

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 317

S. P. 141

In Senate, February 2, 1979

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

Presented by Mr. Pierce of Kennebec.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Clarify Standards for Consumer Membership under the Health
Facilities Information Disclosure Act.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature by PL 1977, c. 691, enacted legislation creating the Health Facilities Cost Review Board, which must be comprised partially of consumers; and

Whereas, under the present interpretation of the law, neither hospital incorporators nor members of nonprofit hospital and medical organizations qualify as consumers; and

Whereas, the board is required to approve a Voluntary Budget Review Organization under the statute on or before April 15, 1979; and

Whereas, the board cannot convene until its consumer members are appointed and confirmed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be enacted by the people of the State of Maine, as follows:

Sec. 1. 22 MRSA § 353, sub-§ 1, ¶ D, as enacted by PL 1977, c. 691, § 1, is amended to read:

D. Five public members shall be appointed as consumers of health care. Neither the public members nor their spouses or children shall, within the ~~preceding~~ 12 months **preceding appointment**, have been affiliated with, employed by, or have had any professional affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care; **provided that neither membership in a nonprofit hospital and medical organization, coverage for hospital care under an insurance policy, nor service as a corporator or member of an honorary board of a health care facility or institution shall operate to disqualify a person from serving as a public member.**

Sec. 2. 22 MRSA § 364, sub-§ 2, ¶ B, 2nd sentence, as enacted by PL 1977, c. 691, § 1, is amended to read:

Neither the consumers nor their spouses, children or parents shall, within the ~~preceding~~ 12 months **preceding appointment**, have been affiliated with, employed by or have had any professional affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care; **provided that neither membership in a nonprofit hospital and medical organization, coverage for hospital care under an insurance policy, nor service as a corporator or member of an honorary board of a health care facility or institution shall operate to disqualify a person from serving as a public member.**

Sec. 3. 22 MRSA § 364, sub-§ 7, ¶ A, 2nd sentence, as enacted by PL 1977, c. 691, § 1, is amended to read:

Neither the consumers not their spouses, children or parents shall, within the ~~preceding~~ 12 months **preceding appointment**, have been affiliated with, employed by or have had any professional affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care; **provided that neither membership in a nonprofit hospital and medical organization, coverage for hospital care under an insurance policy, nor service as a corporator or member of an honorary board of a health care facility or institution shall operate to disqualify a person from serving as a public member.**

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to more clearly define the 12-month period during which consumer appointees to the Health Facilities Cost Review Board and the Voluntary Budget Review Organization may not have had an affiliation with certain health care related organizations. It would permit persons, who have served in nonpolicymaking capacities as corporators and honorary board members of hospitals, to serve as consumer members on the Health Facilities Cost Review Board and the Voluntary Budget Review Organization.