

---

---

## A BILL FOR AN ACT

RELATING TO HEALTH CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 323D-45, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§323D-45 Subarea council, review panel, and statewide**  
4 **council joint recommendations for issuance or denial of**  
5 **certificates of need.** (a) Except for an administrative review  
6 as provided in section 323D-44.5, or in an emergency situation  
7 or other unusual circumstances as provided in section 323D-  
8 44(c), the state agency shall refer every application for a  
9 certificate of need to a joint review panel consisting of the  
10 appropriate subarea council or councils, the review panel, and  
11 the statewide council. The subarea council [~~and the~~], review  
12 panel, and statewide council shall consider all relevant data  
13 and information submitted by the state agency, [~~subarea~~  
14 ~~councils,~~] other areawide or local bodies, and the applicant,  
15 and may request from them additional data and information. The  
16 subarea councils, review panel, and statewide council shall  
17 jointly consider each application at a public meeting and shall  
18 submit its recommendations with findings to the [~~statewide~~



1 ~~council. The statewide council shall consider the~~  
2 ~~recommendation of the review panel at a public meeting and shall~~  
3 ~~submit its recommendations to the]~~ state agency within such time  
4 as the state agency prescribes. [~~The statewide council and the~~  
5 ~~review panel may join together to hear or consider~~  
6 ~~simultaneously information related to an application for a~~  
7 ~~certificate of need.]~~

8 (b) At a public meeting in which a subarea council [~~or~~  
9 ~~the]~~, review panel, and statewide council jointly considers an  
10 application for a certificate of need [~~any~~]:

11 (1) Any person shall have the right to be represented by  
12 counsel and to present oral or written arguments and  
13 evidence relevant to the application; [~~any~~]

14 (2) Any person directly affected by the application may  
15 conduct reasonable questioning of persons who make  
16 factual allegations relevant to the application; [~~any~~]

17 (3) Any staff member of the state agency may conduct  
18 reasonable questioning of persons who make factual  
19 allegations relevant to the application; and [~~a~~]

20 (4) A record of the meeting shall be kept."

21 SECTION 2. The state health planning and development  
22 agency shall waive the certificate of need requirements, as



1 provided under chapter 323D, for the construction and operation  
2 of a new acute care hospital in South Maui, and any necessary  
3 emergency and ancillary services in West Maui to supplement the  
4 health care needs of the island of Maui. The waiver shall be  
5 repealed with respect to further expansion of facilities and  
6 health care service after June 30, 2012.

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: \_\_\_\_\_



JAN 22 2007



**Report Title:**

Health care; Certificate of Need Review Process; West Maui Hospital

**Description:**

Reforms the certificate of need review process to require a joint hearing of a subarea council or councils, review panel, and statewide council; provides a waiver from the certificate of need requirements for the construction and operation of a new West Maui acute care hospital.

