

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1460

S.P. 483

In Senate, May 8, 1987

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative PINES of Limestone, Representative ROLDE of York, Representative PARADIS of Frenchville.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Make Technical Amendments in the  
Certificate of Need Act to Expedite  
the Process.

1  
2  
3  
4

5 Be it enacted by the People of the State of Maine as  
6 follows:

7 Sec. 1. 22 MRSA §306-A, sub-§1, as enacted by PL  
8 1981, c. 705, Pt. V, §19, is amended to read:

9 1. Letter of intent. Prior to filing an appli-  
10 cation for a certificate of need, an applicant shall  
11 file a letter of intent with the department ~~no less~~  
12 ~~than 30 days prior to the date on which the applica-~~  
13 ~~tion is to be filed.~~ The letter of intent shall form  
14 the basis for determining the applicability of this  
15 chapter to the proposed expenditure or action. A  
16 letter of intent shall be deemed withdrawn one year

1 after receipt by the department, unless sooner super-  
2 seded by an application; provided that the applicant  
3 shall not be precluded from resubmitting the same  
4 letter of intent.

5       **Sec. 2.** 22 MRSA §306-A, sub-§§2, 3 and 4, as  
6 amended by PL 1985, c. 418, §6, are further amended  
7 to read:

8       2. Application filed. Upon a determination by  
9 the department that a certificate of need is required  
10 for a proposed expenditure or action, an application  
11 for a certificate of need shall be filed with the de-  
12 partment if the applicant wishes to proceed with the  
13 project. Prior to filing a formal application for a  
14 certificate of need, the applicant is required to  
15 meet with the department staff in order to assist the  
16 department in understanding the application and to  
17 receive technical assistance concerning the nature,  
18 extent and format of the documentary evidence, sta-  
19 tistical and financial data required for the depart-  
20 ment to evaluate the proposal. The department shall  
21 not accept an application for review until the appli-  
22 cant has satisfied this technical assistance require-  
23 ment unless waived in writing by both parties.

24       3. Additional information required. Additional  
25 information may be required or requested as follows.

26       A. If, after receipt of an application, the de-  
27 partment determines that additional information  
28 is necessary before the application can be con-  
29 sidered complete, the department may:

30           (1) Require the applicant to respond to 2  
31 sets one set of requests for additional in-  
32 formation from the department, ~~provided that~~  
33 ~~a--2nd--request--is--directly--related--to--the~~  
34 ~~first--information--request--or--to--the--informa-~~  
35 ~~tion--provided--in--response--to--the--first~~  
36 request; and

37           (2) Request, but not require, the applicant  
38 to respond to additional sets of requests  
39 for information, provided that each request  
40 is directly related to the last request or  
41 to the information provided in response to  
42 the last request.

1 C. Within 15 business days after the filing of  
2 an application or response to any information re-  
3 quest, whichever is applicable, with the depart-  
4 ment, the department shall notify the applicant  
5 in writing that:

6 (1) The application contains all necessary  
7 information required and is complete; or

8 (2) Additional information is required by  
9 the department. If, after receipt of the  
10 applicant's response to the 2nd first or any  
11 subsequent request, the department deter-  
12 mines that additional information is re-  
13 quired, the notification shall also include  
14 a statement of the basis and rationale for  
15 that determination.

16 4. Review of incomplete application. Upon re-  
17 ceipt of the 3rd 2nd or any subsequent notice de-  
18 scribed in subsection 3, paragraph C, subparagraph 2,  
19 the applicant must notify the department in writing  
20 that:

21 A. It will provide the additional information  
22 requested by the department. Following comple-  
23 tion, it shall be entered into the next review  
24 cycle; or

25 B. That it is not able to or does not intend to  
26 provide the information requested and requests  
27 the application be entered into the next appro-  
28 priate review cycle. In that case, the applicant  
29 shall be prohibited from submitting the informa-  
30 tion it had declined to provide into the record  
31 after the 25th day of the review cycle and the  
32 information shall not be considered in the deter-  
33 mination to issue or to deny a certificate of  
34 need. If the applicant provides the information  
35 requested prior to the 25th day of the review cy-  
36 cle, the application may, at the discretion of  
37 the department, be returned to the beginning of  
38 the review cycle. Failure to submit additional  
39 information requested by the department may re-  
40 sult in an unfavorable recommendation and may re-  
41 sult in subsequent denial of the application by  
42 the department, as long as the denial is related  
43 to applicable criteria and standards.



1 need violations in a special revenue account to be  
2 used solely for supporting certificate of need activ-  
3 ities, such as hiring expert short-term consultants.

4 The department has convened an advisory group  
5 composed of health care providers and together they  
6 have hired an independent consultant to examine the  
7 certificate of need process and make recommendations  
8 on the future scope of Maine's certificate of need  
9 law. The study is comprehensive in nature and ad-  
10 dresses whether certificate of need is still useful,  
11 what providers and services should be covered, what  
12 the application process should be and who should make  
13 final need determination. This study will be com-  
14 pleted by March and will be the basis for later de-  
15 partmental legislation which more significantly  
16 amends the Certificate of Need Program.

17

2265032387