

NOTICE OF RULE ADOPTION—TEMPORARY RULE

**STATE OF MISSISSIPPI
MISSISSIPPI STATE DEPARTMENT OF HEALTH**

**Mississippi State Department of Health
c/o Sam Dawkins, Director
Office of Health Policy and Planning
P.O. Box 1700
Jackson, MS 39215-1700**

601-576-7874

Specific Legal Authority authorizing the promulgation of Rule:
Mississippi Code Sections 41-7-185 and 41-7-195

Reference to Rules repealed, amended or suspended by the Temporary Rule :

Chapter 6, Section 102, of Title 15 - MISSISSIPPI DEPARTMENT OF HEALTH, Part IX – Office of Health Policy and Planning, Subpart 91 -Certificate of Need Review Manual (Effective September 9, 2007)

Date Rule Proposed: **October 26, 2007**

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:

The Department of Health finds that Certificates of Need (CONs) have been issued to serve unmet healthcare needs of the state and that compliance with the Attorney General’s Opinion of October 12, 2007, may prevent the completion of outstanding CONs that were issued to address such needs. Changes in the CON Rules regarding extensions of valid CONs are necessary to comply with the Attorney General’s Opinion, to modify requirements for six-month extensions, to clarify the status of incomplete CONs, and to provide transition of incomplete CONs.

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: {Insert Date}
Time: {Insert Time}
Place: {Insert Place}

An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

This rule as adopted is without variance from the proposed temporary rule.

This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: **October 29, 2007**

Signature and Title of Person Submitting Rule for Filing