

MAINE STATE LEGISLATURE

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SMG
R.F.E.

Date: 3-27-12

(Filing No. S-493)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 642, L.D. 1848, Bill, "An Act To Require Notification of Health Care Facilities That May Be Negatively Affected by a Certificate of Need Application"

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

'An Act To Expand the Notification Requirements of the Maine Certificate of Need Act of 2002'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §337, sub-§5, as amended by PL 2011, c. 424, Pt. D, §2 and affected by Pt. E, §1, is further amended to read:

5. Public notice; public informational meeting. Within 5 business days of the filing of a certificate by an applicant that a complete certificate of need application is on file with the department, public notice that the application has been filed and that a public informational meeting must be held regarding the application must be given by publication in a newspaper of general circulation in Kennebec County and in a newspaper published within the service area in which the proposed expenditure will occur. If an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the department shall notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The notice must also be provided to all persons who have requested notification by means of asking that their names be placed on a mailing list maintained by the department for this purpose. This notice must include:

A. A brief description of the proposed expenditure or other action, including the name and location of any existing health care facility that may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed;

B. A description of the review process and schedule;

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1 C. A statement that any person may examine the application, submit comments in
2 writing to the department regarding the application and examine the entire record
3 assembled by the department at any time from the date of publication of the notice
4 until the application process is closed for comment; and

5 D. The time and location of the public informational meeting and a statement that
6 any person may appear at the meeting to question the applicant regarding the project
7 or the department regarding the conditions that the applicant must satisfy in order to
8 receive a certificate of need for the project.

9 The department shall make an electronic or stenographic record of the public
10 informational meeting.

11 A public informational meeting is not required for the simplified review and approval
12 process in section 336.

13 **Sec. 2. Rules.** The Department of Health and Human Services shall adopt routine
14 technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter
15 2-A regarding the notice required by Title 22, section 337, subsection 5.'

16 **SUMMARY**

17 This amendment replaces the bill and changes its title. The amendment expands the
18 notification requirements of the Maine Certificate of Need Act of 2002 in the bill to
19 specify that if an existing health care facility may close or lose bed capacity as a result of
20 a proposal for which a certificate of need application has been filed, the Department of
21 Health and Human Services must notify the municipal officers of the municipality in
22 which that health care facility is located and the members of the State House of
23 Representatives and the State Senate representing any part of that municipality. The
24 amendment requires the published notice to identify the name and location of any health
25 care facility that may close or lose bed capacity as a result of the proposal for which a
26 certificate of need has been filed.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**



Approved: 03/22/12 *MAC*

125th MAINE LEGISLATURE

LD 1848

LR 2777(02)

An Act To Require Notification of Health Care Facilities That May Be Negatively Affected by a Certificate of Need Application

Fiscal Note for Bill as Amended by Committee Amendment "A" S-493

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.