



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1848

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S.P. 642

In Senate, March 8, 2012

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

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by President RAYE of Washington.

Cosponsored by Representative MAKER of Calais and

Senators: COURTNEY of York, GERZOFSKY of Cumberland, McCORMICK of Kennebec,  
Representatives: BURNS of Whiting, McFADDEN of Dennysville, TURNER of Burlington.

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

2 **Sec. 1. 22 MRSA §337, sub-§5**, as amended by PL 2011, c. 424, Pt. D, §2 and  
3 affected by Pt. E, §1, is further amended to read:

4 **5. Public notice; public informational meeting.** Within 5 business days of the  
5 filing of a certificate by an applicant that a complete certificate of need application is on  
6 file with the department, public notice that the application has been filed and that a public  
7 informational meeting must be held regarding the application must be given by  
8 publication in a newspaper of general circulation in Kennebec County ~~and~~, in a  
9 newspaper published within the service area in which the proposed expenditure will occur  
10 and in a newspaper published within the service area of any existing health care facility  
11 that may be negatively affected by the application. If any existing health care facility  
12 may be negatively affected by an application, notice must be provided to municipal  
13 officers of the municipality where the facility is located and to Legislators representing  
14 any part of that municipality. The notice must also be provided to all persons who have  
15 requested notification by means of asking that their names be placed on a mailing list  
16 maintained by the department for this purpose. This notice must include:

17 A. A brief description of the proposed expenditure or other action, including any  
18 potential negative impact of the proposed expenditure on any existing health care  
19 facility;

20 B. A description of the review process and schedule;

21 C. A statement that any person may examine the application, submit comments in  
22 writing to the department regarding the application and examine the entire record  
23 assembled by the department at any time from the date of publication of the notice  
24 until the application process is closed for comment; and

25 D. The time and location of the public informational meeting and a statement that  
26 any person may appear at the meeting to question the applicant regarding the project  
27 or the department regarding the conditions that the applicant must satisfy in order to  
28 receive a certificate of need for the project.

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

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

33 **Sec. 2. Rules.** The Department of Health and Human Services shall adopt routine  
34 technical rules as provided in the Maine Revised Statutes, Title 5, chapter 375, subchapter  
35 2-A specifying the conditions that constitute a negative impact on a health care facility  
36 for purposes of the notice required by Title 22, section 337, subsection 5.

37 **SUMMARY**

38 This bill requires that notice be given in a newspaper published in the service area of  
39 a health care facility that may be negatively affected by a certificate of need application  
40 filed with the Department of Health and Human Services and to municipal officers of and

1 Legislators representing the municipality where the facility is located. The bill requires  
2 the department to adopt rules specifying the conditions that constitute a negative impact  
3 on a facility.