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TIME: 1 pm
AUG 14 2014
Donna Little
REGULATIONS COMPILER

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Office of Health Policy

3 (Amendment)

4 900 KAR 6:065. Certificate of need application process.

5 RELATES TO: KRS 216B.015, 216B.062(1), 216B.040, 216B.095, 216B.085

6 [~~216B.010-216B.130, 216B.330-216B.339, 216B.455, 216B.990~~]

7 STATUTORY AUTHORITY: KRS [~~194A.030, 194A.050,~~] 216B.040(2)(a)1[~~,~~

8 ~~216B.330~~]

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1 requires

10 the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need

11 Program and to promulgate administrative regulations as necessary for the program.

12 This administrative regulation establishes the requirements necessary for the orderly

13 administration of the certificate of need application, review, decision, and

14 reconsideration process.

15 Section 1. Definitions. (1) "Cabinet" is defined by KRS 216B.015(6)[~~(5)~~].

16 (2) "Certificate of Need Newsletter" means the monthly newsletter that is published

17 by the cabinet regarding certificate of need matters and is available on the Certificate of

18 Need Web site at http://chfs.ky.gov/ohp/con.

19 (3) "Days" means calendar days, unless otherwise specified.

20 (4) "Formal review" means the review of an application [~~applications~~] for certificate

21 of need which is [~~are~~] reviewed within ninety (90) days from the commencement of the

1 review as provided by KRS 216B.062(1) and which is [~~are~~] reviewed for compliance with
2 the review criteria set forth at KRS 216B.040 and 900 KAR 6:070.
3 (5) "Nonsubstantive review" is defined by KRS 216B.015(18)[~~(17)~~].
4 (6) "Owner" means a person as defined in KRS 216B.015(22)[~~(21)~~] who is
5 applying for the certificate of need and will become the licensee of the proposed health
6 service or facility.
7 (7) "Proposed service area" means the geographic area the applicant proposes to
8 serve.
9 (8) [~~"Public information channels" means the Office of Communication and~~
10 ~~Administrative Review in the Cabinet for Health and Family Services.~~
11 ~~(9) "Public notice" means notice given through:~~
12 ~~(a) Public information channels; or~~
13 ~~(b) The cabinet's Certificate of Need Newsletter.~~
14 ~~(10)~~] "Secretary" is defined by KRS 216B.015(26)[~~(25)~~].
15 (9)[~~(11)~~] "Show cause hearing" means a hearing during which it is determined
16 whether a person or entity has violated provisions of KRS Chapter 216B.
17 Section 2. Letter of Intent. (1) Except for an applicant requesting nonsubstantive
18 review under the provisions of KRS 216B.095(3)(a) through (f), OHP - Form 1, Letter of
19 Intent, incorporated by reference in 900 KAR 6:055, shall be filed with the cabinet by an
20 [~~each~~] applicant for a certificate of need. [~~This shall:~~
21 ~~(a) Include those applicants requesting nonsubstantive review under the~~
22 ~~provisions of 900 KAR 6:075; and~~
23 ~~(b)Not include those applicants requesting nonsubstantive review under the~~

1 ~~provisions of KRS 216B.095(3)(a) through (c).~~]

2 (2) Upon receipt of a letter of intent, the cabinet shall within three (3) days [~~one (1)~~

3 ~~day~~] provide the sender with written acknowledgment of receipt of the letter and shall

4 publish notice of the receipt in the next published Certificate of Need Newsletter.

5 (3) An application for a certificate of need shall not be processed until the letter of

6 intent has been on file with the cabinet for thirty (30) days.

7 Section 3. Certificate of Need Application. (1) An applicant for a certificate of need

8 shall file an application with the cabinet on the appropriate certificate of need application

9 form: OHP - Form 2A, OHP - Form 2B, or OHP - Form 2C, incorporated by reference in

10 900 KAR 6:055.

