

MAINE STATE LEGISLATURE

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L.D. 998

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DATE: 5-8-97

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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 734, L.D. 998, Bill, "An Act to Amend the Certificate of Need Laws"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Commission to Study the Certificate of Need Laws'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a study of the State's certificate of need laws is necessary to enable the State to plan for changes in the delivery of health care; and

Whereas, at least 6 months are required for a study of the State's certificate of need laws to be completed in a thorough manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2 **Sec. 1. Commission established. Resolved:** That the Commission
to Study the Certificate of Need Laws, referred to in this
4 resolve as the "commission," is established; and be it further

6 **Sec. 2. Membership. Resolved:** That the commission consists of
15 members appointed as follows:

8 A. Eight members appointed by the Governor as follows:

10 (1) Three representatives of the Department of Human
12 Services, one each from the Bureau of Elder and Adult
14 Services, the Bureau of Medical Services and the Audit,
Contracting and Licensing Service Center;

16 (2) One member of the public;

18 (3) One representative of the Maine Hospital
20 Association, representing large hospitals;

22 (4) One representative of the Maine Health Care
Association;

24 (5) One representative of a nonprofit hospital and
26 medical service organization; and

28 (6) One representative of physicians, representing
members of the Maine Medical Association; and

30 B. Seven members appointed jointly by the President of the
Senate and the Speaker of the House of Representatives, as
32 follows:

34 (1) One representative of physicians, representing
36 members of the Maine Osteopathic Association;

38 (2) One member of the public;

40 (3) Two Legislators, one representing the majority
party and one representing the minority party;

42 (4) One representative of the Maine Hospital
44 Association, representing small hospitals;

46 (5) One representative of a health insurer licensed
under the Maine Revised Statutes, Title 24-A; and

48 (6) One representative of the Home Care Alliance of
50 Maine; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 1, 1997. The commission shall select a chair from among its legislative members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the application of the State's certificate of need laws, their effectiveness in ensuring access to health care and in controlling costs, the need for modifications to address the changing health care system and alternative methods of meeting the goals of the laws. In examining these issues, the commission shall consult with the public, providers of health care and insurers and other 3rd-party payors; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Human Services shall provide staffing and clerical services as requested by the commission; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members are entitled to receive reimbursement at the rate of the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the commission. All members of the commission are entitled to reimbursement for travel and other necessary expenses upon application to the Department of Human Services; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Health and Human Services and to the Second Regular Session of the 118th Legislature by December 1, 1997; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

LEGISLATURE

Commission to Study the Certificate of Need Laws

Personal Services \$3,300

2 Provides funds for the per diem of members
of the Commission to Study the Certificate
4 of Need Laws.

6 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.'

8 Further amend the bill by inserting at the end before the
summary the following:

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12 **FISCAL NOTE**

14 **1997-98**

16 **APPROPRIATIONS/ALLOCATIONS**

18 General Fund \$3,300

20 The Legislature will require a General Fund appropriation of
\$3,300 in fiscal year 1997-98 for the per diem for members of the
22 Commission to Study the Certificate of Need Laws.

24 The additional costs associated with supporting the work of
the commission, including reimbursing the members for expenses,
26 can be absorbed by the Department of Human Services utilizing
existing budgeted resources.'

28 **SUMMARY**

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32 This amendment changes the bill to a resolve and creates a
study commission to study the State's certificate of need laws.
34 The commission is required to report to the Joint Standing
Committee on Health and Human Services by December 1, 1997. The
36 amendment also adds an appropriation and a fiscal note to the
bill.