

**CHAPTER 75-30
CERTIFICATE OF NEED REGULATIONS**

Chapter Authority: 1 CMC § 2074; 3 CMC §§ 2421-2429 (repealed).

Chapter History: Adopted 12 Com. Reg. 7225 (Aug. 15, 1990) (repealing CHPDA regulations promulgated in June 1983); Public Notice 12 Com. Reg. 7148 (June 15, 1990) (extending the public comment period for the proposed Certificate of Need Regulations); Proposed 12 Com. Reg. 7058 (May 15, 1990); Emergency 12 Com. Reg. 7022 (May 15, 1990) (effective for 120 days from Apr. 25, 1990); Adopted 6 Com. Reg. 2548 (Jan. 14, 1984); Proposed 5 Com. Reg. 2208 (June 30, 1983).

Commission Comment: PL 3-49 (effective Feb. 24, 1983), the “Commonwealth Health Planning Act of 1983,” codified at 1 CMC §§ 2071-2077, creates the Commonwealth Health Planning & Development Agency (“CHPDA”) within the Office of the Governor. See 1 CMC § 2071. Section 2072(g) authorizes the CHPDA to administer a certificate of need program in compliance with the Commonwealth Health Care Certificate of Need Act, PL 5-56, formerly codified at 3 CMC §§ 2421-2429.

The CHPDA adopted Certificate of Need Regulations in January 1984. In August 1990, the Office of the Governor repealed the 1984 CHPDA Certificate of Need Regulations and promulgated new Certificate of Need Regulations.

PL 7-48 § 5 (effective Dec. 18, 1991) repealed former 3 CMC §§ 2421-2429 and, therefore, repealed the authority for the certificate of need program. See title 3, division 2, chapter 4, article 2 of the Commonwealth Code. The Certificate of Need Regulations have not been repealed, however they are superseded by statute.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 205:

Section 205. Health Planning and Coordination.

The Health Planning and Development Agency and the Health Coordinat[ing] Council are allocated to the Department of Public Health for purposes of administration and coordination.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

[Superseded by PL 7-48.]