

MAINE STATE LEGISLATURE

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SMC
R. O. S.

Date: 6-28-11

(Filing No. H-672)

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

HOUSE AMENDMENT "B" 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. O. S.

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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 SANBORN)

TOWN: Gorham

**FISCAL NOTE REQUIRED
(See attached)**



125th MAINE LEGISLATURE

LD 360

LR 290(08)

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

Fiscal Note for House Amendment "*B*" to Committee Amendment "B"

Sponsor: Rep. Sanborn of Gorham

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	(\$191,741)	(\$620,457)	(\$729,604)	(\$893,325)
Appropriations/Allocations				
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.