

130th MAINE LEGISLATURE

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Legislative Document

No. 931

H.P. 687

House of Representatives, March 8, 2021

An Act To Increase Hospital Bed Capacity by Eliminating the Certificate of Need for Outside Hospital Beds

Reference to the Committee on Health and Human Services suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative LIBBY of Auburn.

Cosponsored by Senator MIRAMANT of Knox and

Representatives: ARATA of New Gloucester, CAIAZZO of Scarborough, MORRIS of Turner,

O'CONNOR of Berwick, Senator: CLAXTON of Androscoggin.

2 3	Sec. 1. 22 MRSA §329, sub-§4-A, ¶A, as enacted by PL 2011, c. 424, Pt. A, §5 and affected by Pt. E, §1, is amended to read:
4	A. A new health care facility that is a nursing facility must obtain a certificate of need:
5	(1) If it requires a capital expenditure of more than \$5,000,000; or
6 7 8	(2) If it proposes to add new nursing facility beds to the inventory of nursing facility beds within the State, in which case it must satisfy all applicable requirements of section 334-A.
9	Sec. 2. 22 MRSA §333, as amended by PL 2011, c. 648, §§2 and 3, is repealed.
10	Sec. 3. 22 MRSA §333-A, as amended by PL 2011, c. 648, §4, is repealed.
11 12	Sec. 4. 22 MRSA §334-A, sub-§1-A, as amended by PL 2011, c. 648, §5, is repealed.
13 14	Sec. 5. 22 MRSA §334-A, sub-§2, as amended by PL 2011, c. 424, Pt. B, §11 and affected by Pt. E, §1, is repealed.
15 16	Sec. 6. 22 MRSA §334-A, sub-§3, as amended by PL 2011, c. 424, Pt. B, §14 and affected by Pt. E, §1, is repealed.
17 18	Sec. 7. 22 MRSA §1708, sub-§3, ¶D, as amended by PL 2013, c. 594, §1, is further amended to read:
19 20 21 22 23 24 25 26 27	D. Ensure that any calculation of an occupancy percentage or other basis for adjusting the rate of reimbursement for nursing facility services to reduce the amount paid in response to a decrease in the number of residents in the facility or the percentage of the facility's occupied beds excludes all beds that the facility has removed from service for all or part of the relevant fiscal period in accordance with section 333. If the excluded beds are converted to residential care beds or another program for which the department provides reimbursement, nothing in this paragraph precludes the department from including those beds for purposes of any occupancy standard applicable to the residential care or other program pursuant to duly adopted rules of the department;
28	SUMMARY
29 30 31	This bill repeals the requirements for a certificate of need issued by the Department of Health and Human Services for adding new licensed beds or increasing beds in a health care facility other than a hospital.

Be it enacted by the People of the State of Maine as follows:

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