

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1380

S.P. 434

In Senate, March 5, 1997

**An Act to Clarify and Facilitate Transfers of Health Care Facility
Capacity.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.

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

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Sec. 1. 22 MRSA §307, sub-§6-A, as amended by PL 1995, c. 696, Pt. A, §24, is further amended to read:

6-A. Review cycles. The department shall establish review cycles for the review of applications. There must be at least one review cycle for each type or category of project each calendar year, the dates for which must be published at least 3 months in advance. An application must be reviewed during the next scheduled review cycle following the date on which the application is either declared complete or submitted for review pursuant to section 306-A, subsection 4, paragraph B. Nursing home projects that propose to add new nursing home beds to the inventory of nursing home beds within the State may be grouped for competitive review purposes consistent with appropriations made available for that purpose by the Legislature. A nursing home project that proposes renovation, replacement or other actions that will increase Medicaid costs may be approved only if appropriations have been made by the Legislature expressly for the purpose of meeting those costs, except that the department may approve, without a prior appropriation for the express purpose, projects to reopen beds previously reserved by a nursing facility through a voluntary reduction pursuant to section 304-F, provided that the annual total of reopened beds approved does not exceed 100. For purposes of this subsection, a project does not constitute a nursing home project that will increase Medicaid costs if the number of beds to be used to provide a nursing facility level of care in the proposed project is less than or equal to the number of beds that the applicant for the project agrees to remove permanently from the licensed nursing facility capacity of other health care facilities within the State over which the applicant has control or with which the applicant has a contractual arrangement under which the beds will be permanently removed from licensed capacity in conjunction with implementation of the proposed project. The department may hold an application for up to 90 days following the commencement of the next scheduled review cycle if, on the basis of one or more letters of intent on file at the time the application is either declared complete or submitted for review pursuant to section 306-A, subsection 4, paragraph B, the department expects to receive within the additional 90 days one or more other applications pertaining to similar types of services, facilities or equipment affecting the same health service area. Pertinent health service areas must be defined in rules adopted by the department pursuant to section 312.

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SUMMARY

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This bill amends the certificate of need laws as they apply to nursing facilities. It addresses excess nursing facility capacity by clarifying that a project will not be treated as requiring specific legislative appropriations if it removes from service the same number of beds providing a nursing facility level of care as would be added by the project. It clarifies that these beds can be removed at other locations within the State if the applicant has the necessary control or contractual right to do so as part of the project.