11 (2) To file an application for certificate of need, the applicant shall file an original

12 and one (1) copy of the appropriate certificate of need application form together with the

13 prescribed fee set forth in 900 KAR 6:020 on or before the deadlines established by 900

14 KAR 6:060.

15 (3) Formal or nonsubstantive review of an application for a certificate of need shall

16 not begin until the application has been deemed complete by the cabinet.

17 (4) The cabinet shall deem an application complete if the applicant has:

18 (a) Provided the cabinet with all of the information necessary to complete the

19 application; or

20 (b) Declined to submit the requested information and has requested that its

21 application be reviewed as submitted.

(5) Once an application has been deemed complete, the applicant shall not submit additional information regarding the application unless the information is introduced at a public hearing.

(6) Once an application has been deemed complete, it shall not be amended to:

(a) Increase the scope of the project;

(b) Increase the amount of the capital expenditure;

(c) Expand the size of the proposed service area;

(d) Change the location of the health facility or health service; or

(e) Change the owner, unless the application involves a licensed health facility and a change of ownership with appropriate notice has occurred after the application was submitted.

(7) An application that has been deemed complete may be amended at a public hearing to:

(a) Decrease the scope of the project;

(b) Decrease the amount of the capital expenditure; or

(c) Decrease the proposed service area.

(8) An applicant which has had a certificate [~~Applicants who have had proposals for certificates~~] of need approved under the nonsubstantive review provisions of KRS 216B.095(3)(a) through (f) [~~900 KAR 6:075 or under the provisions of KRS 216B.095(3)(a) through (e)~~] may request that the cabinet change the specific location to be designated on the certificate of need if:

(a) The facility has not yet been licensed;

(b)The location is within the county listed on the certificate of need application; and

(c) The applicant files a written request with the cabinet within 180 days of the date of issuance of the certificate of need. A request shall include the reason why the change is necessary.

(9) If an application is not filed with the cabinet within one (1) year of the date of the filing of a letter of intent, the letter of intent shall expire, and the applicant shall file a new letter of intent at least thirty (30) days prior to submitting an application.

(10) If an application is withdrawn, the applicant shall file a new letter of intent at least thirty (30) days prior to resubmitting an application.

(11) An application that is not deemed complete within one (1) year from the date that it is filed shall expire and shall not be placed on public notice or reviewed for approval.

Section 4. Certificate of Need Review. (1) Prior to being reviewed for the approval or denial of a certificate of need, <u>an application</u> [~~all applications~~] for certificate of need shall be reviewed for completeness pursuant to Section 5 of this administrative regulation.

(2) Unless granted nonsubstantive review status under the criteria in 900 KAR 6:075, an application for a certificate of need shall be reviewed for approval or denial according to the formal review criteria set forth in 900 KAR 6:070.

(3) If granted nonsubstantive review status under the criteria in 900 KAR 6:075, an application for a certificate of need shall be reviewed for approval or denial of the certificate of need according to the nonsubstantive review criteria set forth in 900 KAR 6:075.

Section 5. Completeness Review. (1)[~~(a)~~] Fifteen (15) days after the deadline for filing an application in the next appropriate batching cycle, the cabinet shall conduct an initial review to determine if the application is complete for formal review or nonsubstantive review requested pursuant to KRS 216B.095(3)(a) through (f) [~~900 KAR 6:075~~].

[~~(b) Applications for which nonsubstantive review status has been requested pursuant to KRS 216B.095(3)(a) through (e) shall be reviewed within fifteen (15) days of receipt.~~]

(2) If the cabinet finds that the application for formal review is complete, the cabinet shall:

(a) Notify the applicant in writing within one (1) day that the application has been deemed complete and that review of the application for the approval or denial of a certificate of need shall begin upon public notice being given; and

(b) Give public notice in the next appropriate Certificate of Need Newsletter, pursuant to the timetable set forth in 900 KAR 6:060, that review of the application for approval or denial of a certificate of need has begun.

(3) If the cabinet finds that the application for nonsubstantive review is complete, the cabinet shall notify the applicant in writing within ten (10) days that the application has been deemed complete and that review of the application for the approval or denial of a certificate of need shall begin upon public notice being given.

