

# MAINE STATE LEGISLATURE

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L.D. 1264

(Filing No. S- 275 )

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 461, L.D. 1264, Bill, "AN ACT to Amend the Maine Certificate of Need Act to Correct Inconsistencies Related to Other Statutory Provisions and to Ensure Cost-effective Development of Services Requiring Acquisition of Major Medical Equipment."

Amend the bill by striking out all of sections 4 and 5 and inserting in their place the following:

'Sec. 4. 22 MRSA §304-A, sub-§2, ¶C is enacted to read:

C. The acquisition by any person of the following categories of major medical equipment:

- (1) Nuclear magnetic resonance scanners, also known as magnetic resonance imaging equipment;
- (2) Computer axial tomography scanners; and
- (3) Extra-corporeal lithotripter equipment.

This paragraph is repealed July 30, 1986.'

Further amend the bill by striking out all of section 12 and inserting in its place the following:

'Sec. 12. 22 MRSA §307, sub-§6-A, as enacted by PL 1981, c. 705, Pt. V, §29, is amended to read:

6-A. Review cycles. The department shall establish review cycles for the review of applications. There shall be at least 6 1 review eyeies cycle for each type or category of project each calendar year,

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1 the dates for which shall be published at least 3  
2 months in advance. An application shall be reviewed  
3 during the next scheduled review cycle following the  
4 date on which the application is either declared com-  
5 plete or submitted for review pursuant to section  
6 306-A, subsection 4, paragraph B. Hospital projects  
7 which must be considered within the constraints es-  
8 tablished by the Certificate of Need Development Ac-  
9 count established pursuant to section 396-K may be  
10 grouped for competitive review purposes at least once  
11 each year, provided that, for minor projects, as de-  
12 finied by the department through rules adopted pursu-  
13 ant to section 312, the department shall allocate a  
14 portion of the Certificate of Need Development Ac-  
15 count for the approval of those projects and shall  
16 establish at least 6 review cycles each year for the  
17 review of those projects. Nursing home projects which  
18 propose to add new nursing home beds to the inventory  
19 of nursing home beds within the State may be grouped  
20 for competitive review purposes consistent with ap-  
21 propriations made available for that purpose by the  
22 Legislature. The department may hold an application  
23 for up to 90 days following the commencement of the  
24 next scheduled review cycle if, on the basis of one  
25 or more letters of intent on file at the time the ap-  
26 plication is either declared complete or submitted  
27 for review pursuant to section 306-A, subsection 4,  
28 paragraph B, the department expects to receive within  
29 the additional 90 days one or more other applications  
30 pertaining to similar types of services, facilities  
31 or equipment affecting the same health service area.  
32 Pertinent health service areas shall be defined in  
33 regulations promulgated by the department pursuant to  
34 section 312, based on recommendations by the State  
35 Health Coordinating Council.'

36 Further amend the bill in section 20 in that part  
37 designated "§319." in the 5th line (page 13, line 4  
38 in L.D.) by striking out the following: "state agency  
39 person" and inserting in its place the following:  
40 'state agency or other 3rd-party payor'

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1 Further amend the bill by renumbering the sec-  
2 tions to read consecutively

3 STATEMENT OF FACT

4 This amendment makes the following changes to the  
5 original bill:

6 1. Amends the provisions which require a certifi-  
7 cate of need for all purchases of major medical  
8 equipment, regardless of location. The amendment lim-  
9 its the requirement for a certificate of need to pur-  
10 chase 3 kinds of expensive major medical equipment, a  
11 nuclear magnetic resonance scanner, a computer axial  
12 tomography scanner and extra-corporeal lithotripter  
13 equipment. The requirement for review is repealed on  
14 July 30, 1986;

15 2. Amends the language regarding the depart-  
16 ment's authority to group applications for certifi-  
17 cate of need review by making that authority more  
18 specific in the law; and

19 3. Amends the language in the Maine Revised  
20 Statutes, Title 22, section 319, concerning withhold-  
21 ing of payments by payors in cases where a certifi-  
22 cate of need was not approved by making the language  
23 more specific than the original bill.

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