

# MAINE STATE LEGISLATURE

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L.D. 2013  
(Filing No. S-435)

STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "D" 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,  
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  
\$75,000 or more and has been designated by the department  
pursuant to this section as subject to review under this  
chapter.

For the purposes of this section, the department, after con-  
sultation with the Health Systems Agency, shall designate in  
its rules and regulations as subject to review under this  
chapter types of equipment:

- (1) Which are associated with the diagnosis, treatment  
or rehabilitation of patients;
- (2) Which contribute significantly to health care costs;  
and
- (3) For which there is no demonstrated widespread need  
or for which there is insufficient data to demonstrate  
the need, or which would significantly reduce the  
utilization of similar equipment if the equipment were  
already available.

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SENATE AMENDMENT "D" to S.P. 652, LD 2013

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Further amend the bill by striking out all of those parts  
and "§321." their  
designated "§320."/and inserting in ~~the~~ place the following:

'§320. Injunction

The Attorney General, upon the request of the department, shall seek to enjoin any health care facility from making any expenditure or taking any other action for which a certificate of need as required by this chapter has not been obtained and shall take any other action that may be appropriate to enforce this chapter.

§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 purposes of this amendment are to require that the purchase of certain health care equipment shall be subject to the certificate of need process and to authorize the withholding of public funds for the reimbursement of services provided through the use of this equipment whenever a certificate of need has not been obtained. The cost of the equipment shall exceed \$75,000 and shall also satisfy

ther criteria set out in the amendment. The Department of Human Services is directed to develop a list of these types of equipment.

This amendment does not restrict a physician's freedom to buy equipment of any kind and at any cost to the extent that the equipment is used to provide services to patients whose health care costs are not paid by public funds. The amendment merely permits the Department of Human Services to withhold payment of public funds to a physician if services are provided using equipment which has not received a certificate of need. Other than the withholding of public funds, no other penalty is provided for the failure to receive a certificate of need for this equipment.

(Pray)

NAME: *Charles Pray*  
COUNTY: Penobscot

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