

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1814

H.P. 1254

House of Representatives, January 3, 2006

An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLER of Somerville.
Cosponsored by Senator MAYO of Sagadahoc and
Representative: PINGREE of North Haven, Senators: BRENNAN of Cumberland, MARTIN
of Aroostook.

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

2 **CONCEPT DRAFT**
3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to amend the certificate of need law to improve review procedures
6 in the certificate of need program within the Department of Health and Human Services.
7 This bill proposes to make the following changes in the certificate of need program:

- 8 1. Lower the dollar amounts for the thresholds for review;
- 9 2. Add requirements for reporting regarding projects that do not require review;
- 10 3. Add methods for determining community need, including the use of population
11 surveys, replacing the method of relying on utilization rates;
- 12 4. Clarify the roles for other state agencies and offices, in particular the Department
13 of Professional and Financial Regulation, Bureau of Insurance and the Maine Center for
14 Disease Control and Prevention; and
- 15 5. Impose upon the certificate of need process the adjudicatory hearings procedures
16 applicable under the Maine Administrative Procedure Act, including the use of an
17 impartial hearing officer who would make a recommendation to the Commissioner of
18 Health and Human Services.