
A BILL FOR AN ACT

RELATING TO THE REVIEW OF HOSPITAL ACQUISITIONS BY THE ATTORNEY
GENERAL.

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

1 SECTION 1. Section 323D-75, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) The attorney general shall conduct its review of the
4 application in accordance with the standards enumerated in
5 section 323D-76. Within ninety days after receipt of [an] a
6 complete application, the attorney general shall review and
7 approve or disapprove the acquisition.

8 (b) If the attorney general does not act within ninety
9 days after receipt of [an] a complete application, the
10 application shall be deemed approved. If the attorney general
11 approves or disapproves the acquisition, the applicant, or any
12 person who has submitted comments and has a legal interest in
13 the hospital being acquired or in another hospital that has
14 contracted with the acquired hospital for the provision of
15 essential health services, may bring an action for declaratory
16 judgment for a determination that the acquisition is or is not

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1 in the public interest under the criteria set forth in section
2 323D-76."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. King
BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE REVIEW OF HOSPITAL ACQUISITIONS BY THE ATTORNEY GENERAL.

PURPOSE: The purpose of this bill is to amend section 323D-75, Hawaii Revised Statutes, to clarify that the deadline for the Attorney General to review and either approve or disapprove an application for the acquisition of a hospital is ninety days after the submission of a complete application.

MEANS: Amend section 323D-75(a) and (b), Hawaii Revised Statutes.

JUSTIFICATION: Under subsection (c) of section 323D-75, the State of Hawaii Health Planning and Development Agency has ninety days to make a decision on a certificate of need application after submission of a complete application, but the statute says that the Attorney General must decide within ninety days of receiving an application, which may or may not be complete.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: ATG-100

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.