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## **Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program**

**Sec. 1 Work group established. Resolved:** That the Work Group to Review and Recommend Improvements for the Certificate of Need Program, referred to in this resolve as "the work group," is established; and be it further

**Sec. 2 Work group membership. Resolved:** That the work group consists of 12 members appointed as follows.

1. The President of the Senate and the Speaker of the House shall appoint 6 members to the work group as follows:

A. The President of the Senate shall appoint one member of the Senate who serves on the Joint Standing Committee on Health and Human Services and 2 representatives from businesses, unions, advocacy organizations or public health groups; and

B. The Speaker of the House shall appoint one member of the House of Representatives who serves on the Joint Standing Committee on Health and Human Services and 2 representatives from businesses, unions, advocacy organizations or public health groups.

The Senate and House appointees must represent the 2 major political parties. Businesses, unions, advocacy organizations and public health groups must each be represented when the appointments of the President of the Senate and the Speaker of the House are combined.

2. The Governor shall appoint 4 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; and

3. The Director of the Governor's Office of Health Policy and Finance, or the director's designee, and the Director of Licensing and Regulatory Services within the Department of Health and Human Services shall serve as nonvoting ex officio members; and be it further

**Sec. 3 Chairs. Resolved:** That the Senate member and the House of Representatives member of the work group shall serve as cochairs of the work group; and be it further

**Sec. 4 Appointments; convening of work group. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after the appointment of all members, the chairs shall call and convene the first meeting of the work group; and be it further

**Sec. 5 Duties. Resolved:** That the work group may hold up to 4 meetings to prioritize and examine some or all of the following issues. Based on findings from the examination of the prioritized issues, the work group shall identify improvements and make recommendations for changes in law or rule. The work group may examine the following issues:

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 most recent studies on the impact that the competitive market versus regulation has on health care costs and access; and
11. Additional topics determined by unanimous agreement of the work group members; and be it further

**Sec. 6 Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the work group; and be it further

**Sec. 7 Compensation. Resolved:** That the legislative members of the work group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the work group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the work group; and be it further

**Sec. 8 Department background report on certificate of need. Resolved:** That, no later than 45 days after the effective date of this resolve, the Department of Health and Human Services shall provide a written report to the work group that provides information on revenues, expenditures, staffing levels, staffing needs and review cycles, including submissions, approvals, disapprovals and withdrawals of certificate of need applications for the last 5 years of the certificate of need program; and be it further

**Sec. 9 Report. Resolved:** That, no later than December 1, 2007 the work group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature. The work group is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 10 Extension. Resolved:** That, if the work group requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 11 Work group budget. Resolved:** That the chairs of the work group, with assistance from the work group staff, shall administer the work group's budget. Within 10 days after its first meeting, the work group shall present a work plan and proposed budget to the Legislative Council for its approval. The work group may not incur expenses that would result in the work group's exceeding its approved budget. Upon request from the work group, the Executive Director of the Legislative Council shall promptly provide the work group chairs and staff with a status report on the work group budget, expenditures incurred and paid and available funds.

## SUMMARY

This resolve creates the 12-member Work Group to Review and Recommend Improvements for the Certificate of Need Program, which includes 6 members appointed by the President of the Senate and the Speaker of the House, 4 members appointed by the Governor, a nonvoting ex officio member from the Governor's Office of Health Policy and Finance and a nonvoting ex officio member from the Department of Health and Human Services. The work group may hold up to 4 meetings to prioritize and examine some or all of 11 issues that are listed in the resolve and then, based on findings from the examination of the prioritized issues, identify improvements and make recommendations for changes in law or rule. The resolve requires the Department of Health and Human Services to provide a certificate of need background report to the work group no later than 45 days after the effective date of this resolve. The resolve also requires the work group to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature by December 1, 2007 and authorizes the work group to introduce legislation related to its report.