

# MAINE STATE LEGISLATURE

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Date: 4-8-07

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1659, L.D. 2301, Bill, "An Act To Amend the Maine Certificate of Need Act of 2002"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

Sec. 1. 22 MRSA §328, sub-§16, as amended by PL 2003, c. 469, Pt. C, §4, is further amended to read:

16. Major medical equipment. "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions used to provide medical and other health services that costs \$1,200,000 or more. "Major medical equipment" does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and has been determined to meet the requirements of the United States Social Security Act, Title XVIII, Section 1861(s), paragraphs 10 and 11. In determining whether medical equipment costs more than the threshold provided in this subsection, the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to acquiring the equipment must be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value. Beginning September 30, 2004 and annually thereafter through 2007, the threshold amount for review must be updated by the commissioner to reflect the change in the Consumer Price Index, medical index. Beginning January 1, 2009 and annually thereafter, the threshold amount for review must be updated by the commissioner to reflect the change in the Consumer Price Index medical index, with an effective date of January 1st each year.

Sec. 2. 22 MRSA §328, sub-§17-A, ¶C, as corrected by RR 2003, c. 1, §15, is amended to read:

C. The addition in the private office of a health care practitioner, as defined in Title 24, section 2502, subsection 1-A, of new technology that costs \$1,200,000 or more. The department shall consult with the Maine Quality Forum Advisory Council established pursuant to Title 24-A, section 6952, prior to determining whether a project qualifies as a new technology in the office of a private practitioner. Beginning September 30, 2004 and annually thereafter through 2007, the threshold amount for review must be updated by the commissioner to reflect the change in the

HOUSE AMENDMENT

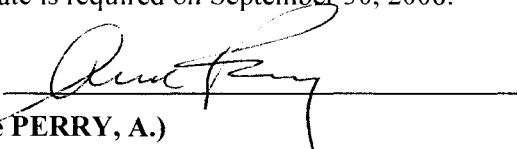
1 Consumer Price Index medical index. Beginning January 1, 2009 and annually  
2 thereafter, the threshold amount for review must be updated by the commissioner to  
3 reflect the change in the Consumer Price Index medical index, with an effective date  
4 of January 1st each year. With regard to the private office of a health care  
5 practitioner, "new health service" does not include the location of a new practitioner  
6 in a geographic area.

7 **Sec. 3. 22 MRSA §329, sub-§3**, as amended by PL 2003, c. 469, Pt. C, §7, is  
8 further amended to read:

9 **3. Capital expenditures.** Except as provided in subsection 6, the obligation by or  
10 on behalf of a health care facility of any capital expenditure of \$2,400,000 or more.  
11 Capital expenditures in the case of a natural disaster, major accident or equipment failure  
12 for replacement equipment or for parking lots and garages, information and  
13 communications systems and physician office space do not require a certificate of need.  
14 Beginning September 30, 2004 and annually thereafter through 2007, the threshold  
15 amount for review must be updated by the commissioner to reflect the change in the  
16 Consumer Price Index medical index. Beginning January 1, 2009 and annually  
17 thereafter, the threshold amount for review must be updated by the commissioner to  
18 reflect the change in the Consumer Price Index medical index, with an effective date of  
19 January 1st each year;

20 **SUMMARY**

21 The bill changes from September 30th to January 1st the date by which the  
22 Commissioner of Health and Human Services annually updates the threshold amount for  
23 review. This amendment clarifies that since the annual update will occur by January 1,  
24 2009, no annual update is required on September 30, 2008.

25 **SPONSORED BY:**   
26 **(Representative PERRY, A.)**

27 **TOWN: Calais**