

# MAINE STATE LEGISLATURE

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SMG  
R. of S.

L.D. 360

Date: 6/16/11

(Filing No. H-664)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" 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 5 in subsection 4-A in paragraph B in subparagraph (1) in the first line (page 3, line 27 in amendment) by striking out the following: "\$10,000,000" and inserting the following: '\$1,000,000'

Amend the amendment in Part B in section 1 in subsection 6 by striking out all of paragraph A (page 4, lines 10 to 14 in amendment) and inserting the following:

'A. A nursing facility converting beds used for the provision of nursing services to beds to be used for the provision of residential care services. If such a conversion occurs, MaineCare and other public funds may not be obligated for payment of services provided in the converted beds unless approved by the department pursuant to the provisions of sections 333-A and 334-A. In order to approve a conversion under this paragraph, the department must determine that any increased MaineCare residential care costs associated with the converted beds are fully offset by reductions in the MaineCare costs from the reduction in MaineCare nursing facility costs associated with the converted beds;'

Amend the amendment in Part B in section 8 in subsection 3-A in the last line (page 6, line 5 in amendment) by inserting after the following: "pool." the following: 'In order for the department to approve delicensing, selling or transferring under this subsection, the department must determine that any increased MaineCare residential care costs associated with the converted beds are fully offset by reductions in the MaineCare costs from the reduction in MaineCare nursing facility costs associated with the converted beds.'

Amend the amendment by striking out all of Part E.

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

R. S.

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

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**SUMMARY**

This amendment lowers the threshold of capital expenditures for which a new health care facility other than a nursing facility must obtain a certificate of need from \$10,000,000 to \$1,000,000.

This amendment reinforces the authority of the Department of Health and Human Services to approve the conversion of nursing facility beds to residential care beds and the delicensing, selling and transferring of nursing facility beds. It requires the department to determine that any increase in residential care costs for the MaineCare program are offset by reductions in nursing facility costs. It eliminates the costs for the committee amendment and the need for appropriations and allocations.

**SPONSORED BY:** 

(Representative EVES)

**TOWN:** North Berwick

**FISCAL NOTE REQUIRED**  
(See attached)



# 125th MAINE LEGISLATURE

LD 360

LR 290(05)

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

Fiscal Note for House Amendment "A" to Committee Amendment "B"  
Sponsor: Rep. Eves of North Berwick  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Net Cost (Savings)</b>				
General Fund	(\$191,741)	(\$620,457)	(\$729,604)	(\$893,325)
<b>Appropriations/Allocations</b>				
General Fund	(\$191,741)	(\$620,457)	(\$729,604)	(\$893,325)
Federal Expenditures Fund	(\$332,178)	(\$1,074,897)	(\$1,263,986)	(\$1,547,619)

### Fiscal Detail and Notes

The amendment reduces the anticipated costs to the MaineCare program that had been assumed primarily from an increase in bed conversions from nursing facilities to residential care that would have been exempt from MaineCare cost neutrality, and removes the need for an appropriation-allocation section. A potential for an increase in costs to the MaineCare program may still result from both Part A and Part B of the bill.