

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

In the Matter of:)
)
MaineHealth and Penobscot)
Bay Healthcare)
) 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 January 13, 2010, MaineHealth and Penobscot Bay Healthcare (“MH/Pen Bay”) filed a Notice of Intent to File Application for a Certificate of Public Advantage (“COPA”) under the COPA Act. On January 13, 2010, MH/Pen Bay filed a Notice of Intent to File Application for Certificate of Need (“CON”) under the CON Act. On May 11, 2010, MH/Pen Bay 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/Pen Bay	January 13, 2010
CON Notice of Intent filed by MH/Pen Bay	January 13, 2010
Combined COPA/CON Application filed by MH/Pen Bay	May 11, 2010
CON Application certified complete by MH/Pen Bay	May 11, 2010
Acknowledgements by DLRS of COPA/CON Application	May 12, 2010
Public notice of filing of COPA/CON Application and of public informational meeting/public hearing by DLRS	May 24, 2010
Request for intervenor status due to DLRS	June 7, 2010
CON public informational meeting to be held in Rockport	June 28, 2010
CON public hearing to be held in Rockland	June 28, 2010
COPA public hearing to be held in Rockland	June 28, 2010
All written comments due to DLRS. Record closes until after release of Preliminary Decision (COPA) and Preliminary Analysis (CON)	July 28, 2010
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/Pen Bay's combined Application. For that purpose, MH/Pen Bay, 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/Pen Bay, 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/Pen Bay and all intervenors.

Dated this 20th day of May 2010.



Catherine M. Cobb
Director