

HEALTH SERVICES AND DEVELOPMENT AGENCY

DELEGATION OF AUTHORITY POLICY

TCA § 68-11-1606 (d) provides that in addition to the duties provided in subsection (c), the agency shall have the authority to delegate, and it is the intent of the general assembly that the agency exercises such authority to delegate, the following responsibilities and duties to the executive director:

(1) Granting approval, denial, deferral or referral to the agency of applications for certificate of need in accordance with § 68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need in accordance with this part.

(e) The delegation of authority pursuant to subsection (d) shall continue until specifically revoked by the agency as a result of a determination that such revocation is necessary to ensure the proper and orderly operations of the agency.

(f) Actions taken by the executive director shall be final as if the actions were taken by the agency; provided, that a member of the agency may, in the sole discretion of the member, request that the agency review the action of the executive director. Such request shall be made within fifteen (15) days of the notice of the action by the executive director, in which case the action shall not become final until the agency has rendered its final decision in the matter. The review shall be heard within forty-five (45) days of the request for review of the action.

(g) A party desiring the agency to review an action by the executive director must file a written petition for review with the agency within fifteen (15) days of notice of the action. The executive director shall notify the members within two (2) business days that a request for agency review of the initial action has been filed. Any member of the agency shall have fifteen (15) days to request an agency review. If no member requests a review within fifteen (15) days, the petition shall be deemed denied. If the agency grants the petition for review of the initial action of the executive director, the agency shall set a public hearing reviewing the action. The public hearing shall be held within forty-five (45) days from the date the review was requested by the member. This shall not be construed to limit in any way the authority of any agency member to request a review within fifteen (15) days of the notice of the initial action of the executive director.

(h) All reviews by the agency of decisions made by the executive director shall be upon the written notice of the action of the executive director, the application file, reports from the appropriate reviewing agency, or such information as the agency shall direct.

(i) If the agency does not exercise its discretion to review a decision of the executive director, the executive director shall issue a certificate of need or other notices of the decision, which shall be subject to judicial review in the same manner as are final actions of the agency.

Pursuant to TCA § 68-11-1606 (d), the Health Services and Development Agency exercises such authority to delegate, the following responsibilities and duties to the executive director:

Deferral Request

Deferral requests shall be addressed to the Executive Director in writing. The Executive Director may defer an application up to 90 days upon the first deferral request. Staff will confirm the opposition been notified of the deferral request and identify the new date the application will be heard. Additional deferral requests will be heard by the Agency.

Modification Request

Modification requests shall be in writing. Requests shall be addressed to the Executive Director or General Counsel and shall contain sufficient proof of justification for the modification. The Executive Director will review the request and may render a decision. The decision will be presented at the next Agency meeting.

Change of Ownership

Changes of Ownership requests shall be in writing. Requests shall be addressed to the Executive Director or General Counsel and shall contain sufficient justification for a change of ownership pursuant to TCA § 68-11-1620. The Executive Director will review the request and may render a decision. The decision will be presented at the next Agency meeting.

Extension Request

Extension Requests shall be in writing. Requests shall be addressed to the Executive Director or General Counsel and shall contain sufficient proof of need for the extension. In certain circumstances, pictures may be requested to show sufficient progress. The Executive Director will review the request and may render a decision. The decision will be presented at the next Agency meeting.