

**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

**IN RE:** Request of Raymond Dugal, MD and Steward Saint Anne's Hospital (Appellants) for an Administrative Review of the Decision rendered by the Director of the Rhode Island Department of Health (State Agency) approving the Certificate of Need Application of the East Bay Comprehensive Cancer Center, LLC

**NOTICE OF ADMINISTRATIVE REVIEW**

In accordance with 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 at the request of the Appellants to administratively review the State Agency's approval of the Certificate of Need Application of the East Bay Comprehensive Cancer Center, LLC.

Pursuant to RIGL §23-15 and Section 17.0 of R23-15-CON, notice is herein given to the applicant, appellant and persons who participated in the proceedings before the State Agency. The Administrative Review will be initiated **July 22, 2013 at 1:30 PM** in Conference Room A at the Department of Administration, One Capitol Hill, Providence, Rhode Island, before Hearing Officer Catherine Warren. The purpose of this meeting will be to open the Administrative Review and to discuss procedural matters. Procedures for this Administrative Review will be in accordance with the provisions of RIGL §23-15 and section 17.0 of R23-15-CON. 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 R23-15-CON.

Pursuant to Section 17.5 of R23-15-CON, the grounds and scope of the 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.

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 criteria set forth in Section 17.5 of R23-15-CON.



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Michael K. Dexter  
Chief  
Office of Health Systems Development