

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - THE HOSPITAL CONVERSION ACT

Introduced By: Senators Picard, and Cote

Date Introduced: March 06, 2013

Referred To: Senate Health & Human Services

(Governor & Lieutenant Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.14-34 of the General Laws in Chapter 23-17.14 entitled "The
2 Hospital Conversions Act" is hereby amended to read as follows:

3 **23-17.14-34. Judicial review.** -- ~~(a) Notwithstanding any other provision of the general~~
4 ~~laws, any transacting party aggrieved by a final order of the department of health or the attorney~~
5 ~~general under this chapter may seek judicial review by original action filed in the superior court.~~
6 ~~Any preliminary, procedural, or intermediate agency act or ruling with respect to the filing of an~~
7 ~~application for conversion, including the completeness of the application, confidentiality of any~~
8 ~~information or documents produced in connection with a conversion, approval or disapproval of a~~
9 ~~conversion and conditions or restrictions proposed or determined with the respect to the approval~~
10 ~~of a proposed conversion, is immediately reviewable.~~

11 ~~(b) Any action brought under this section shall be given priority by the superior court.~~

12 ~~(c) In performing such review the superior court shall consider and balance the~~
13 ~~reasonable interests of the transacting parties and the reasonable interest of the citizens of the~~
14 ~~state in a safe, accessible, and affordable healthcare system.~~

15 ~~(d) The court may affirm the decision of the agency or remand the case for further~~
16 ~~proceedings, or it may reverse or modify the decision if substantial rights of the appellant have~~
17 ~~been prejudiced because the administrative findings, inferences, conclusions, or decisions are:~~

18 ~~(1) Unreasonable;~~

19 ~~(2) In violation of constitutional or statutory provisions;~~

- 1 ~~(3) In excess of the statutory authority of the agency;~~
2 ~~(4) Made upon unlawful procedure;~~
3 ~~(5) Affected by other error or law;~~
4 ~~(6) Clearly erroneous in view of the reliable, probative, and substantial evidence on the~~
5 ~~whole record; or~~
6 ~~(7) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted~~
7 ~~exercise of discretion.~~

8 (a) Any transacting party aggrieved by a final order of the department of health under this
9 chapter may seek judicial review in the superior court in accordance with section 42-35-15. Any
10 transacting party aggrieved by a final order of the attorney general under this chapter may seek
11 judicial review by original action filed in the superior court.

12 (b) Expedited interlocutory review: any preliminary, procedural, or intermediate agency
13 act or ruling pursuant to this chapter is immediately reviewable in any case in which review of the
14 final agency order would not provide an adequate remedy. An agency act or ruling shall include,
15 but not be limited to, completeness of the application, confidentiality of any information or
16 documents produced in connection with a conversion, and conditions or restrictions proposed or
17 determined with respect to the approval of a proposed conversion. Any action brought under this
18 subsection shall be given priority by the superior court.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - THE HOSPITAL CONVERSION ACT

1 This act would allow a transacting party who has sought review regarding a hospital
2 conversion and who is aggrieved by a final order of the department of health to seek judicial
3 review in the superior court and any party who has also sought review regarding a hospital
4 conversion and who is aggrieved by a final order of the attorney general may also seek judicial
5 review in the superior court. This act would also allow for expedited interlocutory review and any
6 act brought by such review will be given priority by the superior court.

7 This act would take effect upon passage.

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