

State of Rhode Island and Providence Plantations

**Public Notice by the Department of Health of Administrative Review
to be Conducted Through Department of Administration as
Administrative Review Agency**

**NOTICE OF INITIATION OF AN ADMINISTRATIVE REVIEW OF THE
RHODE ISLAND DEPARTMENT OF HEALTH DECISION TO DENY THE
CERTIFICATE OF NEED APPLICATION OF RHODE ISLAND HOSPITAL
TO ESTABLISH PEDIATRIC AND ADULT BONE MARROW
TRANSPLANTATION SERVICES**

Catherine R. Warren, Esq. is hereby designated as Hearing Officer.

This notice will serve as notification to the applicant/appellant and to persons who participated in the proceedings before the state agency, that, in accordance with statutory requirements of Chapter 23-15 of the General Laws of Rhode Island, 1956, as amended, and Section 17.0 of the Rules and Regulations for the Determination of Need for New Health Care Equipment and New Institutional Health Services (R23-15-CON), an Administrative Review has been scheduled to administratively review the decision of the Rhode Island Department of Health to deny the Certificate of Need Application of Rhode Island Hospital to establish pediatric and adult bone marrow translation services.

Pursuant to Section 17.5 of the of the Rules and Regulations for the Determination of Need for New Health Care Equipment and New Institutional Health Services (R23-15-CON), the grounds and scope of Administrative Review are limited to demonstrating that the substantial rights of the appellant have been prejudiced because the state agency findings, inferences, conclusions, or decisions are: a) in violation of constitutional or statutory provisions; b) in excess of the statutory authority of the agency; c) made upon unlawful procedure; d) affected by other error of law; e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Particularly involved in this Administrative Review are RIGL 23-15-4 and RIGL 23-15-6 as well as Sections 2.0, 3.0, 4.0, 9.0, 10.0, 13.0 and 17.0 of the rules and regulations (R23-15-CON).

The issues involved in this Administrative Review are whether the decision of the state agency should stand when measured against the grounds and scope of administrative review set forth in Section 17.5 of the rules and regulations (R23-15-CON).

The public hearing will be initiated on 13 June 2008 at 10 AM in a conference room at the Department of Administration, One Capitol Hill, Providence, Rhode Island. The purpose of the meeting will be to open the Administrative Review and to discuss procedural matters.

In accordance with the provisions of Section 23-15-6(b) (10) of the General Laws of Rhode Island, 1956, as amended, Rhode Island Hospital has requested this Administrative Review. Procedures of the conduct of this Administrative Review will be in accordance with the provisions of the aforementioned Chapter 23-15 of the General Laws of Rhode Island and applicable rules and regulations.

Michael K. Dexter

Chief

Office of Health Systems Development