

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1288

H.P. 912

House of Representatives, April 11, 1995

An Act to Amend the Certificate of Need Laws to Include Rural Health Clinics.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.

Cosponsored by Representatives: AHEARNE of Madawaska, BUNKER of Kossuth Township, CARLETON of Wells, DRISCOLL of Calais, LIBBY of Kennebunk, MARTIN of Eagle Lake, REED of Dexter, TUFTS of Stockton Springs, WHEELER of Bridgewater, Senators: CASSIDY of Washington, PENDEXTER of Cumberland.

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

2
4 **Sec. 1. 22 MRSA §303, sub-§7**, as amended by PL 1981, c. 705,
Pt. V, §5, is further amended to read:

6 **7. Health care facility.** "Health care facility" means any
7 facility, whether public or private, proprietary or not for
8 profit, required to obtain a certificate of need in accordance
9 with ~~federal--laws--and--regulations--under--the--National--Health~~
10 ~~Planning--and--Resources--Development--Act--of--1974,--or--any--amendment,~~
11 ~~and--shall--include~~ state laws or rules and includes hospitals,
12 psychiatric hospitals, tuberculosis hospitals, skilled nursing
13 facilities, kidney disease treatment centers including ~~free~~
14 ~~standing~~ free-standing hemodialysis units, intermediate care
15 facilities, rehabilitation facilities, ambulatory surgical
16 facilities, home health care providers ~~and~~ health maintenance
17 organizations and rural health clinics. The term ~~shall~~ does not
18 apply to any facility operated by religious groups relying solely
19 on spiritual means through prayer for healing.

20 **Sec. 2. 22 MRSA §303, sub-§17-B** is enacted to read:

21
22 **17-B. Rural health clinic.** "Rural health clinic" means a
23 clinic that is located in rural area designated as a shortage
24 area, is not a rehabilitation agency or a facility primarily for
25 the care and treatment of mental diseases and plans to seek or is
26 seeking Medicaid and Medicare certification and reimbursement as
27 a Rural Health Clinic as described in 42 Code of Federal
28 Regulations, Part 491, Subpart A (1994) and successor regulations.

32 **STATEMENT OF FACT**

34
35 This bill modifies the definition of "health care facility"
36 under the Maine Certificate of Need Act of 1978 to include rural
37 health clinics, a term that is also defined in the bill to
38 include certain clinics in rural areas designated as shortage
39 areas. The bill also clarifies that health care facilities under
40 the certificate of need laws are those that must obtain a
certificate of need in accordance with state laws and rules.