



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1890

H.P. 1261

House of Representatives, May 5, 2025

**An Act to Facilitate the Development of Ambulatory Surgical
Facilities by Exempting Certain Facilities from the Requirement to
Obtain a Certificate of Need**

Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FOLEY of Wells.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: FLYNN of Albion, OLSEN of Raymond, POIRIER of Skowhegan,
POMERLEAU of Standish.

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

2 **Sec. 1. 22 MRSA §330, sub-§6**, as enacted by PL 2001, c. 664, §2, is repealed.

3 **Sec. 2. 22 MRSA §330, sub-§7**, as amended by PL 2003, c. 621, §1, is further
4 amended to read:

5 **7. Critical access hospitals.** Conversion by a critical access hospital or a hospital in
6 the process of becoming a critical access hospital of licensed acute care beds to hospital
7 swing beds; and

8 **Sec. 3. 22 MRSA §330, sub-§8** is enacted to read:

9 **8. Certain ambulatory surgical facilities.** The establishment or expansion of an
10 ambulatory surgical facility, except that an ambulatory surgical facility that is owned or
11 operated by a hospital is exempt only if the facility:

12 A. Is operated and paid only as an ambulatory surgical facility; and

13 B. Does not share space with a hospital or the outpatient surgery department of a
14 critical access hospital, even if the ambulatory surgical facility and the hospital or
15 outpatient surgery department of a critical access hospital are temporally separated.

16 For the purposes of this paragraph, "temporally separated" means that an ambulatory
17 surgical facility and the entity it shares a space with are not open at the same time.

18 **SUMMARY**

19 This bill exempts certain ambulatory surgical facilities from the requirement to obtain
20 a certificate of need from the Department of Health and Human Services to finance or incur
21 expenditures for a project. An ambulatory surgical facility that is owned or operated by a
22 hospital is exempt from the requirement only if the facility is operated and paid only as an
23 ambulatory surgical facility and does not share space with a hospital or the outpatient
24 surgery department of a critical access hospital, even if the facility and hospital or
25 outpatient surgery department are not open at the same time.