(4) A decision to grant or deny nonsubstantive review status shall be made within ten (10) days of the date the applicant is notified that the application has been deemed complete.

1 (5)[~~(a)~~] The cabinet shall give public notice for applications granted nonsubstantive
2 review status under the provisions of KRS 216B.095(3)(a) through (f) [~~900 KAR 6:075~~]
3 in the next appropriate Certificate of Need Newsletter, pursuant to the timetable set forth
4 in 900 KAR 6:060, that status has been granted and that review of the application for
5 approval or denial of a certificate of need has begun.
6 [~~(b) Public notice for applications granted nonsubstantive review status according~~
7 ~~to KRS 216B.095(3)(a) through (e) shall be mailed to affected persons.~~]
8 (6) A determination that an application is complete shall:
9 (a) Indicate that the applicant has responded to the necessary items on the
10 application;
11 (b) Not be determinative of the accuracy of, or weight to be given to, the
12 information contained in the application; and
13 (c) Not imply that the application has met the review criteria for approval of a
14 certificate of need.
15 (7) If the cabinet finds that the application is incomplete, the cabinet shall:
16 (a) Provide the applicant with written notice of the information necessary to
17 complete the application; and
18 (b) Notify the applicant that the cabinet shall not deem the application complete
19 unless within fifteen (15) days of the date of the cabinet's request for additional
20 information:
21 1. The applicant submits the information necessary to complete the application by
22 the date specified in the request; or
23 2. The applicant requests in writing that the cabinet review its application as

1 submitted.

2 (8) If, upon the receipt of the additional information requested, the cabinet finds

3 that the application for formal review is complete, the cabinet shall:

4 (a) Notify the applicant in writing that:

5 1. The application for formal review has been deemed complete; and

6 2. Review of the application for the approval or denial of a certificate of need shall

7 begin upon public notice being given; and

8 (b) Give public notice in the next appropriate Certificate of Need Newsletter,

9 pursuant to the timetable set forth in 900 KAR 6:060, that review of the application for

10 approval or denial of a certificate of need has begun.

11 (9) If, upon the receipt of the additional information requested, the cabinet finds

12 that an application for nonsubstantive review is complete, the cabinet shall:

13 (a) Notify the applicant in writing that:

14 1. The application has been deemed complete;

15 2. Review of the application for the approval or denial of a certificate of need shall

16 begin upon public notice being given; and

17 3. A decision to grant or deny nonsubstantive review status shall be made within

18 ten (10) days of the date that the application was deemed complete; and

19 (b) Give public notice in the next appropriate Certificate of Need Newsletter,

20 pursuant to the timetable set forth in 900 KAR 6:060, for applications granted

21 nonsubstantive review status under the provisions of KRS 216B.095 (3)(a) through (f)

22 [~~900 KAR 6:075~~] that status has been granted and that review of the application for

23 approval or denial of a certificate of need has begun. [~~Public notice for applications~~

1 ~~granted nonsubstantive review status according to KRS 216B.095(3)(a) through (e)~~
2 ~~shall be mailed to affected persons.~~]
3 (10) If the application is incomplete, or if the information submitted is insufficient to
4 complete the application, the cabinet shall:
5 (a) Request the information necessary to complete the application; and
6 (b) Inform the applicant that the application shall not be deemed complete and
7 shall not be placed on public notice until:
8 1. The applicant submits the information necessary to complete the application; or
9 2. The applicant requests in writing that its application be reviewed as submitted.
10 (11) Once an application has been deemed complete, an applicant shall not
11 submit additional information to be made part of the public record unless:
12 (a) The information is introduced at a public hearing; [~~or~~]
13 (b) For a deferred application for formal review, the additional information is
14 submitted at least twenty (20) days prior to the date that the deferred application is
15 placed on public notice; or
16 (c) For a deferred application for nonsubstantive review, the additional information
17 is submitted at least ten (10) days prior to the date that the deferred application is
18 placed on public notice.
19 (12) A determination that an application is complete shall:
20 (a) Indicate that the application is sufficiently complete to be reviewed for approval
21 or disapproval;
22 (b) Not be determinative of the accuracy of, or weight to be given to, the
23 information contained in the application; and

1 (c) Not imply that the application has met the review criteria for approval.

