

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1156

H.P. 855

House of Representatives, March 4, 2003

**Resolve, To Study the Impact of "Critical Access Facility"  
Designation of Maine Hospitals**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KANE of Saco.  
Cosponsored by Representatives: CRAVEN of Lewiston, EARLE of Damariscotta,  
LAVERRIERE-BOUCHER of Biddeford, MAILHOT of Lewiston, WALCOTT of Lewiston,  
Senator: BRENNAN of Cumberland.

2           **Emergency preamble.** Whereas, Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4  
6           **Whereas,** the study must be initiated before the 90-day  
period expires in order that the study may be completed and a  
report submitted in time for submission to the Legislature by  
8 December 15, 2003; and

10           **Whereas,** health care costs, and consequently hospital costs,  
are continuing to rise at an alarming rate; and

12  
14           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

18  
20           **Sec. 1. Department of Human Services to study critical access.**  
**Resolved:** That the Department of Human Services shall administer  
a study commission, referred to in this resolve as "the  
22 commission," in consultation with the advisory committee  
established in this resolve, to study the impact of "critical  
24 access facility" designation of Maine hospitals to determine the  
impact on hospital charges; to assess what impact, if any, the  
26 designations have on cost-shifting to other payers; and to make  
recommendations regarding further "critical access facility"  
28 designation for additional Maine hospitals; and be it further

30           **Sec. 2. Authority to contract. Resolved:** That the Department of  
Human Services shall administer the commission and may enter into  
32 contracts with consultants for the performance of the study  
pursuant to subsection 1. After consultation with the advisory  
34 committee established in this resolve, the commission shall  
determine the nature and extent of the contractual services  
36 necessary for the completion of the study in accordance with this  
resolve and shall prepare and administer all contracts pursuant  
38 to those determinations in accordance with the Maine Revised  
Statutes, Title 5, chapter 155; and be it further

40           **Sec. 3. Advisory committee established. Resolved:** That the  
42 commission must be administered in consultation with an advisory  
committee, referred to in this resolve as "the committee," that  
44 consists of 9 members appointed as follows:

46           1. The Superintendent of Insurance or the superintendent's  
designee;

48           2. Two members of the Senate, to be appointed by the  
50 President of the Senate;

2           3. Two members of the House of Representatives, to be  
appointed by the Speaker of the House;

4  
6           4. One hospital administrator, to be appointed by the  
President of the Senate;

8           5. One representative of commercial health insurers, to be  
appointed by the Speaker of the House of Representatives;

10  
12          6. One representative of consumers, to be appointed by the  
Governor; and

14          7. One private employer, whose company offers health  
insurance to its employees, to be appointed by the Governor; and  
16 be it further

18           **Sec. 4. Committee chairs. Resolved:** That the first-named  
Senate member is the Senate chair of the committee and the  
20 first-named House of Representatives member is the House chair of  
the committee; and be it further

22           **Sec. 5. Appointments; convening of committee. Resolved:** That  
24 all appointments must be made no later than 30 days following the  
effective date of this resolve. The appointing authorities shall  
26 notify the Executive Director of the Legislative Council once all  
appointments have been completed. Within 15 days after  
28 appointment of all members, the chairs shall call and convene the  
first meeting of the committee; and be it further

30           **Sec. 6. Staff assistance. Resolved:** That, upon approval of the  
32 Legislative Council, the Office of Policy and Legal Analysis  
shall provide necessary staffing services to the committee. The  
34 Department of Human Services shall provide their own staffing  
services to the commission; and be it further

36           **Sec. 7. Committee compensation. Resolved:** That the  
38 legislative members of the committee are entitled to the  
legislative per diem, as defined in the Maine Revised Statutes,  
40 Title 3, section 2, and reimbursement for travel and other  
necessary expenses related to their attendance at authorized at  
42 meetings of the committee. Public members not otherwise  
compensated by their employers or other entities that they  
44 represent are entitled to receive reimbursement of necessary  
expenses and, upon demonstration of financial hardship, a per  
46 diem equal to the legislative per diem for their attendance at  
authorized meetings of the committee; and be it further

