



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.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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.

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

2 **Sec. 1. 22 MRSA §329, sub-§4-A, ¶A**, as enacted by PL 2011, c. 424, Pt. A, §5
3 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 ~~(2) If it proposes to add new nursing facility beds to the inventory of nursing~~
7 ~~facility beds within the State, in which case it must satisfy all applicable~~
8 ~~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9 **Sec. 2. 22 MRSA §333**, as amended by PL 2011, c. 648, §§2 and 3, is repealed.

10 **Sec. 3. 22 MRSA §333-A**, as amended by PL 2011, c. 648, §4, is repealed.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 **Sec. 4. 22 MRSA §334-A, sub-§1-A**, as amended by PL 2011, c. 648, §5, is
12 repealed.

13 **Sec. 5. 22 MRSA §334-A, sub-§2**, as amended by PL 2011, c. 424, Pt. B, §11 and
14 affected by Pt. E, §1, is repealed.

15 **Sec. 6. 22 MRSA §334-A, sub-§3**, as amended by PL 2011, c. 424, Pt. B, §14 and
16 affected by Pt. E, §1, is repealed.

17 **Sec. 7. 22 MRSA §1708, sub-§3, ¶D**, as amended by PL 2013, c. 594, §1, is further
18 amended to read:

19 D. Ensure that any calculation of an occupancy percentage or other basis for adjusting
20 the rate of reimbursement for nursing facility services to reduce the amount paid in
21 response to a decrease in the number of residents in the facility or the percentage of the
22 facility's occupied beds excludes all beds that the facility has removed from service for
23 all or part of the relevant fiscal period ~~in accordance with section 333~~. If the excluded
24 beds are converted to residential care beds or another program for which the department
25 provides reimbursement, nothing in this paragraph precludes the department from
26 including those beds for purposes of any occupancy standard applicable to the
27 residential care or other program pursuant to duly adopted rules of the department;

28 **SUMMARY**

29 This bill repeals the requirements for a certificate of need issued by the Department of
30 Health and Human Services for adding new licensed beds or increasing beds in a health
31 care facility other than a hospital.