

MAINE STATE LEGISLATURE

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Minority

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 485, L.D. 743, "An Act to Increase the Availability and Affordability of Health Care by Eliminating Certificate of Need Requirements"

Amend the bill by striking out all of section 11 and inserting the following:

'Sec. 11. 24-A MRSA §4303-F, sub-§1, ¶E, as amended by PL 2025, c. 34, §1 and affected by §2, is further amended to read:

E. A carrier may not require a ground ambulance service provider to obtain prior authorization before transporting an enrollee to a hospital, between hospitals or from a hospital to a nursing home, hospice care facility or other health care facility, ~~as defined in Title 22, section 328, subsection 8.~~ A carrier may not require an air ambulance service provider that is a nonprofit organization to obtain prior authorization before transporting an enrollee to a hospital or between hospitals for urgent care. For the purposes of this paragraph, the following terms have the following meanings.

(1) "Ambulatory surgical facility" means a facility, not part of a hospital, that provides surgical treatment to patients not requiring hospitalization. "Ambulatory surgical facility" does not include the offices of private physicians or dentists, whether in individual or group practice.

(2) "Health care facility" means a hospital, psychiatric hospital, nursing facility, kidney disease treatment center including a freestanding hemodialysis facility, rehabilitation facility, ambulatory surgical facility, independent radiological service center, independent cardiac catheterization center or cancer treatment center. "Health care facility" does not include the office of a private health care practitioner, as defined in Title 24, section 2502, subsection 1-A, whether in individual or group practice. In an ambulatory surgical facility that functions also as the office of a health care practitioner, the following portions of the ambulatory surgical facility are considered to be a health care facility:

(a) Operating rooms;

(b) Recovery rooms;

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(c) Waiting areas for ambulatory surgical facility patients;

(d) Any space with major medical equipment; and

(e) Any other space used primarily to support the activities of the ambulatory surgical facility.

(3) "Health services" means clinically related services that are diagnostic, treatment, rehabilitative services or nursing services provided by a nursing facility. "Health services" includes alcohol or drug dependence, substance use disorder and mental health services.

(4) "Hospital" means an institution that primarily provides to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of persons who are injured, disabled or sick or rehabilitation services for the rehabilitation of persons who are injured, disabled or sick. "Hospital" also includes psychiatric and tuberculosis hospitals.

(5) "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions used to provide medical and other health services that costs \$3,200,000 or more. "Major medical equipment" does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and has been determined to meet the requirements of the United States Social Security Act, Title XVIII, Section 1861(s)(10 and 11). In determining whether medical equipment costs more than the threshold provided in this subparagraph, the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to acquiring the equipment must be included. If the equipment is acquired for less than fair market value, the cost includes the fair market value. The threshold amount for review must be updated by the commissioner to reflect the change in the Consumer Price Index for medical care services as reported by the United States Department of Labor, Bureau of Labor Statistics, with an effective date of January 1st each year.

(6) "Nursing facility" means any facility defined under section 1812-A.

(7) "Rehabilitation facility" means an inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of persons who are disabled through an integrated program of medical services and other services that are provided under competent professional supervision.'

Amend the bill by inserting after section 19 the following:

'Sec. 20. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Division of Licensing and Certification Z036

Initiative: Deallocations from the elimination of one Senior Health Care Financial Analyst position and the loss of the certificate of need application fee revenue.

OTHER SPECIAL REVENUE FUNDS

2025-26

2026-27

1	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
2	Personal Services	(\$150,270)	(\$154,294)
3	All Other	(\$137,558)	(\$137,651)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$287,828)	(\$291,945)
6	Medical Care - Payments to Providers 0147		
7	Initiative: Provides funding due to the elimination of the certificate of need process.		
8	GENERAL FUND	2025-26	2026-27
9	All Other	\$423,796	\$425,886
10			
11	GENERAL FUND TOTAL	\$423,796	\$425,886
12			
13	FEDERAL EXPENDITURES FUND	2025-26	2026-27
14	All Other	\$676,400	\$674,310
15			
16	FEDERAL EXPENDITURES FUND TOTAL	\$676,400	\$674,310
17	Nursing Facilities 0148		
18	Initiative: Provides funding due to the elimination of the certificate of need process.		
19	GENERAL FUND	2025-26	2026-27
20	All Other	\$4,123,579	\$4,147,671
21			
22	GENERAL FUND TOTAL	\$4,123,579	\$4,147,671
23			
24	FEDERAL EXPENDITURES FUND	2025-26	2026-27
25	All Other	\$7,795,745	\$7,771,653
26			
27	FEDERAL EXPENDITURES FUND TOTAL	\$7,795,745	\$7,771,653
28			
29	OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
30	All Other	\$760,808	\$760,808
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$760,808	\$760,808
33			
34	HEALTH AND HUMAN SERVICES,		
35	DEPARTMENT OF		
36	DEPARTMENT TOTALS	2025-26	2026-27
37			
38	GENERAL FUND	\$4,547,375	\$4,573,557
39	FEDERAL EXPENDITURES FUND	\$8,472,145	\$8,445,963
40	OTHER SPECIAL REVENUE FUNDS	\$472,980	\$468,863
41			
42	DEPARTMENT TOTAL - ALL FUNDS	\$13,492,500	\$13,488,383

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, adds an appropriations and allocations section. The amendment also updates a section of the bill to reflect changes made by Public Law 2025, chapter 34.

FISCAL NOTE REQUIRED
(See attached)

**132nd MAINE LEGISLATURE****LD 743****LR 865(02)****An Act to Increase the Availability and Affordability of Health Care by Eliminating Certificate of Need Requirements**

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-96)
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$4,547,375	\$4,573,557	\$4,573,557	\$4,573,557
Appropriations/Allocations				
General Fund	\$4,547,375	\$4,573,557	\$4,573,557	\$4,573,557
Federal Expenditures Fund	\$8,472,145	\$8,445,963	\$8,445,963	\$8,445,963
Other Special Revenue Funds	\$472,980	\$468,863	\$468,863	\$468,863
Revenue				
Federal Expenditures Fund	\$8,472,145	\$8,445,963	\$8,445,963	\$8,445,963
Other Special Revenue Funds	\$634,161	\$634,161	\$634,161	\$634,161

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$4,547,375 in fiscal year 2025-26 and \$4,573,557 in fiscal year 2026-27 due to the elimination of the certificate of need process. Federal Expenditures Fund allocations are also included for the FMAP match and Other Special Revenue Funds allocations for the Nursing Facility Tax.