

MAINE STATE LEGISLATURE

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SMG
H. 286

Date: 6-28-11

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 286,
L.D. 360, Bill, "An Act To Repeal the Maine Certificate of Need Act of 2002"

Amend the amendment in Part A in section 1 in subsection 16 by striking out all of
the last underlined sentence (page 1, lines 29 to 32 in amendment)

Amend the amendment in Part A in section 2 in subsection 17-A by striking out all of
the first underlined blocked paragraph (page 2, lines 24 to 27 in amendment)

Amend the amendment in Part A in section 4 in subsection 3 in the last 4 lines (page
3, lines 10 to 13 in amendment) by striking out the following: "Beginning January 1,
2013 and annually thereafter, the threshold amount for review must be updated by the
commissioner to reflect the change in the United States Department of Labor, Bureau of
Labor Statistics Consumer Price Index medical care services index, with an effective date
of January 1st each year"

Amend the amendment in Part A in section 6 in §10122 by adding at the end a new
paragraph to read:

'This section is repealed December 31, 2012.'

Amend the amendment in Part B in section 1 in subsection 6 in the first paragraph by
striking out all of the last underlined sentence (page 4, lines 5 to 8 in amendment)

Amend the amendment in Part D by inserting at the end the following:

'Sec. D-6. 22 MRSA §350-D is enacted to read:

§350-D. Repeal

This chapter is repealed December 31, 2012.'

Amend the amendment by inserting after Part D the following:

'PART E

Sec. E-1. Commissioner's review; cross-references. The Commissioner of
Health and Human Services shall review the Maine Revised Statutes and submit a bill to
the First Regular Session of the 126th Legislature that includes sections necessary to

HOUSE AMENDMENT

A. of S.

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 286, L.D. 360

1 correct and update any cross-references in the statutes to provisions of law repealed in
2 this Act.'

3 Amend the amendment in Part E by striking out all of section 1 and inserting the
4 following:

5 'Sec. E-1. Appropriations and allocations. The following appropriations and
6 allocations are made.

7 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**
8 **Division of Licensing and Regulatory Services Z036**

9 Initiative: Deallocates funds from the elimination of 2 Senior Health Care Financial
10 Analyst positions no longer needed as a result of repeal of certificate of need
11 requirements effective December 31, 2012.

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
14	Personal Services	\$0	(\$103,067)
15	All Other	\$0	(\$4,022)
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$107,089)

18 **Nursing Facilities 0148**

19 Initiative: Appropriates and allocates funds for increased MaineCare nursing facility and
20 residential care facility costs as a result of repealing all certificate of need requirements
21 effective December 31, 2012.

22	GENERAL FUND	2011-12	2012-13
23	All Other	\$191,741	\$1,072,507
24			
25	GENERAL FUND TOTAL	\$191,741	\$1,072,507

26	FEDERAL EXPENDITURES FUND	2011-12	2012-13
27	All Other	\$332,178	\$1,858,040
28			
29	FEDERAL EXPENDITURES FUND TOTAL	\$332,178	\$1,858,040

30	HEALTH AND HUMAN SERVICES,		
31	DEPARTMENT OF (FORMERLY DHS)		
32	DEPARTMENT TOTALS	2011-12	2012-13
33			
34	GENERAL FUND	\$191,741	\$1,072,507

R. of S.

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 286, L.D. 360

1	FEDERAL EXPENDITURES FUND	\$332,178	\$1,858,040
2	OTHER SPECIAL REVENUE FUNDS	\$0	(\$107,089)
3			
4	DEPARTMENT TOTAL - ALL FUNDS	\$523,919	\$2,823,458
5			

6 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
7 or section number to read consecutively.

8 **SUMMARY**

9 This amendment amends Committee Amendment "A" by:

- 10 1. Repealing the Maine Certificate of Need Act of 2002 effective December 31,
11 2012;
- 12 2. Striking the provisions of Committee Amendment "A" that require that beginning
13 January 1, 2013, and annually thereafter, the threshold amount for review for major
14 medical equipment, new health services, capital expenditures and nursing facilities must
15 be updated by the Commissioner of Health and Human Services to reflect the change in
16 the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index
17 medical care services index; and
- 18 3. Repealing, effective December 31, 2012, the provision that exempts from the
19 requirement of a certificate of need process projects reducing energy costs undertaken by
20 health care facilities that have been certified by the Efficiency Maine Trust as
21 cost-effective and requires the trust to develop and implement a process for certification.

22 The amendment also replaces the appropriations and allocations section of
23 Committee Amendment "A."

24 **FISCAL NOTE REQUIRED**

25 (See attached)

26 SPONSORED BY: Beth A. O'Connor

27 (Representative O'CONNOR)

28 TOWN: Berwick

HOUSE AMENDMENT



125th MAINE LEGISLATURE

LD 360

LR 290(07)

An Act To Repeal the Maine Certificate of Need Act of 2002

Fiscal Note for House Amendment 'B' to Committee Amendment "A"

Sponsor: Rep. O'Connor of Berwick

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$0	\$452,050	\$734,439	\$570,718
Appropriations/Allocations				
General Fund	\$0	\$452,050	\$734,439	\$570,718
Federal Expenditures Fund	\$0	\$783,143	\$1,272,361	\$988,728
Other Special Revenue Funds	\$0	(\$107,089)	(\$219,214)	(\$224,428)
Revenue				
Other Special Revenue Funds	(\$62,911)	(\$295,725)	(\$421,781)	(\$423,433)

Fiscal Detail and Notes

The fiscal impact shown above is the incremental impact from this amendment compared to Committee Amendment A. This amendment's full repeal of certificate of need requirements effective 12/31/2012 is assumed to increase costs above amounts assumed in Committee Amendment A in 2012-13 and in future years. As amended, the bill provides an appropriation of \$191,741 in 2011-12 and of \$1,072,507 in 2012-13 to the Nursing Facilities program for increased MaineCare nursing facility and residential care facility costs as a result of Committee Amendment A changes and for repealing all certificate of need requirements effective December 31, 2012. Also deallocates funds from the elimination of 2 Senior Health Care Financial Analyst positions no longer needed as a result of repeal of certificate of need requirements effective December 31, 2012. Also assumes a reduction in revenue from certificate of need application fees. The potential for increased costs that may result from the repeal of certificate of need requirements for hospital and other health care services cannot be determined at this time.