

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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 and in a newspaper published within the service area of any existing health care facility that may be negatively affected by the application. If any existing health care facility may be negatively affected by an application, notice must be provided to municipal officers of the municipality where the facility is located and to Legislators 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 any potential negative impact of the proposed expenditure on any existing health care facility;
- B. A description of the review process and schedule;
- C. A statement that any person may examine the application, submit comments in writing to the department regarding the application and examine the entire record assembled by the department at any time from the date of publication of the notice until the application process is closed for comment; and
- D. The time and location of the public informational meeting and a statement that any person may appear at the meeting to question the applicant regarding the project or the department regarding the conditions that the applicant must satisfy in order to receive a certificate of need for the project.

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

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

Sec. 2. Rules. The Department of Health and Human Services shall adopt routine technical rules as provided in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A specifying the conditions that constitute a negative impact on a health care facility for purposes of the notice required by Title 22, section 337, subsection 5.

SUMMARY

This bill requires that notice be given in a newspaper published in the service area of a health care facility that may be negatively affected by a certificate of need application filed with the Department of Health and Human Services and to municipal officers of and Legislators representing the municipality where the facility is located. The bill requires the department to adopt rules specifying the conditions that constitute a negative impact on a facility.