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# A BILL FOR AN ACT

RELATING TO CERTIFICATE OF NEED.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to require a public  
2 hearing prior to decision making on certificate of need  
3 applications and to ensure that the Hawaii Revised Statutes are  
4 consistent with the Hawaii Administrative Rules regarding the  
5 filing deadline for certificate of need reconsideration  
6 requests.

7           SECTION 2. Chapter 323D, part V, Hawaii Revised Statutes,  
8 is amended by adding a new section to be appropriately  
9 designated and to read as follows:

10           "§323D-    Public hearings required. During the period of  
11 agency review and thirty days prior to the issuance of the  
12 decision on a certificate of need application, the state agency  
13 and the statewide council shall conduct a public hearing on the  
14 proposed certificate of need and shall comply with the  
15 provisions for notice of public hearings in chapters 91 and 92."

16           SECTION 3. Section 323D-47, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "§323D-47 Request for reconsideration. The state agency  
2 may provide by rules adopted in conformity with chapter 91 for a  
3 procedure by which any person may, for good cause shown, request  
4 in writing a public hearing before a reconsideration committee  
5 for purposes of reconsideration of the agency's decision. The  
6 reconsideration committee shall consist of the administrator of  
7 the state agency and the chairpersons of the statewide council,  
8 the review panel, the plan development committee of the  
9 statewide council, and the appropriate subarea health planning  
10 council. The administrator shall be the chairperson of the  
11 reconsideration committee. A request for a public hearing shall  
12 be deemed by the reconsideration committee to have shown good  
13 cause, if:

- 14           (1) It presents significant, relevant information not  
15                 previously considered by the state agency;
- 16           (2) It demonstrates that there have been significant  
17                 changes in factors or circumstances relied upon by the  
18                 state agency in reaching its decision;
- 19           (3) It demonstrates that the state agency has materially  
20                 failed to follow its adopted procedures in reaching  
21                 its decision;



1 (4) It provides such other bases for a public hearing as  
 2 the state agency determines constitutes good causes;  
 3 or

4 (5) The decision of the administrator differs from the  
 5 recommendation of the statewide council.

6 To be effective a request for such a hearing shall be received  
 7 within [~~ten~~] thirty working days [~~of~~] after the state agency  
 8 decision. A decision of the reconsideration committee following  
 9 a public hearing under this section shall be considered a  
 10 decision of the state agency for purposes of section 323D-44."

11 SECTION 4. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Certificate of Need; Public Hearing

**Description:**

Requires a public hearing on a certificate of need application prior to the agency's decision for approval or denial.