2 Section 6. Notice of Decision. (1) The cabinet shall notify the applicant and any

3 party to the proceeding of the final action on a certificate of need application within three

4 (3) days.

5 (2) Notification of approval shall be in writing and shall include:

6 (a) Verification that the review criteria for approval have been met;

7 (b) Specification of any terms or conditions limiting a certificate of need approval,

8 including limitations regarding certain services or patients. This specification shall be

9 listed on the facility or service's certificate of need and license;

10 (c) Notice of appeal rights; and

11 (d) The amount of capital expenditure authorized, if applicable.

12 (3) Written notification of disapproval shall include:

13 (a) The reason for the disapproval; and

14 (b) Notice of appeal rights.

15 (4) An identical application for certificate of need that is disapproved shall not be

16 refiled for a period of twelve (12) months from the original date of filing, absent a change

17 in circumstances.

18 Section 7. Deferral of an Application. (1)(a) Except as described in paragraphs (b)

19 and (c) of this subsection, an applicant may defer review of an application a maximum

20 of two (2) times by notifying the cabinet in writing of its intent to defer review.

21 (b) An applicant shall not defer review of an application filed pursuant to 900 KAR

22 6:080 to alleviate an emergency circumstance.

23 (c) If an application has been deferred prior to the effective date of this

1 administrative regulation, an applicant may defer review of the application a maximum
2 of one (1) additional time.
3 (d)[(a)] 1. If the application has been granted nonsubstantive review status under
4 the provisions of KRS 216B.095(3)(a) through (f), the notice to defer shall be filed
5 pursuant to 900 KAR 6:090 no later than five (5) days prior to the date that the decision
6 is due on the application unless a hearing has been scheduled.
7 2. If a hearing has been scheduled, the notice to defer shall be filed pursuant to
8 900 KAR 6:090 no later than six (6) days prior to the date of the hearing.
9 (e)[(b)]1. If the application is being reviewed under formal review, the notice to
10 defer shall be filed pursuant to 900 KAR 6:090 no later than ten (10) days prior to the
11 date that the decision is due on the application unless a hearing has been scheduled.
12 2. If a hearing has been scheduled, the notice to defer shall be filed pursuant to
13 900 KAR 6:090, no later than eight (8) days prior to the date of the hearing.
14 (f)[(c)] If a hearing has been scheduled, the applicant shall also notify all parties to
15 the proceedings in writing of the applicant's intent to defer the application.
16 (2) If a notice to defer an application for formal review is filed [deferral is
17 requested], the application shall be deferred to the next regular batching cycle and shall
18 be placed on public notice pursuant to the timetables set forth in 900 KAR 6:060.
19 (3) If an application for formal review is deferred, an applicant may update its
20 application by providing additional information to the cabinet at least twenty (20) days
21 prior to the date that the deferred application is placed on public notice.

1 (4) If a notice to defer an application which has been granted nonsubstantive
2 review is filed, the application shall be deferred and shall be placed on public notice in
3 the Certificate of Need Newsletter published the following month.
4 (5) If an application for nonsubstantive review is deferred, an applicant may update
5 its application by providing additional information to the cabinet at least ten (10) days
6 prior to the date that the deferred application is placed on public notice.
7 (6) In order for a hearing to be held on a deferred application, a hearing shall be
8 requested by either the applicant or an affected person within:
9 (a) Ten (10) days of the deferred application being placed on public notice if the
10 application has been granted nonsubstantive review status; or
11 (b) Fifteen (15) days of the deferred application being placed on public notice if the
12 application is being reviewed under the provision of formal review.
13 Section 8. Withdrawal of an Application. (1) An applicant may withdraw an
14 application for certificate of need by notifying the cabinet in writing of the decision to
15 withdraw the application prior to the entry of a decision to deny or approve the
16 application.
17 (2) If a hearing has been scheduled or held on the application, the applicant shall
18 also notify all parties to the proceedings in writing of the applicant's decision to withdraw
19 the application.
20 (3) If an applicant withdraws a deferred application within the period from January
21 1, 2015 through June 30, 2015 and submits a new application for the same proposed
22 health facility or service within five (5) years from the date of withdrawal, the cabinet

