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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 345, L.D. 482, Bill, "An Act To Repeal the Maine Certificate of Need Act of 2002"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Maine Certificate of Need Act of 2002'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §328, sub-§26-A is enacted to read:

26-A. Shell space. "Shell space" means an expansion of the size of a hospital for the purposes of increasing bed capacity.

Sec. 2. 22 MRSA §329, sub-§9 is enacted to read:

9. Shell space. A hospital to use shell space constructed pursuant to section 335, subsection 8, paragraph A.

Sec. 3. 22 MRSA §335, sub-§8, as enacted by PL 2001, c. 664, §2, is amended to read:

8. Conditional approvals. The commissioner may grant an application subject to conditions that relate to the criteria for approval of the application.

A. If an application containing a request to increase bed capacity of a hospital is granted by the commissioner for a number of beds lower than the number requested and if the applicant proceeds with the approved project within the time frame required by section 346, the applicant may construct shell space without further approval by the department as long as the following conditions are met:

(1) The square footage of the shell space may not exceed the square footage for bed capacity requested in the original application;

(2) The square footage of the shell space may not exceed the square footage of the approved project by more than 15%; and

COMMITTEE AMENDMENT

1 (3) The cost to construct the shell space may not exceed 15% of the cost of the
2 approved project.

3 A hospital may not use shell space constructed pursuant to this paragraph without
4 filing a subsequent application for a certificate of need pursuant to section 329,
5 subsection 9.

6 **Sec. 4. Rules.** The Department of Health and Human Services shall provisionally
7 adopt rules to implement the Maine Revised Statutes, Title 22, section 329, subsection 9
8 and section 335, subsection 8 no later than January 15, 2018. Rules adopted pursuant to
9 this section are routine technical rules as defined in the Maine Revised Statutes, Title 5,
10 chapter 375, subchapter 2-A.'

11 **SUMMARY**

12 This amendment is the minority report of the committee and makes the following
13 changes to the bill. It changes the title of the bill. It allows hospitals to construct shell
14 space if a hospital's application containing a request to increase bed capacity is granted
15 for a number of beds lower than the number requested and if the applicant proceeds with
16 the approved project within the time frame required by the Maine Revised Statutes, Title
17 22, section 346. The amendment provides that the construction of shell space may not
18 exceed the square footage requested in the application, the square footage of the approved
19 project by more than 15% and 15% of the cost of the approved project. The amendment
20 provides that in order for a hospital to use the shell space it must apply for another
21 certificate of need. It directs the Department of Health and Human Services to
22 provisionally adopt routine technical rules implementing these provisions no later than
23 January 15, 2018.