

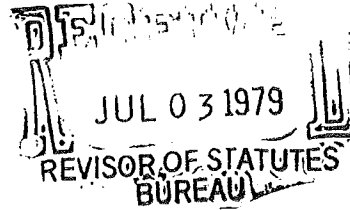


H 3

State of Wisconsin \ DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

July 2, 1979



Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, WI 53702

Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of Chapter H 3.02 of the Wisconsin Administrative Code establishing eligibility requirements for non substantive reviews of certificate of need applications, as adopted by this department on July 2, 1979. In accordance with section 227.02(1)(e), Wis. Stats., this rule was published for 30 days in the May, 1979 Wisconsin Administrative Register and no petitions for public hearing were received. In accordance with section 227.018(2), Wis. Stats., the 30-day review by the appropriate legislative committee members expired on May 30, 1979 with no objections being raised.

This rule is being submitted to the Governor as required by section 14.06, Wis. Stats., and to the Secretary of State as required by section 227.023, Wis. Stats.

It is hoped that the rule can be published in the August, 1979 edition of the Wisconsin Administrative Register and become effective September 1, 1979.

Sincerely,

DONALD E. PERCY
SECRETARY

Enclosure

CERTIFICATE

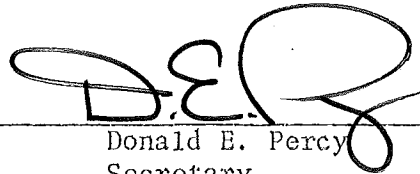
STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

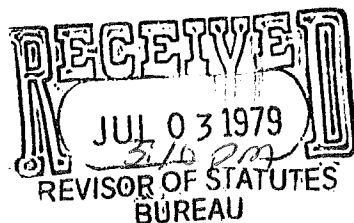
I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed amendments to rules relating to the certificate of need provisions of Chapter 150, Wisconsin Statutes, were duly adopted by this department on July 2, 1979.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building in the City of Madison, this 2nd day of July, 1979.



Donald E. Percy
Secretary



ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

ADOPTING RULES

Pursuant to authority vested in the Department of Health and Social Services by section 150.003 and 150.02(5), Wis. Stats., the Secretary hereby rennumbers creates, and adopts rules as follows:

Section H3.02 of the Wisconsin Administrative Code is renumbered as follows:

Renumber H3.02(1) to (6) to be (2) to (7).

Create H3.02(1).

H3.02(1) Pursuant to s. 150.02(4) and (5), projects which are determined to be reviewable, and which meet any of the following criteria, shall be determined eligible for non-substantive review:

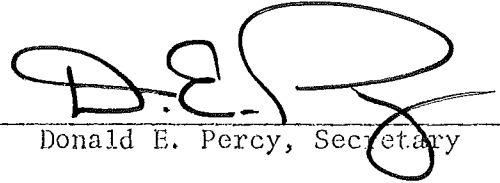
- (a) A one-time capital expenditure of less than \$10,000.
- (b) Capital expenditure projects developed pursuant to a plan of correction for code deficiencies previously approved by the department.
- (c) Capital expenditure projects which are required to remedy an emergency situation detected not more than 30 days prior to the request for a non-substantive review determination and which threatens the safety of patients or the ability of the institution to remain in operation.
- (d) Replacement of clinical equipment with equipment of similar capability if the equipment is included in the facility's annual capital expenditure budget or plan.
- (e) Proposals for the replacement of non-health related equipment with equipment of similar capacity;

- (f) An increase in the estimated total cost of an approved proposal which is more than \$100,000 but less than \$500,000, or ten percent of the amount for which the certificate was issued, whichever is smaller;
- (g) Proposals about which both the Department and the HSA agree that there is no significant financial impact on the institution, and little or no impact on the scope of the delivery of health services in the area or region.

The rules contained herein shall take effect on September 1, 1979.

Dated this 2nd day of July, 1979.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



Donald E. Percy, Secretary



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF HEALTH

CERTIFICATE OF NEED
P. O. BOX 1808
MADISON, WISCONSIN 53701

MEMORANDUM

DATE: July 25, 1979

TO: Gary Poulson,
Assistant Revisor of Statutes

FROM: Michael J. Philips, Director *mjp*
Bureau of Needs Review

SUBJECT: Note on Predevelopment Activities

Please include the following note in the reprint of H3.02 Wisconsin Administrative Code. It should be inserted following H3.02(1)(g) and before H3.02(2).

Note: Chapter 34, Laws of 1979 created "150.02(4)(e) predevelopment activities" as an additional category of reviewable projects eligible for non-substantive review. Projects meeting the definition of predevelopment activity as defined in the law will, therefore, be eligible for non-substantive reviews.

MJP/CT:jah

copy - Donald Percy
Robert Durkin
Burt Wagner
Robert Larsen