1 shall apply the application fee which was submitted for the withdrawn application toward
2 the fee assessed pursuant to 900 KAR 6:020 for the new application.
3 Section 9. Location of New and Replacement Facilities. A certificate of need
4 approved for the establishment of a new facility or the replacement of an existing facility
5 shall be valid only for the location stated on the certificate.
6 Section 10. Requests for Reconsideration. (1) Requests for reconsideration shall
7 be filed, pursuant to 900 KAR 6:090, within fifteen (15) days of the date of the notice of
8 the cabinet's final decision relating to:
9 (a) Approval or disapproval of an application for a certificate of need;
10 (b) An advisory opinion entered after a public hearing;
11 (c) Revocation of a certificate of need; or
12 (d) A show cause hearing conducted in accordance with 900 KAR 6:090.
13 (2) A copy of the request for reconsideration shall be served by the requester on
14 all parties to the proceedings.
15 (3) A party to the proceedings shall have seven (7) days from the date of service
16 of the request for reconsideration to file a response to the request with the cabinet.
17 (4) If a hearing was held pursuant to subsection (1)(a), (b), or (c) of this section,
18 the hearing officer that presided over the hearing shall enter a decision to grant or deny
19 a request for reconsideration within thirty (30) days of the request being filed.
20 (5) If a hearing was held pursuant to subsection (1)(d) of this section, the secretary
21 shall enter a decision to grant or deny a request for reconsideration within thirty (30)
22 days of the request being filed.
23 (6) If reconsideration is granted, the hearing shall be held by the cabinet in

1 accordance with the applicable provisions of 900 KAR 6:090, Section 3 or 4, within thirty
2 (30) days of the date of the decision to grant reconsideration, and a final decision shall
3 be entered by the cabinet no later than thirty (30) days following the conclusion of the
4 hearing.
5 (7) If reconsideration is granted on the grounds that a public hearing was not held
6 pursuant to KRS 216B.085, the applicant shall have the right to waive the
7 reconsideration hearing if the deficiencies in the application can be adequately
8 corrected by submission of written documentation.

900 KAR 6:065

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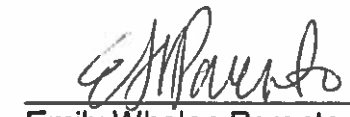
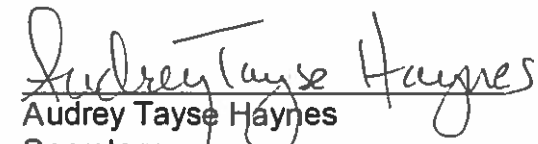


Emily Whelan Parento
Executive Director
Office of Health Policy

7/28/14
Date

APPROVED:



Audrey Tayse Haynes
Secretary
Cabinet for Health and Family Services

8/7/14
Date

900 KAR 6:065

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on September 22, 2014, at 9:00 a.m. in Conference Suite B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by September 15, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until September 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, KY 40621, Phone: 502-564-7905, Fax: 502-564-7573, email: tricia.orme@ky.gov

REGULATORY IMPACT ANALYSIS AND TEIRING STATEMENT

Administrative Regulation Number: 900 KAR 6:065
Contact Person: Diona Mullins, Office of Health Policy, (502) 564-9592

