
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A SPECIAL TASK
FORCE TO INVESTIGATE THE STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY FOR POSSIBLE VIOLATIONS OF THE HAWAII
ADMINISTRATIVE PROCEDURE ACT OR THE SUNSHINE LAW.

1 WHEREAS, the State Health Planning and Development Agency
2 was established within the Department of Health to administer
3 state health planning and cost containment activities as
4 required by law; and
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6 WHEREAS, the State Health Planning and Development Agency
7 administers the certificate of need program which provides that
8 no person shall enter into activities relating to a health care
9 facility or health care services unless the person is granted a
10 certificate of need from the State Health Planning and
11 Development Agency; and
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13 WHEREAS, decisions by the State Health Planning and
14 Development Agency to issue a certificate of need are required
15 to be consistent with the state health services and facilities
16 plan, which are subject to adoption and amendment by the State
17 Health Planning and Development Agency under the laws regarding
18 public notice requirements; and
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20 WHEREAS, reports have surfaced that the State Health
21 Planning and Development Agency may have violated the State's
22 open meetings and related laws in its approval of the state
23 health services and facilities plan and in its adoption of rules
24 relating to capacity thresholds; and
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26 WHEREAS, as a consequence of these potential violations,
27 decisions on certificates of need may have been made under
28 administrative rules and a state health services and facilities
29 plan that were adopted in possible violation of the open
30 meetings and related laws; and



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WHEREAS, these decisions of the State Health Planning and Development Agency may have adversely affected the availability of health care providers in the rural or underserved areas of this State; and

WHEREAS, the Attorney General is charged with enforcing chapter 91, Hawaii Revised Statutes, also known as the Administrative Procedure Act and chapter 92, Hawaii Revised Statutes, also known as the sunshine law or open meetings law; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, the Senate concurring, that the Attorney General is requested to establish a special task force to investigate the State Health Planning and Development Agency for possible violations of the Administrative Procedure Act, the sunshine law, or both; and

BE IT FURTHER RESOLVED that the Attorney General is requested to establish the size and composition of the special task force to fairly represent all interested stakeholders and to serve as its chairperson; and

BE IT FURTHER RESOLVED that the Attorney General is requested to convene the special task force during the legislative interim of 2011 and to terminate its proceedings on June 30, 2012; provided that its entire proceedings shall be subject to chapter 92, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the Attorney General is further requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature not later than twenty days prior to the convening of the Regular Session of 2012; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Attorney General,
3 the Director of Health, and the Administrator of the State
4 Health Planning and Development Agency.
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OFFERED BY:

Mele Carroll

MAR 11 2011

