

STATE OF MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION LICENSING AND REGULATORY SERVICES

In the Matter of:)	SECOND PROCEDURAL ORDER
)	RE: CERTIFICATE OF PUBLIC
MaineHealth and Southern)	ADVANTAGE AND CERTIFICATE OF
Maine Medical Center)	NEED APPLICATIONS

The Department of Health and Human Services, Division of Licensing and Regulatory Services (“DLRS”) issues this Procedural Order in the captioned matter pursuant to the Hospital and Health Care Provider Cooperation Act, 22 M.R.S.A. §§ 1841, *et seq.* (the “COPA Act”) and the Hospital Cooperation Act Program Manual, 10 CMR 144, Chapter 500, (the “COPA Manual”) as well as the Certificate of Need Act, 22 M.R.S.A. §§ 326 *et seq.* (the “CON Act”) and the Certificate of Need Procedures Manual, 10 CMR 144, Chapter 503 (the “CON Manual”).

On May 21, 2008, MaineHealth and Southern Maine Medical Center (“MH/SMMC”) filed a Notice of Intent to File Application for a Certificate of Public Advantage (“COPA”) under the COPA Act. On July 15, 2008, MH/SMMC filed a Notice of Intent to File Application for Certificate of Need (“CON”) under the CON Act. This Procedural Order is intended to govern proceedings under both Acts and Manuals related to those Notices of Intent and MH/SMMC’s CON and COPA applications. The Department may issue supplemental Procedural Orders in the referenced matter from time to time as it deems necessary.

I. Timeline

DLRS will issue a timeline for these proceedings upon receipt of MH/SMMC’s CON and COPA applications.

II. Coordination of COPA and CON Processes

DLRS will strive, to the extent appropriate, to avoid duplication during its review of MH/SMMC's CON and COPA applications. For that purpose, DLRS has prepared the attached combined CON/COPA application format. As stated in the application format, MH/SMMC has the burden to meet all relevant criteria and standards regardless of the organization of its application.

In addition, MH/SMMC, intervenors and the public are invited to submit information, documents, comments and/or other materials to DLRS once and request that the materials be made part of both the CON and COPA records. However, under the relevant statutes and regulations, DLRS and the Commissioner must issue separate decisions on each application. It will be incumbent on MH/SMMC, intervenors and the public to specify the operative application (CON or COPA) to DLRS when submitting such information, documents, comments and/or other materials. DLRS requests that commenters simultaneously provide copies to MH/SMMC and all intervenors.

Dated this 9th day of September 2008.


Catherine M. Cobb
Director