the result is serious injury, or worse, should be classified as more serious crime than a Class C offense.

For this reason, I return LD 1388 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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