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FILED
OCT 23 2009

NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI
MS State Department of Health

MISSISSIPPI
SECRETARY OF STATE

MS State Department of Health
c/o Donald E. Eicher, III
P. O. Box 1700
Jackson, MS 39215-1700

Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Sections 41-7-185 and 41-7-187

Telephone Number
(601)-576-7874

Reference to Rules repealed, amended or suspended by the Proposed Rule:

Email Address
Don.Eicher@msdh.state.ms.us

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 September 1, 2009).

Date Rule Proposed: September 18, 2009
Date Rule Adopted: October 21, 2009

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 to the Single Specialty Ambulatory Surgery Facility Application for Determination of Non-Reviewability to require physicians in group of the facility to have medical privileges at a full service hospital, formal transfer agreement with a full service hospital to provide services that are required beyond scope of single specialty facility's programs, and formal process for providing follow-up services to patients.

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

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: October 14, 2009
Time: 10:00 a.m.
Place: Mississippi State Department of Health, Health Services Conference Room, 2nd Floor, Osborne Building, 570 East 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: December 1, 2009

Donald E. Eicher, III, Director of Office of Health Policy and Planning

Printed Name/Title of Person Submitting Rule for Filing



Signature