

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)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 159

S.P. 82

In Senate, January 21, 2003

An Act To Refine the Criteria for Issuing a Certificate of Need

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 TURNER of Cumberland.
Cosponsored by Representative DUGAY of Cherryfield and
Senators: MAYO of Sagadahoc, WESTON of Waldo, Representatives: CUMMINGS of
Portland, O'BRIEN of Augusta.

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

4 **Sec. 1. 22 MRSA §335, sub-§7**, as enacted by PL 2001, c. 664,
5 §2, is amended to read:

6 **7. Review; approval.** Except as provided in section 336,
7 the commissioner shall issue a certificate of need if the
8 commissioner determines and makes specific written findings
9 regarding that determination that:

10
11 A. The applicant is fit, willing and able to provide the
12 proposed services at the proper standard of care as
13 demonstrated by, among other factors, whether the quality
14 of any health care provided in the past by the applicant or
15 a related party under the applicant's control meets industry
16 standards;

17 B. The economic feasibility of the proposed services is
18 demonstrated in terms of the:

19
20 (1) Capacity of the applicant to support the project
21 financially over its useful life, in light of the rates
22 the applicant expects to be able to charge for the
23 services to be provided by the project; and

24
25 (2) Applicant's ability to establish and operate the
26 project in accordance with existing and reasonably
27 anticipated future changes in federal, state and local
28 licensure and other applicable or potentially
29 applicable rules;

30
31 C. There is a public need for the proposed services as
32 demonstrated by certain factors, including, but not limited
33 to:

34
35 (1) Whether, and the extent to which, the project will
36 substantially address specific health problems as
37 measured by health needs in the area to be served by
38 the project;

39
40 (2) Whether the project will have a positive impact on
41 the health status indicators of the population to be
42 served;

43
44 (3) Whether the services affected by the project will
45 be accessible to all residents of the area proposed to
46 be served; and
47
48

2 (4) Whether the project will provide demonstrable
improvements in quality and outcome measures applicable
4 to the services proposed in the project; and

6 D. The proposed services are consistent with the orderly
and economic development of health facilities and health
8 resources for the State as demonstrated by:

10 (1) The impact of the project on total health care
expenditures after taking into account, to the extent
12 practical, both the costs and benefits of the project
and the competing demands in the local service area and
14 statewide for available resources for health care;

16 (2) The availability of state funds to cover any
increase in state costs associated with utilization of
18 the project's services; and

20 (3) The likelihood that more effective, more
accessible or less costly alternative technologies or
22 methods of service delivery may become available.

24 In making a determination under this subsection, the commissioner
shall use data available in the state health plan under section
253, data from the Maine Health Data Organization established in
26 chapter 1683 and other information available to the
commissioner. Particular weight must be given to information
28 that indicates that the proposed health services are innovations
in high quality health care delivery, that the proposed health
30 services are not reasonably available in the proposed area and
that the facility proposing the new health services is designed
32 to provide excellent quality health care.

34

SUMMARY

36

38 This bill requires that applications for certificates of
need be judged in reference to the state health plan, data from
40 the Maine Health Data Organization and other data available to
the Commissioner of Human Services. It requires that particular
42 weight be given to information that the proposed health care
services are innovations in high quality health care delivery and
44 that the facility proposing the new health services is designed
to provide excellent quality health care.