

**216B.085 Hearing procedures -- Notification of cabinet's decisions -- Appeals.**

- (1) Any time no later than fifteen (15) days after the date the review commences, any affected person may request a public hearing. Hearings shall be before a person designated by the secretary to serve as hearing officer. The hearing officer shall be authorized to administer oaths, issue subpoenas, subpoenas duces tecum, and all necessary process in the proceedings.
- (2) If a hearing is requested, the secretary shall set a date, time, and place for a public hearing. Reasonable notice of the hearing shall be given to all affected persons in accordance with administrative regulations promulgated by the cabinet.
- (3) At the hearing, any party to the proceedings shall have the right to be represented by counsel, and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing, and may conduct reasonable cross-examination under oath of persons who make factual allegations relevant to such matters. A full and complete record shall be maintained of the hearing.
- (4) Any decision of the cabinet to issue or deny a certificate of need shall be based solely on the record established with regard to the matter. All decisions granting, denying, or modifying a certificate of need shall be made by the cabinet in writing. The cabinet shall notify the parties to the proceedings of the decision and the decision shall be final for purposes of judicial appeal unless a request for reconsideration is filed. An approved certificate of need shall be issued forty (40) days after notice of the cabinet's decision unless a request for reconsideration is filed or a judicial appeal is taken and issuance is enjoined by the court.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 371, sec. 50, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 512, Part 7, sec. 36, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 499, sec. 7, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 210, sec. 20, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 347, sec. 16, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 135, sec. 16, effective July 15, 1980.