

ACT 254

S.B. NO. 1947

A Bill for an Act Relating to Administrative Reviews by State Health Planning and Development Agency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to amend chapter 323D, Hawaii Revised Statutes, to provide that when the state health planning and development agency conducts administrative reviews pursuant to section 323D-44.5, Hawaii Revised Statutes, there shall be an informational hearing on the certificate of need application to allow for public participation early in the process. This public hearing shall not be deemed to be a contested case or rule-making within the meaning of

chapter 91. Through this procedure, the efficiencies sought to be accomplished by the administrative review process will not be sacrificed significantly, but public participation will be allowed.

SECTION 2. Section 323D-44.5, Hawaii Revised Statutes, is amended to read as follows:

“[§323D-44.5] Administrative review of certain applications for certificate of need. The state agency shall adopt rules in conformity with chapter 91 providing for administrative review and decision on certain applications for certificate of need without referring the applications to the subarea council, review panel, or statewide council[.] for recommendation as provided under section 323D-45. Each application reviewed under this section shall be subject to a public information meeting before the state agency makes its decision, which public information meeting may be at a meeting of the subarea council, review panel, or statewide council. Applications subject to administrative review and decision under this section shall include, but are not limited to, applications which are:

- (1) Inconsistent with or contrary to the state health services and facilities plan under section 323D-15;
- (2) Determined not to have a significant impact on the health care system; or
- (3) Involve capital or annual operating expenses below a significant level.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 1989.)