

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
SECOND REGULAR SESSION

(Filing No. S-427)

COMMITTEE AMENDMENT "A" to S.P. 732, L.D. 1912, Bill,  
"AN ACT to Amend the Health Facilities Information Disclosure  
Act."

Amend the bill in section 1, subsection 8, by inserting  
in the 4th line (3rd line in LD) after the word "determined"  
the following underlined word: 'overall'

Further amend the bill by inserting after section 1, the  
following:

'Sec. 2. 22 MRSA §352, sub-§10, is enacted to read:

10. Reasonable financial requirements. "Reasonable finan-  
cial requirements" means those resources required to maintain the  
financial stability of the health facility for the level and  
amount of services provided to patients. The determination of  
the appropriateness of the services and the utilization of those  
services provided by a health facility is not within the scope of  
the budget review process.'

Further amend the bill in section 2 by striking out everything  
after the amending clause and inserting in its place the following:

' 8. Performance standards. Have the power to establish  
performance standards prospectively in order to evaluate the effects  
of any approved voluntary budget review organization on the costs  
of health care services rendered by hospitals participating in the  
organization and, in accordance with section 356, subsection 1, to

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establish the methods of and the criteria for calculating these performance standards.'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 22 MRSA §358, sub-§5, as enacted by PL 1977,

c. 691, §1 is repealed and the following enacted in its place:

5. Discharge data.

A. Each hospital shall file within an independent data organization a completed Uniform Hospital Discharge Data Set, or comparable information, for each patient discharged from the facility after December 31, 1972.

B. Each nursing home shall file with an independent data organization a completed Uniform Hospital Discharge Data Set, or comparable information, for each patient discharged from the facility after the effective date of the rules required under paragraph C and in accordance with a filing date specified in these rules.

C. The board shall adopt rules after a public hearing which specify the form and content of discharge data which any nursing home shall file in accordance with the requirements of paragraph B.

D. The board shall adopt rules after a public hearing for any publicly released information which may indirectly identify individual patients or health care practitioners.

E. The board shall have access to discharge data through the independent data organization, subject to the provisions of paragraphs D and F, provided that individual patients or health care practitioners are not directly identified.

F. The board shall have access to discharge data beginning with the effective dates of the rules required under paragraph D for hospitals and nursing homes respectively.

G. The affected health facility shall be provided copies of any requests by the board for data sets or analyses and shall have an opportunity to comment on the data or analyses before they are released by the board.'

Further amend the bill in section 5 by inserting in the 3rd line (2nd line in LD) after the amending clause after the word "determined" the following underlined word: 'overall'

Further amend the bill in section 6 by striking out all of subsection 4 and inserting in its place the following:

'4. Fees. Upon request by the board, any voluntary budget review organization shall contract with the board to carry out a staff analysis of any hospital budget submitted to the board. The board is authorized to charge any hospital submitting its budget to the board a fee for the cost of the analysis provided by a voluntary budget review organization. This fee may not exceed 1/10 of 1% of the total operating expenses of the hospital for the prior year or \$1,000, whichever is greater. The board is authorized to retain any fees collected for the purpose of paying ←→ the costs of any analyses requested under this subsection.'

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Further amend the bill by renumbering/sections to read consecutively.

Statement of Fact

The purposes of this amendment are to:

1. Define the term "reasonable financial requirements;"
2. Clarify that discharge data from nursing homes shall be filed only after the effective date of rules specifying the form and content of the data;
3. Require that hospitals should file discharge data beginning January 1, 1973. Under the present law hospitals are required to file this data beginning on July 1, 1978. All hospitals have already collected this data for the period from January 1, 1973, to July 1, 1978. This amendment would simply make this data available through an independent data organization;
4. Require that the board adopt rules, relating to the release of any data which may indirectly identify a patient or health care practitioner, before access to the discharge data is permitted;
5. Require a voluntary budget review organization to contract with the board, upon request, to provide technical staff analyses of budgets and authorize the board to charge and retain fees to pay for these analyses;
6. Clarify that the criteria as well as the methods for calculating performance standards shall be determined by rule and after public hearing in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375; and
7. Clarify that the performance standards shall be established prospectively.

Majority of the  
Reported by the/Committee on Health and Institutional Services.

Reproduced and distributed pursuant to Senate Rule 11-A.

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