



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 157

S.P. 50

In Senate, January 25, 2011

An Act To Encourage Access to Health Care in Maine

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 Senator TRAHAN of Lincoln.

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

2 **Sec. 1. 22 MRSA §1843, sub-§1**, as enacted by PL 2005, c. 670, §1 and affected
3 by §4, is amended to read:

4 **1. Cooperative agreement.** "Cooperative agreement" means an agreement that
5 names the parties to the agreement and describes the nature and scope of the cooperation
6 for:

7 A. The sharing, allocation or referral of patients, personnel, instructional programs,
8 medical or mental health services, support services or facilities or medical, diagnostic
9 or laboratory facilities, procedures or other services traditionally offered by hospitals
10 or health care providers;

11 B. The coordinated negotiation and contracting with payors or employers; or

12 C. The merger of 2 or more ~~hospitals or 2 or more health care providers~~ covered
13 entities.

14 ~~A cooperative agreement under this chapter is an agreement between 2 or more hospitals~~
15 ~~or an agreement between 2 or more health care providers. An agreement between one or~~
16 ~~more hospitals and one or more health care providers is not a cooperative agreement for~~
17 ~~the purposes of this chapter.~~

18 **Sec. 2. 22 MRSA §1843, sub-§5**, as enacted by PL 2005, c. 670, §1 and affected
19 by §4, is amended to read:

20 **5. Merger.** "Merger" means a transaction by which ownership or control over
21 substantially all of the stock, assets or activities of one or more covered entities is placed
22 under the control of another covered entity. ~~A merger between one or more hospitals and~~
23 ~~one or more health care providers is not a merger for the purposes of this chapter.~~

24 **SUMMARY**

25 This bill amends the Hospital and Health Care Provider Cooperation Act, which
26 applies to mergers of covered entities, which are defined as hospitals and health care
27 providers. Currently the Act applies only to a merger of a hospital with a hospital or of a
28 health care provider with a health care provider. This bill makes the Act apply also to a
29 merger of a hospital with a health care provider.