

# MAINE STATE LEGISLATURE

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DATE: April 1, 2002 (Filing No. S-529)

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STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 619, L.D. 1799, Bill, "An Act to Strengthen the Certificate of Need Law"

Amend the amendment in section 2 in that part designated "§328." by inserting after subsection 5 the following:

'6. Economic credentialing. "Economic credentialing" means the use of economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing medical staff privileges. "Economic credentialing" includes, but is not limited to, the conditioning of medical staff privileges on:

- A. The acceptance by the medical staff person of an exclusive working relationship with the medical facility;
- B. The purchase by the medical staff person of goods or services at more than fair market value; or
- C. The provision of services by the medical staff person at less than fair market value.'

Further amend the amendment in section 2 in that part designated "§328." by renumbering the subsections to read consecutively.

Further amend the amendment in section 2 in that part designated "§331." in the first line (page 9, line 41 in amendment) by inserting after the following: "review" the following: 'following changes in project'

**SENATE AMENDMENT**

2 Further amend the amendment in section 2 in that part  
4 designated "~~§331.~~" in subsection 2 in paragraph C in the last  
6 line (page 10, line 30 in amendment) by striking out the  
following: "~~334~~" and inserting in its place the following: '~~335~~'

8 Further amend the amendment in section 2 by inserting after  
that part designated "~~§331.~~" the following:

10 '~~§332. Subsequent review following conditional approval;~~  
12 ~~revocation~~

14 When the commissioner grants an application subject to  
16 conditions in accordance with section 335, subsection 8, a  
18 subsequent review to ensure compliance with such conditions is  
20 required within 3 years after the approved activity is  
undertaken. If the commissioner determines that the conditions  
that relate to the criteria for approval have not been met, the  
commissioner may impose additional conditions on the applicant or  
may revoke the conditional approval.'

22 Further amend the amendment in section 2 in that part  
24 designated "~~§332.~~" in subsection 1 in paragraph B in the 2nd line  
(page 11, line 6 in amendment) by striking out the following:  
26 "~~334~~" and inserting in its place the following: '~~335~~'

28 Further amend the amendment in section 2 in that part  
designated "~~§332.~~" in subsection 2 in paragraph A in the 3rd line  
(page 11, line 21 in amendment) by striking out the following:  
30 "~~334~~" and inserting in its place the following: '~~335~~'

32 Further amend the amendment in section 2 in that part  
designated "~~§332.~~" in subsection 2 in paragraph A in the 4th line  
34 (page 11, line 22 in amendment) by striking out the following:  
"~~334~~" and inserting in its place the following: '~~335~~'

36 Further amend the amendment in section 2 in that part  
38 designated "~~§332.~~" in subsection 3 in the 4th line (page 11, line  
36 in amendment) by striking out the following: "~~334~~" and  
40 inserting in its place the following: '~~335~~'

42 Further amend the amendment in section 2 in that part  
designated "~~§333.~~" in the 2nd line from the end (page 12, line 10  
44 in amendment) by striking out the following: "~~332~~" and inserting  
in its place the following: '~~333~~'

46 Further amend the amendment in section 2 in that part  
48 designated "~~§334.~~" in subsection 5 in paragraph D in the last  
line (page 13, line 31 in amendment) by striking out the  
50 following: "~~336~~" and inserting in its place the following: '~~337~~'

2 Further amend the amendment in section 2 in that part  
designated "~~§334.~~" in subsection 7 in the first line (page 14,  
4 line 12 in amendment) by striking out the following: "335" and  
inserting in its place the following: '336'

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8 Further amend the amendment in section 2 in that part  
designated "~~§334.~~" in subsection 7 by inserting at the end the  
following:

10 'Notwithstanding paragraphs A to D, the commissioner may not  
12 issue a certificate of need to an applicant if the commissioner  
14 determines that the applicant engages in economic credentialing  
and makes specific written findings regarding that determination.'

16 Further amend the amendment in section 2 in that part  
designated "~~§335.~~" in the first line (page 16, line 14 in  
18 amendment) by striking out the following: "334" and inserting in  
its place the following: '335'

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22 Further amend the amendment in section 2 in that part  
designated "~~§335.~~" in subsection 3 in the 7th line (page 16, line  
46 in amendment) by striking out the following: "334" and  
24 inserting in its place the following: '335'

26 Further amend the amendment in section 2 in that part  
designated "~~§338.~~" in subsection 2 in paragraph B in the last  
28 line (page 20, line 29 in amendment) by striking out the  
following: "336" and inserting in its place the following: '337'

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32 Further amend the amendment in section 2 in that part  
designated "~~§338.~~" in subsection 4 in the 3rd line (page 20, line  
46 in amendment) by striking out the following: "334" and  
34 inserting in its place the following: '335'

36 Further amend the amendment in section 2 in that part  
designated "~~§340.~~" in subsection 1 in the 4th line (page 22, line  
38 25 in amendment) by striking out the following: "339" and  
inserting in its place the following: '340'

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42 Further amend the amendment in section 2 in that part  
designated "~~§340.~~" in subsection 1 in the 2nd line from the end  
(page 22, line 28 in amendment) by striking out the following:  
44 "339" and inserting in its place the following: '340'

46 Further amend the amendment in section 2 in that part  
designated "~~§352.~~" in subsection 2 in the 3rd line (page 26, line  
48 1 in amendment) by striking out the following: "334" and  
inserting in its place the following: '335'

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 619,  
L.D. 1799

2 Further amend the amendment in section 2 in that part  
designated "~~§352.~~" in subsection 2 in the 4th line (page 26, line  
2 in amendment) by striking out the following: "335" and  
4 inserting in its place the following: '336'

6 Further amend the amendment by relettering or renumbering  
any nonconsecutive Part letter or section number to read  
8 consecutively.

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**SUMMARY**

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This amendment amends Committee Amendment "A" as follows:

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1. It prohibits the granting of a certificate of need to an  
16 applicant that engages in economic credentialing;

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2. It provides a definition of economic credentialing;

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3. It requires that, following the grant of a conditional  
approval, the Commissioner of Human Services conduct a subsequent  
22 review to ensure compliance with the conditions imposed on the  
approval and authorizes the commissioner to impose new conditions  
24 on the applicant or revoke the conditional approval; and

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4. It corrects cross-references resulting from the  
additional language proposed in this amendment.

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SPONSORED BY:   
(Senator DOUGLASS)

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COUNTY: Androscoggin

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