

7853.0200 APPLICATION PROCEDURES AND TIMING.

Subpart 1. **Form and manner.** Each applicant for a certificate of need shall apply in a form and manner prescribed by the commission.

Subp. 2. **Copies, title, table of contents.** A minimum of seven bound copies and one unbound copy of the application shall be filed with the commission. The commission may require additional copies, not to exceed 50 copies total. All documents, forms, and schedules filed with the application shall be typed on 8-1/2 inch by 11 inch paper, except for blueprints, engineering drawings, maps, and similar materials. Each application shall contain a title page and a complete table of contents, which includes references to the applicable rules by the titles and numbers given in this chapter. The date of preparation and the applicant's name shall appear on the title page of the application, as well as on each document filed with the application.

Subp. 3. **Changes in application.** Subsequent to the filing of an application, any changes or corrections to the application shall comply with item B as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the administrative law judge, and the remaining copies shall be submitted to the commission.

Subp. 4. **Cover letter.** Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested and the number of copies of the application filed.

Subp. 5. **Hearing.** An administrative law judge shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with the rules of procedure governing certificate of need filing, part 7829.2500, and the Office of Administrative Hearings' rules of contested case procedures, chapter 1400.

Subp. 6. **Decision.** A decision on an application for a certificate of need shall be made by the commission no later than six months from the receipt of the application, provided that the application as filed is substantially complete. Upon an affirmative showing by the applicant that an urgent need exists for an early decision on the application, the application may be given priority consideration over other applications, except for other priority applications previously filed.

Subp. 7. **Incomplete applications.** The commission shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct the deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is substantially complete.

Subp. 8. **Exemptions.** Prior to the submission of an application, a person shall be exempted from any data requirement of this chapter upon a written request to the commission for exemption from specified rules and a showing by that person in the request that the data requirement is unnecessary to determine the need for the proposed facility, or may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The commission shall respond in writing to each such request within 15 days of receipt including reasons for its decision. The commission shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

Subp. 9. **Denial.** When an application for a certificate of need is denied, the commission shall state the reasons for the denial.

Statutory Authority: *MS s 216B.08; 216B.2421; 216B.243; 216C.10*

History: *L 1983 c 289 s 115; L 1984 c 640 s 32; 17 SR 1279; 26 SR 1438*

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