

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-973)

HOUSE AMENDMENT " B " to S.P. 652, L.D. 2013, Bill, "AN
ACT Relating to Certificate of Need."

Amend the bill in that part designated "§304" subsection
1, paragraph C, subparagraph (3), by striking out in the
2nd line (1st in L.D.) the underlined word "and"

Further
/amend the bill in that part designated "§304", subsection 1,
by inserting at the end the following:

'E. The acquisition of any equipment by any person other
than a health care facility which involves a capital
expenditure of \$150,000 or more and has been designated
by the department pursuant to this section as not
normally associated with a physician's practice. At
least once annually, the department shall establish a
list of equipment which shall be subject to review under
this paragraph; and'

Further amend the bill in that part designated "§320",
in the 3rd line (same in L.D.) by striking out the/word "project "
and inserting in its place the underlined words 'health care
facility'

Further amend the bill by striking out all of that part
designated "§321" and inserting in its place the following:

'§321. Penalty

Any health care facility violating any provision of this chapter or any rule or regulation established hereunder shall be subject to a civil penalty payable to the State of not more than \$5,000 to be recovered in a civil action.'

Statement of Fact

The purpose of this amendment is to require that equipment which costs \$150,000 or more and is not normally associated with a physician's practice should be subject to the certificate of need process. The department is directed to establish a list of such equipment at least once each year.

If a physician decides to purchase equipment falling under this description without seeking a certificate of need, the department may withhold reimbursement for public funds for any of the physician's patients who have received services using this equipment. The department may not seek an injunction to prevent the physician from using the equipment and the physician may not be found to be guilty of a civil violation for failing to seek the certificate. Any physician having no patients, receiving services through the equipment, whose costs are paid by public money will be subject to no action by the State.

Filed by Mr. Brenerman of Portland.

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