

MAINE STATE LEGISLATURE

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Majority

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1535, "Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program"

Amend the resolve by striking out the title and substituting the following:

'Resolve, To Study the Certificate of Need Program'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Work group. Resolved: That the Department of Health and Human Services' office of licensing and regulatory services shall convene a work group to review and make recommendations on the following issues with regard to the certificate of need program administered under the Maine Revised Statutes, Title 22, chapter 103-A:

1. Recent changes made by law or rule to the certificate of need program and the need for any modifications to the law or rule;

2. The current dollar amount threshold used in determining whether a project requires review and, if inadequate, a potential process for identifying projects that fall below the threshold;

3. The current statutory authority of and methods used by the Department of Health and Human Services to determine whether review is needed. This should include the definition of "reviewable project" and clarification of the term "new service";

4. The current statutory authority of and methods used by the Department of Health and Human Services to define community need for new services or facilities;

5. The relationship between the State Health Plan, the certificate of need process and the capital investment fund;

6. The roles of the Maine Quality Forum; the Department of Health and Human Services, Maine Center for Disease Control and Prevention; and the Department of

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1535

1 Professional and Financial Regulation, Bureau of Insurance in the certificate of need
2 review process;

3 7. The criteria used by the Department of Health and Human Services for evaluating
4 a certificate of need application along with procedures for public hearings and the use of
5 review panels;

6 8. Historical review of revenues and expenditures in the certificate of need unit to
7 identify and determine the amount of resources that are adequate to have a highly
8 functioning unit;

9 9. Historical review of the certificate of need application process including number of
10 submissions, approvals, disapprovals and withdrawn applications and associated
11 timelines to determine any improvements needed;

12 10. Review of the description of related projects under Title 22, section 329,
13 subsection 8;

14 11. Review of the acquisition of major medical equipment and review requirements
15 for major medical equipment as they pertain to equipment that was previously leased by
16 an entity subject to a certificate of need; and

17 12. Additional topics determined by unanimous agreement of the work group
18 members; and be it further

19 **Sec. 2. Work group composition. Resolved:** That the Department of Health
20 and Human Services' office of licensing and regulatory services shall invite the
21 participation of the following members in the work group:

22 1. Four medical representatives: 2 representatives of hospitals, nominated by the
23 Maine Hospital Association; one representative of a statewide association of physicians,
24 nominated jointly by the Maine Medical Association and the Maine Osteopathic
25 Association; and one representative of the ambulatory surgical centers;

26 2. Three other representatives: one representative of a statewide association
27 representing nursing facilities; one representative of insurance carriers; and one
28 representative of the Advisory Council on Health Systems Development; and

29 3. The Director of the Governor's Office of Health Policy and Finance, or the
30 director's designee, and the director of the office of licensing and regulatory services
31 within the Department of Health and Human Services, both of whom shall serve ex
32 officio and without the right to vote; and be it further

33 **Sec. 3. Work group report. Resolved:** That the work group shall report on the
34 results of the review of the certificate of need program and its recommendations to the
35 Joint Standing Committee on Health and Human Services by January 15, 2008. The
36 committee is authorized to submit legislation regarding the certificate of need program to
37 the Second Regular Session of the 123rd Legislature.'

38 **SUMMARY**

39 This amendment is the majority report of the committee. The amendment replaces
40 the resolve, but retains many of the original provisions. In addition, it directs the

COMMITTEE AMENDMENT "A" to H.P. 1060, L.D. 1535

- 1 Department of Health and Human Services to convene a work group on the certificate of
- 2 need program and to report to the Joint Standing Committee on Health and Human
- 3 Services by January 15, 2008. The amendment authorizes the committee to submit
- 4 legislation to the Second Regular Session of the 123rd Legislature.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1535

LR 791(02)

Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Health and Human Services can be absorbed by the department utilizing existing budget resources.