NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
MS State Department of Health

MS State Department of Health
c/o Donald E. Eicher, III
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Specific Legal Authority Authorizing the promulgation of Rule: **Mississippi Code Sections 41-7-185 and 41-7-187**

Reference to Rules repealed, amended or suspended by the Proposed Rule:
Title 15 – MISSISSIPPI STATE DEPARTMENT OF HEALTH – Part IX – Office of Health Policy and Planning, Division of Health Planning and Resource Development, Subpart 91 – Certificate of Need Review Manual (Effective February 23, 2008).

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
The following revisions of the CON Review Manual are necessary to clarify rules, further transparency and add consideration of economic impact to review of CON applications. The proposed changes are as follows: clarify when a CON application is available for public inspection, to allow greater archive of records, clarify definition of "Determination of Reviewability", clarify statutory exemption of veterans homes from CON process, clarify that Notices of Intent are valid for 180 days, clarify incomplete application and define "shell application" as not meeting requirement, clarify requirement of Determination of Reviewability and add Economic Considerations to the general review criteria for CON applications.

This rule is proposed as a ☑ Final Rule, and/or a □ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding (Check one box below):

☑ An oral proceeding is scheduled on this rule on Date: 06/26/2009 at Time: 10:00 a.m. at Location: Mississippi State Department of Health, Health Services Conference Room, 2nd Floor, Osborne Building, 570 East Woodrow Wilson, Jackson, Mississippi 39215.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

□ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement (Check one box below):

☑ The agency has determined that an economic impact statement is not required for this rule, or
□ The concise summary of the economic impact statement required is attached.

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

Date Rule Proposed: June 4, 2009 **Proposed Effective Date of Rule:** September 1, 2009

Donald E. Eicher, III, Director of Office of Health Policy and Planning
Printed Name/Title of Person Submitting Rule for Filing **Signature**