

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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 998

H.P. 734

House of Representatives, February 11, 1997

An Act to Amend the Certificate of Need Laws.

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Bangor.
Cosponsored by Senator RUHLIN of Penobscot and
Representatives: CAMPBELL of Holden, FULLER of Manchester, TRIPP of Topsham,
Senators: AMERO of Cumberland, MITCHELL of Penobscot.

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

2
3 **Sec. 1. 22 MRSA §303, sub-§7**, as amended by PL 1995, c. 696,
4 Pt. A, §2, is further amended to read:

6 **7. Health care facility.** "Health care facility" means
7 hospitals, psychiatric hospitals, nursing facilities, ~~kidney~~
8 ~~disease--treatment--centers--including--free--standing--hemodialysis~~
9 ~~facilities,~~ and rehabilitation facilities and ~~ambulatory-surgical~~
10 ~~facilities.~~

12 **Sec. 2. 22 MRSA §304-A, sub-§2**, as repealed and replaced by PL
13 1993, c. 477, Pt. D, §2 and affected by Pt. F, §1, is amended to
14 read:

16 **2. Acquisitions of certain major medical equipment.**
17 Acquisitions by a health care facility of major medical equipment
18 with a cost of \$1,000,000 or more. There is a waiver for the use
19 of major medical equipment on a temporary basis as provided in
20 section 308, subsection 4;

22 **Sec. 3. 22 MRSA §304-A, sub-§2-A**, as enacted by PL 1993, c.
23 477, Pt. D, §3 and affected by Pt. F, §1, is repealed.

24 **Sec. 4. 22 MRSA §304-A, sub-§4**, as amended by PL 1995, c. 696,
25 Pt. A, §11, is further amended to read:

28 **4. New health services.** The offering or development of any
29 new health service by a health care facility. For purposes of
30 this section, "new health services" includes only the following:

32 A. The obligation of any capital expenditures by or on
33 behalf of a health care facility that is associated with the
34 addition of a health service that was not offered on a
35 regular basis by or on behalf of the facility within the
36 12-month period prior to the time the services would be
37 offered;

38 B. The addition of a health service that is to be offered
39 by or on behalf of a health care facility that was not
40 offered on a regular basis by or on behalf of the facility
41 within the 12-month period prior to the time the services
42 would be offered, and that, for the 3rd fiscal year of
43 operation, including a partial first year, following
44 addition of that service, absent any adjustment for
45 inflation, is projected to entail annual operating costs of
46 at least the expenditure minimum for annual operating costs;
47 or
48

2 C. The addition of a health service by a health care
3 facility that falls within a category of health services
4 that are subject to review regardless of capital expenditure
5 or operating cost and which category the department has
6 defined through regulations promulgated pursuant to section
312.

8 This subsection does not prohibit a nursing facility from
9 converting beds used for the provision of nursing services to
10 beds to be used for the provision of residential care services.
11 If such a conversion occurs, public funds are not obligated for
12 payment of services provided in the converted beds;

14 **Sec. 5. 22 MRSA §304-A, sub-§9, ¶B,** as amended by PL 1985, c.
15 418, §4, is further amended to read:

16 B. If a ~~person~~ health care facility adds a health service
17 not subject to review under subsection 4, paragraph A or C
18 and which that was not deemed subject to review under
19 subsection 4, paragraph B at the time it was established and
20 which that was not reviewed and approved prior to
21 establishment at the request of the applicant, and its
22 actual 3rd fiscal year operating cost, as adjusted by an
23 appropriate inflation deflator promulgated by the
24 department, ~~after consultation with the Maine Health Care~~
25 ~~Finance Commission,~~ exceeds the expenditure minimum for
26 annual operating cost in the 3rd fiscal year of operation
27 following addition of these services.

30
31 **SUMMARY**

32 This bill repeals the requirement that private health care
33 providers, whether individual or group practices, be required to
34 obtain a certificate of need.