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An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program

CONCEPT DRAFT SUMMARY

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the certificate of need law to improve review procedures in the certificate of need program within the Department of Health and Human Services. This bill proposes to make the following changes in the certificate of need program:

1. Lower the dollar amounts for the thresholds for review;
2. Add requirements for reporting regarding projects that do not require review;
3. Add methods for determining community need, including the use of population surveys, replacing the method of relying on utilization rates;
4. Clarify the roles for other state agencies and offices, in particular the Department of Professional and Financial Regulation, Bureau of Insurance and the Maine Center for Disease Control and Prevention; and
5. Impose upon the certificate of need process the adjudicatory hearings procedures applicable under the Maine Administrative Procedure Act, including the use of an impartial hearing officer who would make a recommendation to the Commissioner of Health and Human Services.