



Bill Number: H.B. 2609

Fann Floor Amendment

Reference to: HEALTH AND HUMAN SERVICES

Committee amendment

Amendment drafted by: Michael Madden

FLOOR AMENDMENT EXPLANATION

- 1. Requires an administrative law judge (ALJ) to issue a written decision within 20 days after the conclusion of a hearing for proposed changes to rates, fares, operating or response times, bases of operation or certificates of necessity (CON).**
- 2. Requires the written decision to include a concise explanation of the reasons supporting the decision and to serve a copy of the decision on the Department of Health Services (DHS) and all parties to the action.**
- 3. Requires the Director of DHS (Director) to review any decision and accept, reject or modify it within 30 days receipt from the ALJ.**
- 4. Requires the Director, if the decision is rejected or modified, to file a copy of the ALJ's decision, with the Director's rejection, with the Office of Administrative Hearings (OAH) and with each interested party, justifying the reasons for the rejection or modification.**
- 5. Directs OAH to certify an ALJ's decision as the final administrative decision if the Director does not accept, reject or modify the decision within 30 days.**
- 6. States that the Director's decision is final unless appealed.**
- 7. Asserts that a decision entered through the outlined administrative review process is the final administrative decision.**
- 8. Prescribes additional administrative requirements.**

Amendment explanation prepared by Michael Madden

05/18/2022

FANN FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2609
(Reference to HEALTH AND HUMAN SERVICES Committee amendment)

1 Page 12, line 14, after the period insert "THE DIRECTOR'S DECISION PURSUANT TO
2 SUBSECTION F OF THIS SECTION IS FINAL UNLESS APPEALED PURSUANT TO SECTION
3 36-2234, SUBSECTION A."

4 Line 27, after ""NECESSITY"" insert "insert a period"

5 Strike line 29, insert:

6 "Strike line 21"

7 Page 13, between lines 7 and 8, insert:

8 "Line 37, after "10" insert ", EXCEPT AS SPECIFICALLY PROVIDED IN
9 THIS SECTION""

10 Between lines 8 and 9, insert:

11 "Between lines 9 and 10, insert:

12 "6. THE ADMINISTRATIVE LAW JUDGE OF THE OFFICE OF
13 ADMINISTRATIVE HEARINGS SHALL ISSUE A WRITTEN DECISION WITHIN
14 TWENTY DAYS AFTER THE HEARING IS CONCLUDED. THE WRITTEN
15 DECISION SHALL CONTAIN A CONCISE EXPLANATION OF THE REASONS
16 SUPPORTING THE DECISION, INCLUDING THE FINDINGS OF FACT AND
17 CONCLUSIONS OF LAW. THE ADMINISTRATIVE LAW JUDGE SHALL SERVE A
18 COPY OF THE DECISION ON THE DEPARTMENT AND ALL PARTIES TO THE
19 ACTION. ON REQUEST OF THE DEPARTMENT, THE OFFICE OF
20 ADMINISTRATIVE HEARINGS SHALL ALSO TRANSMIT TO THE DEPARTMENT

1 THE RECORD OF THE HEARING AS DESCRIBED IN SECTION 12-904. A
2 COPY OF THE ADMINISTRATIVE LAW JUDGE'S DECISION IS DEEMED SENT
3 ON PERSONAL DELIVERY OF THE DECISION OR FIVE DAYS AFTER THE
4 DECISION IS MAILED TO THE DIRECTOR.

5 7. WITHIN THIRTY DAYS AFTER THE DATE THE OFFICE OF
6 ADMINISTRATIVE HEARINGS SENDS A COPY OF THE ADMINISTRATIVE LAW
7 JUDGE'S DECISION TO THE DEPARTMENT, THE DIRECTOR SHALL REVIEW
8 THE DECISION AND ACCEPT, REJECT OR MODIFY THE DECISION. IF THE
9 DIRECTOR REJECTS OR MODIFIES THE DECISION, THE DIRECTOR MUST
10 FILE WITH THE OFFICE OF ADMINISTRATIVE HEARINGS AND SERVE ON
11 ALL PARTIES A COPY OF THE ADMINISTRATIVE LAW JUDGE'S DECISION
12 WITH THE DIRECTOR'S REJECTION OR MODIFICATION AND A WRITTEN
13 JUSTIFICATION SETTING FORTH THE REASONS FOR THE REJECTION OR
14 MODIFICATION OF EACH FINDING OF FACT OR CONCLUSION OF LAW. IF
15 THERE IS A REJECTION OR MODIFICATION OF A CONCLUSION OF LAW,
16 THE WRITTEN JUSTIFICATION SHALL BE SENT TO THE PRESIDENT OF THE
17 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

18 8. IF THE DIRECTOR DOES NOT ACCEPT, REJECT OR MODIFY THE
19 ADMINISTRATIVE LAW JUDGE'S DECISION WITHIN THIRTY DAYS AFTER
20 THE DATE THE OFFICE OF ADMINISTRATIVE HEARINGS SENDS A COPY OF
21 THE ADMINISTRATIVE LAW JUDGE'S DECISION TO THE DIRECTOR, AS
22 EVIDENCED BY RECEIPT OF SUCH ACTION BY THE OFFICE OF
23 ADMINISTRATIVE HEARINGS ON OR BEFORE THE THIRTIETH DAY, THE
24 OFFICE OF ADMINISTRATIVE HEARINGS SHALL CERTIFY THE

1 ADMINISTRATIVE LAW JUDGE'S DECISION AS THE FINAL ADMINISTRATIVE
2 DECISION.

3 9. THE DECISION ENTERED AS SPECIFICALLY PROVIDED BY THIS
4 SUBSECTION IS THE FINAL ADMINISTRATIVE DECISION.""

5 Page 13, line 18, strike "SECTION 41-1092.08" insert "SUBSECTION D OF THIS
6 SECTION"

7 Amend title to conform

KAREN FANN

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