

**65 CSR 29
Exemption from Certificate of Need
Department of Health and Human Resources
Health Care Authority**

Summary of Public Comments

Comment:

The West Virginia Hospital Association submitted a letter expressing general support for the proposed amendments.

Response:

The nature of this public comment does not necessitate a response from the agency.

Comment:

Raymona Kinneberg questioned whether section 5 of the rule was clear enough about possible denial of an application if the Authority feels that the applicant's proposed project doesn't qualify for the exemption for which they are applying.

Response:

The agency agrees that language could be added to make that clearer and the suggestion has been accepted.



100 Association Drive
Charleston, WV 25311-1571
Phone (304)344-9744
www.wvha.org

September 23, 2020

April L Robertson
One Davis Square
Charleston, WV 25301

Dear Ms. Robertson-

Re: LEGISLATIVE RULE 65CSR29, EXEMPTION FROM CERTIFICATE OF NEED

On behalf of the West Virginia Hospital Association and its 59 member hospitals and health systems, we respectfully submit this letter to provide public comments in support of the above referenced **Legislative Rule 65CSR29, Exemption From Certificate of Need.**

We believe that this proposed legislative rule will implement the provisions of HB4108, and add necessary clarity to the certificate of need exemption process. This rule will also allow the Health Care Authority to continue to receive certificate of need exemption applications to ensure it can perform its necessary oversight functions.

We appreciate the opportunity to submit comments relating to this legislative rule. We look forward to working with the Health Care Authority on this rule, and other issues, during the upcoming Legislative Session.

If you have any questions or concerns, please contact me at (304) 353-9720.

Sincerely,

Brandon Hatfield
General Counsel

Robertson, April L

From: Skeen, Barbara I (HCA)
Sent: Wednesday, September 23, 2020 3:41 PM
To: Robertson, April L
Subject: Fwd: [External] Exemption rule
Attachments: Proposed changes to CON exemption rule 65-29.docx

Follow Up Flag: Follow up
Flag Status: Flagged

April,

Attached are suggested changes to the proposed exemption rule received from Raymona Kinneberg.

Thank you!
Barbara

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From: Raymona Kinneberg <raymona@rksbhcc.com>
Sent: Wednesday, September 23, 2020 3:20 PM
To: Skeen, Barbara I (HCA)
Subject: [External] Exemption rule

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Barbara --

See attached suggested language per our discussion.

Raymona


Health Care Consulting

Raymona A. Kinneberg
President

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§65-29-65. Review Process.

~~6-1-5.1.~~ Upon receipt of the exemption application and fee, the Authority shall review the application to determine if the application contains all of the information required by Section 4 of this rule and meets the requirements of the exemption for which the applicant is applying. Failure to provide the required information or comply with the requirements of the exemption being sought is grounds for denial of the exemption application.

~~6-2-5.2.~~ Once the application is processed, the Authority will provide notice to the public of its receipt of the application on its website acknowledge in writing either that the proposed health service is exempt from certificate of need review or that the application is denied due to failure to provide the required information or comply with the terms of the exemption being sought.

~~5.3.~~ The Authority will provide notice to the public on its website of its receipt of the application and either the acknowledgement of the exemption from certificate of need review or the denial of the exemption application.

~~5.4.~~ In addition to the grounds listed in sections 5 and ~~6-1~~ section 5.1 of this rule, the Authority may deny the application ~~if~~ if the applicant is not in compliance with any of the financial disclosure requirements contained in ~~WV Code § 16-5F-1 et seq.~~ W. Va. Code §16-29B-24 and 65CSR13; or is in violation of any of the provisions of ~~WV~~ W. Va. Code §16-2D-1 et seq. or §16-29B-1 et seq. or any of the rules promulgated pursuant to these Code sections.