

MINUTES OF THE CERTIFICATE OF NEED APPEAL PANEL OPEN MEETING
JUNE 23, 2022, 10 A.M.

Commissioners Present: Chairman Wright McLeod (in person) Commissioners Trey Taylor (in person, David Will, (remote) and William Joy (remote)

The meeting was called to order by Chairman McLeod.

The first agenda item addressed was consideration of adoption of amendments to the CON Appeal Panel Rules 274-1-.01, .02, .03, .06, .10, .11 and .12 set forth in the May 23, 2022 Notice of Proposed Rulemaking. Commissioner Taylor made a motion to adopt the proposed rules. Commissioner Joy seconded the motion. The Panel voted unanimously to adopt the proposed rules.

The second agenda item was consideration of adoption of amendments to CON Appeal Panel Rule 274-1-.04 set forth in the May 23, 2022 Notice of Proposed Rulemaking. Commissioner Taylor made a motion to adopt the amendments. No commissioner seconded the motion. Commissioner Will made a motion to disapprove the proposed rules. Commissioner Joy seconded the motion. The Panel voted unanimously to disapprove the proposed amendments to the rule. The Panel then discussed the issuance of a separate revised notice of proposed rulemaking that reduced the amount of the increase to the filing fee for appeals as compared to what was contained in the May 23 Notice, it provides that the filing fee is due for all appeals except that a hospital in a rural county does not need to pay the filing fee, it clarifies that an applicant that prevails before the Department does not need to pay the filing fee to intervene in an appeal of the Department's decision and it provides that the filing fee for an intervenor is due within 14 days of the intervention or appeal whichever is later. Commissioner Will made a motion to issue the revised notice of proposed rulemaking and Commissioner Taylor seconded the motion. The Panel voted unanimously to issue the revised notice of proposed rulemaking.

There being no further business for the Panel, the Chairman then adjourned the meeting.