

LEGAL NOTICE

Lincoln County Healthcare Acquisition and Control of Miles Memorial Hospital, St. Andrews Hospital and Cove's Edge and Subsequent Acquisition of Control of Miles Memorial Hospital by LincolnHealth.

The following notice is provided in accordance with the Maine Certificate of Need ("CON") Act and the Maine Administrative Procedure Act.

The Commissioner of the Department of Health and Human Services has scheduled a reconsideration hearing on the referenced CON application for August 11, 2014 at the Boothbay Harbor Town Office, 11 Howard Street, Boothbay Harbor, Maine, beginning at 10:00 a.m. in the Municipal Meeting Room. The hearing will be conducted by the Department of Health and Human Services, Division of Administrative Hearings.

The general purpose of the hearing is to allow the CON applicant, interested parties, and the public, to have an opportunity to comment on the following topic related to Lincoln County Healthcare's CON application to acquire control of Miles Memorial Hospital, St. Andrews Hospital and Cove's Edge, and the subsequent acquisition of control of Miles Memorial Hospital by LincolnHealth:

The reconsideration of condition #3 of the Commissioner's Decision dated May 27, 2014, which states:

The applicant will provide an urgent care service in the Boothbay community beginning within 3 months of approval of this application; this urgent care service must be staffed and available 24 hours daily, 7 days a week for a period of no less than:

- a. 3 years, or;
- b. 2 years, if the then certificate holder has demonstrated that utilization has been less than adequate to offset marginal operating costs, less \$500,000 for the prior 12 months, or;
- c. 18 months, if the then certificate holder has demonstrated that utilization has been less than adequate to offset marginal operating costs, less \$1,000,000 for the prior 12 months.

Review of this consideration, if requested before three years will include public notice and a reduced 5 day comment period. Approval of a change in operating hours would occur no less than 60 days after expiration of the time frames considered above.

The applicant claims a single basis for reconsideration of the third condition regarding the operating hours of its urgent care center. The applicant states that there is significant relevant information not previously considered by the Department regarding urgent care demand, and revenue and expenses of the urgent care center.

The scope of the hearing shall be limited to reconsideration of the condition based on new information not previously considered by the Department regarding urgent care demand, and revenue and expenses of the urgent care center.

Such hearing shall be held in accordance with Title 5, Chapter 375, Subchapter IV of the Administrative Procedure Act.

The Chief Administrative Hearing Officer will not be making a recommendation to the Commissioner. The Chief Administrative Hearing Officer's role will be to allow the applicant, interested parties, and the public to have an opportunity to present evidence and arguments, and to create a suitable record for prompt submission to the Commissioner for consideration in rendering a Decision.

James Bivins, Esq., Chief Administrative Hearing Officer
DHHS/Division of Administrative Hearings
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