

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

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

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. On October 24, 2008, MH/SMMC filed a combined Application under the COPA and CON Acts and Manuals. This Procedural Order is intended to govern proceedings related to the Notices of Intent and combined Application. The Department may issue supplemental Procedural Orders in the referenced matter from time to time as it deems necessary.

I. Timeline

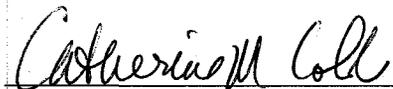
The following timeline will govern these proceedings. If a date falls on a day that State offices are closed, the date shall be the next business day.

Activity	Date
COPA Notice of Intent filed by MH/SMMC	May 21, 2008
CON Notice of Intent filed by MH/SMMC	July 15, 2008
Combined COPA/CON Application filed by MH/SMMC	October 24, 2008
CON Application certified complete by MH/SMMC	October 24, 2008
Acknowledgements by DLRS of COPA/CON Application	October 31, 2008
Public notice of filing of COPA/CON Application and of public informational meeting/public hearing by DLRS	October 31, 2008
Request for intervenor status due to DLRS	November 14, 2008
CON public informational meeting to be held in Portland	November 17, 2008
CON public hearing to be held in Portland	November 17, 2008
COPA public hearing to be held in Portland	November 17, 2008
All written comments due to DLRS. Record closes until after release of Preliminary Decision (COPA) and Preliminary Analysis (CON)	December 17, 2008
COPA comment period reopens	Upon release of Preliminary Decision
COPA comment period closes	7 business days after Preliminary Decision
CON comment period reopens	Upon release of Preliminary Analysis and notice
CON comment period closes	10 business days after Preliminary Analysis and notice

II. Coordination of COPA and CON Processes

As reflected in the Timeline, DLRS will strive, to the extent appropriate, to avoid duplication during its review of MH/SMMC's combined Application. For that purpose, 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 COPA and the CON records. However, under the relevant statutes and regulations, DLRS and the Commissioner must issue separate COPA and CON decisions. **It will be incumbent on MH/SMMC, intervenors and the public to specify the operative record (COPA or CON or both) 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 3rd day of November 2008.



Catherine M. Cobb
Director