



NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI  
MS State Department of Health

MS State Department of Health  
c/o Rachel E. Pittman  
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Specific Legal Authority Authorizing the promulgation  
of Rule: Mississippi Code Section 41-7-185 (g)

Reference to Rules repealed, amended or suspended by  
the Final Rule:  
Chapter 6, Section 102, of Title 15 – MISSISSIPPI STATE  
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: December 27, 2007  
Date Rule Adopted: January 23, 2008

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing 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 extension 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 Rule Making Record for this rule including any written comment(s) 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: 1/16/2008  
Time: 9:30 a.m.  
Place: Mississippi Department of Health, Osborne Building, Suite 150, 570 E. Woodrow Wilson, Jackson, Mississippi 39215
- An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and:

- This rule as adopted is without variance from the proposed rule.
- This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.
- This rule as adopted differs from the proposed rule and all of the following apply:
- The differences are within the scope of the matter in the notice of proposed rule adoption,
  - The differences are a 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 Final Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: February 23, 2008

Rachel E. Pittman, Chief of Health Planning and Resource Development  
Printed Name/Title of Person Submitting Rule for Filing

Rachel E. Pittman  
Signature