

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 453

H.P. 363

House of Representatives, February 1, 2001

An Act to Recognize the Special Circumstances of Border Hospitals.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative ANDREWS of York.
Cosponsored by Senator LEMONT of York and
Representatives: COLLINS of Wells, ESTES of Kittery, MURPHY of Berwick, WHEELER
of Eliot.

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

4 **Sec. 1. 22 MRSA §303, sub-§2-C** is enacted to read:

6 **2-C. Border hospital.** "Border hospital" means a hospital located in this State within 10 miles of the New Hampshire border.

8 **Sec. 2. 22 MRSA §307, sub-§5-A, ¶D** is enacted to read:

10 D. In making a determination on any application affecting a border hospital, the commissioner shall give consideration to the special circumstances affecting border hospitals, including, but not limited to:

14 (1) Competition from hospitals and other health care providers located in New Hampshire and Massachusetts;

18 (2) The provision of services to persons who are not residents of this State; and

20 (3) The extent to which reimbursement for hospital services may be affected by payors that are not subject to regulation by this State.

24 In the notice of a decision affecting a border hospital, the commissioner must include written findings that summarize the commissioner's consideration of such circumstances.

28 **Sec. 3. 22 MRSA §1832** is enacted to read:

30 **§1832. Border hospitals**

32 In any matter affecting a border hospital as defined in section 303, subsection 2-C, the department shall give consideration to the special circumstances affecting border hospitals, including, but not limited to:

34 **1. Competition.** Competition from hospitals and other health care providers located in New Hampshire and Massachusetts;

38 **2. Provision of services.** The provision of services to persons who are not residents of this State; and

40 **3. Reimbursement.** The extent to which reimbursement for hospital services may be affected by payors that are not subject to regulation by this State.

44 In any rule-making proceeding affecting hospitals, the department shall include a regulatory impact statement summarizing the impact of the proposed rule on border hospitals.

2 **Sec. 4. 24-A M RSA §4303, sub-§8** is enacted to read:

4 **8. Border hospitals.** A carrier offering a health plan in
6 this State shall demonstrate that any contractual arrangements
8 that the carrier has with border hospitals, as defined in Title
 22, section 303, subsection 2-C, reflect the special
 circumstances affecting border hospitals, including, but not
 limited to:

10 A. Competition from hospitals and other health care
12 providers located in New Hampshire and Massachusetts;

14 B. The provision of services to persons who are not
 residents of this State; and

16 C. The extent to which reimbursement for hospital services
18 may be affected by payors that are not subject to regulation
20 by this State.

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SUMMARY

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 This bill requires that the special circumstances affecting
26 border hospitals be taken into consideration in all matters
 involving their licensure and regulation by the Department of
 Human Services, including certificate of need decisions, and in
28 all matters involving their arrangements with health insurance
 carriers.