

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1181, L.D. 1611)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1786

H.P. 1308 House of Representatives, June 9, 1987  
Reported by the Minority from the Committee on Human  
Resources and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored by Representative BOUTILIER of  
Lewiston. Cosponsored by Representative ROLDE of York,  
Speaker MARTIN of Eagle Lake and President PRAY of Penobscot.

STATE OF MAINE

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

1 AN ACT to Authorize Hospitals to Use Magnetic  
2 Resonance Imaging Devices Located in  
3 Private Physicians' Facilities.  
4

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

7 § 22 MRSA §304-A, sub-§2, as enacted by PL 1981, c.  
8 705, Pt. V, §16, is amended to read:

9 § 2. Acquisitions of major medical equipment. The  
10 following acquisitions:

11 A. The acquisition by any person of major medi-  
12 cal equipment that will be owned by or located in  
13 a health care facility; or

1 B. The acquisition by any person of major medi-  
2 cal equipment not owned by or located in a health  
3 care facility if:

4 (1) The equipment will not be used to pro-  
5 vide services for inpatients of a hospital,  
6 but the person fails to file a written no-  
7 tice of intent to acquire the equipment at  
8 least 60 days prior to entering into a con-  
9 tract to acquire the equipment; or

10 (2) The department finds, within 30 busi-  
11 ness days after the date it receives a writ-  
12 ten notice of intent to acquire the equip-  
13 ment, that the equipment will be used to  
14 provide services for inpatients of a hospi-  
15 tal; or

16 (3) The equipment provides a new technology  
17 health service, including, but not limited  
18 to, magnetic resonance imaging, Position  
19 Emission Tomography, lithotripsy, computer-  
20 ized tomography and digital subtraction  
21 angiography. Magnetic resonance imaging ma-  
22 chines acquired on or before June 1, 1987,  
23 shall not be subject to review regardless of  
24 any other provisions of this Act and shall  
25 be authorized to provide inpatient services.  
26 Such services shall not be subject to re-  
27 view, unless total capital and operating  
28 costs exceed \$1,000,000 and unless otherwise  
29 required by provisions of the Act.

30 There shall be in effect, until no later than March  
31 1, 1988, a moratorium on the granting of all certifi-  
32 icates of need for new technology health services ex-  
33 cept those for which a letter of intent was filed  
34 prior to June 1, 1987, so that the department can de-  
35 velop plans and criteria for reviewing certificates  
36 of need for new technology services. The department  
37 shall create a Technology Advisory Committee which  
38 shall consist of one representative nominated by the  
39 Maine Medical Association; 2 representatives nomi-  
40 nated by the Maine Hospital Association, one from a  
41 large hospital and one from a smaller hospital; one  
42 representative nominated by the Maine Osteopathic As-  
43 sociation; 2 consumer representatives, one of whom

1 shall be nominated by the Certificate of Need Advis-  
2 ory Committee; 2 payors; and one health economist.  
3 The advisory committee shall assist the department in  
4 defining what constitutes new technology and develop-  
5 ing criteria for the determination of need for that  
6 technology. The committee shall also assist the de-  
7 partment in developing a plan regarding the disburse-  
8 ment of new technology throughout regions of the  
9 State and shall be a standing committee of the de-  
10 partment to advise it on matters related to new tech-  
11 nology.

12 There shall be a waiver for the use of major medical  
13 equipment on a temporary basis as provided in section  
14 308, subsection 4;

15 STATEMENT OF FACT

16 The new draft requires certain new technologies  
17 costing over \$1,000,000 to receive a certificate of  
18 need regardless of where they are located. The new  
19 draft exempts magnetic resonance imaging machines ac-  
20 quired on or before June 1, 1987, from certificate of  
21 need coverage and allows them to serve inpatients as  
22 well as well as outpatients. In addition, the new  
23 draft places a moratorium on the granting of new cer-  
24 tificates of need until March 1, 1988, and creates a  
25 Technology Advisory Committee to assist the Depart-  
26 ment of Human Services to plan on a regional basis  
27 and establish criteria to determine what new technol-  
28 ogy is needed in which regions of the State to assure  
29 access to quality and affordable services.

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