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Resolve
123rd Legislature
First Regular Session

Chapter 110
H.P. 1060 - L.D. 1535

Resolve, To Study the Certificate of Need Program

Sec. 1 Work group. Resolved: That the Department of Health and Human Services' office of licensing and regulatory services shall convene a work group to review and make recommendations on the following issues with regard to the certificate of need program administered under the Maine Revised Statutes, Title 22, chapter 103-A:

1. Recent changes made by law or rule to the certificate of need program and the need for any modifications to the law or rule;
2. The current dollar amount threshold used in determining whether a project requires review and, if inadequate, a potential process for identifying projects that fall below the threshold;
3. The current statutory authority of and methods used by the Department of Health and Human Services to determine whether review is needed. This should include the definition of "reviewable project" and clarification of the term "new service";
4. The current statutory authority of and methods used by the Department of Health and Human Services to define community need for new services or facilities;
5. The relationship between the State Health Plan, the certificate of need process and the capital investment fund;
6. The roles of the Maine Quality Forum; the Department of Health and Human Services, Maine Center for Disease Control and Prevention; and the Department of Professional and Financial Regulation, Bureau of Insurance in the certificate of need review process;
7. The criteria used by the Department of Health and Human Services for evaluating a certificate of need application along with procedures for public hearings and the use of review panels;
8. Historical review of revenues and expenditures in the certificate of need unit to identify and determine the amount of resources that are adequate to have a highly functioning unit;
9. Historical review of the certificate of need application process including number of submissions, approvals, disapprovals and withdrawn applications and associated timelines to determine any improvements needed;
10. Review of the description of related projects under Title 22, section 329, subsection 8;

11. Review of the acquisition of major medical equipment and review requirements for major medical equipment as they pertain to equipment that was previously leased by an entity subject to a certificate of need; and

12. Additional topics determined by unanimous agreement of the work group members; and be it further

Sec. 2 Work group composition. Resolved: That the Department of Health and Human Services' office of licensing and regulatory services shall invite the participation of the following members in the work group:

1. Four medical representatives: 2 representatives of hospitals, nominated by the Maine Hospital Association; one representative of a statewide association of physicians, nominated jointly by the Maine Medical Association and the Maine Osteopathic Association; and one representative of the ambulatory surgical centers;

2. Seven other representatives: one representative of a statewide association representing nursing facilities; one representative of insurance carriers; one representative of the Advisory Council on Health Systems Development; one representative of businesses; one representative of advocacy organizations; and 2 representatives of public health groups; and

3. The Director of the Governor's Office of Health Policy and Finance, or the director's designee, and the director of the office of licensing and regulatory services within the Department of Health and Human Services, both of whom shall serve ex officio and without the right to vote; and be it further

Sec. 3 Work group report. Resolved: That the work group shall report on the results of the review of the certificate of need program and its recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. The committee is authorized to submit legislation regarding the certificate of need program to the Second Regular Session of the 123rd Legislature.

Effective September 20, 2007