

SUBTITLE--HAS-JURISDICTION-TO-ENJOIN-THE-FURTHER-DEVELOPMENT
OR-OPERATION-OF-THE-HEALTH-CARE-PROJECT.

19-116-

(A)--"AGGRIEVED-PARTY"--MEANS-

(1)--FOR-PURPOSES-OF-APPEALING-A-DECISION-OF--THE
COUNCIL-REGARDING-A-CERTIFICATE-OF-NEED,-A-PERSON-WHO-

(i)--HAS-EITHER-REQUESTED-A-HEARING-AND-HAS
BEEN--DENIED--OR--HAS--PARTICIPATED-IN-A-HEARING-ON-A-HEALTH
CARE-PROJECT--BEFORE--THE--COUNCIL--OR--BEFORE--A--COMMITTEE
THEREOF-PRIOR-TO-ITS-DECISION-ON-THE-HEALTH-CARE-PROJECT,

(ii)--IS-ADVERSELY-AFFECTED-BY-THE-DECISION
OF-THE-COUNCIL-ON-THE-PROJECT,-AND

(iii)--IS--OTHER--THAN--AN--AGENCY-OF-STATE
GOVERNMENT.

(2)--FOR-PURPOSES-OF-APPEALING-A-DECISION-OF--THE
COUNCIL-REGARDING-A-MATTER-OTHER-THAN-A-CERTIFICATE-OF-NEED,
ANY--PERSON--ADVERSELY-AFFECTED-BY-A-DECISION-OF-THE-COUNCIL
IN-A-CONTESTED-CASE.

(B)--(1)--NOTWITHSTANDING-ANY-OTHER-PROVISION-OF-LAW,-AN
AGGRIEVED-PARTY-MAY-APPEAL-A-DECISION-OF-THE-COUNCIL-TO--THE
SECRETARY-WITHIN-30-DAYS-AFTER-THE-DATE-OF-THE-DECISION.

(2)--NOTICE--OF--APPEAL--SHALL--BE-IN-WRITING-AND
SHALL-BE-SERVED-ON-THE-SECRETARY-AND-THE-COUNCIL.

(3)--THE--SECRETARY--SHALL--PROMPTLY--NOTIFY--ALL
PERSONS--WHO--ARE--PARTIES--TO--THE--COUNCIL-DECISION-OF-THE
PENDENCY-OF-ANY-APPEAL.

(C)--(1)--WITHIN-30-DAYS-AFTER-RECEIPT-OF-THE-NOTICE-OF
THE-APPEAL,-THE-COUNCIL-SHALL--SUBMIT--THE--COMPLETE--RECORD
COMPILED-DURING-ITS-PROCEEDINGS-TO-THE-SECRETARY.

(2)--THE-FINDINGS-OF-FACT-AND-THE-RECOMMENDATIONS
OF--THE--COMMITTEE--AS--WELL--AS--THE--FINAL-DECISION-OF-THE
COUNCIL-SHALL-BE-INCLUDED-AS-PART-OF-THE-RECORD.

(D)--(1)--THE--SECRETARY--SHALL--REVIEW--THE--RECORD--OF
PROCEEDINGS--BEFORE-THE-COUNCIL-AND-SHALL-GIVE-A-DECISION-NO
LATER-THAN-60-DAYS-AFTER-RECEIPT--OF--THE--RECORD--FROM--THE
COUNCIL.

(2)--A--DECISION--OF-THE-SECRETARY-WHICH-AFFIRMS,
REVERSES,-OR-MODIFIES-THE-DECISION-OF-THE-COUNCIL--SHALL--BE
CONSIDERED-AS-THE-FINAL-DECISION-OF-THE-COUNCIL.

(3)--HOWEVER,-THE-SECRETARY-MAY-REMAND-THE-MATTER
TO-THE-COUNCIL-FOR-RECONSIDERATION.