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements necessary for the orderly administration of the certificate of need application, review, decision, deferral and reconsideration process.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the content of the authorizing statute KRS 216B. 040(2)(a)1.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements necessary for the orderly administration of the certificate of need application, review, decision, deferral and reconsideration process.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements necessary for the orderly administration of the certificate of need application, review, decision, deferral and reconsideration process. The proposed revision limits the number of times a certificate of need application can be deferred to two (2) times (or one (1) additional time for applications currently on deferred status) and prohibits the deferral of the review of certificate of need applications to alleviate an emergency circumstance. Public notice for applications granted nonsubstantive review status under the provisions of KRS 216B.095(3)(a) through (f) shall be given monthly in the published Certificate of Need Newsletter. This will eliminate mailing public notices for individual nonsubstantive review applications under KRS 216B.095(3)(a) through (e) and semi-annual batching of nonsubstantive review applications under KRS 216B.095 (3)(f) with similar types of services for review.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed revision limits the number of times a certificate of need application can be deferred to two (2) times (or one (1) additional time for applications currently on deferred status) The proposed revision also prohibits the deferral of the review of certificate of need applications to alleviate an emergency circumstance. Public notice for applications granted nonsubstantive review status under the provisions of KRS 216B.095(3)(a) through (f) shall be given in the monthly published Certificate of Need Newsletter.

(b) The necessity of the amendment to this administrative regulation: Currently more than 50 applications are on deferral status, with some applications having been deferred for over 10 years. Repeated deferrals of certificate of need applications cause an administrative burden for the Office of Health Policy and the Division of Administrative Hearings, and for affected parties. Public notice for applications granted nonsubstantive review status under the provisions of KRS 216B.095(3)(a) through (f)

shall be given monthly in the published Certificate of Need Newsletter. This will eliminate mailing public notices for individual nonsubstantive review applications under KRS 216B.095(3)(a) through (e) and batching nonsubstantive review applications under KRS 216B.095 (3)(f) with similar types of services semi-annually for review.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements necessary for the orderly administration of the certificate of need application, including the application deferral process.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the requirements necessary for the orderly administration of the certificate of need application, including the deferral process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Annually approximately 150 certificate of need applications are submitted. Currently over 50 applications have deferral status.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The number of times a certificate of need application can request deferral will be limited. After the maximum number of deferrals allowed, a decision will be issued or the applicant may withdraw the application. Applications for nonsubstantive review status granted under KRS 216B.095(3)(f) will no longer have to be batched semi-annually with similar services, but will instead be batched monthly.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An increase in certificate of need fees is not proposed. However, after the maximum number of deferrals allowed, a decision will be issued or the applicant may withdraw the application. The CON filing fee is not refundable, however the amendment states that if applications currently on deferred status are withdrawn between January 1 and June 30, 2015 and resubmitted within five (5) years, the certificate of need fee established in 900 KAR 6:020 for the new application shall be adjusted by the cabinet to credit the applicant for the certificate of need fee paid for the withdrawn application.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensed health facilities which are affected parties for certificate of need applications will avoid the cost of repeated filings of hearing requests and hearing documents. Public notice for applications granted nonsubstantive review status under the provisions of KRS 216B.095(3)(f) shall be monthly, rather than being batched with the same or similar types of services semi-annually.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary since there is no cost to implementing this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees and does not directly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 900 KAR 6:065
Contact Person: Diona Mullins, (502) 564-9592

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The number of times a certificate of need application can be deferred will be limited by this amendment. If a state, county or city owned facility is an affected party to a certificate of need application, there will be less administrative cost for requesting hearings and filing hearing documents with the limitation of times an application can be deferred. Applicants for nonsubstantive review status granted under KRS 216B.095(3)(f) will no longer have to be batched semi-annually with similar services, but will instead be batched monthly.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216B.040(2)(a)1

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not generate additional revenue for state or local government during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not generate additional revenue for state or local government during subsequent years.

(c) How much will it cost to administer this program for the first year? No additional costs are necessary to administer this program during the first year.

(d) How much will it cost to administer this program for subsequent years? No additional costs are necessary to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation