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## Press Release

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### **DHSS researches option for consensus on regulation development**

(Juneau, Alaska) – In taking a different approach to find consensus on Certificate of Need (CON) regulations recently closed for public comment, the Health and Social Services Commissioner Karleen Jackson has appointed a “convener” to research the viability of engaging in negotiated rule-making, which allows selected stakeholders to participate in a committee process to find solutions to contentious issues.

Anna Kim, Special Assistant in Governor Sarah Palin’s office, has been named as the convener of the process. As the convener, Kim will research whether or not the major stakeholders believe that there is the potential for the negotiated rule making process to produce a positive outcome.

Recently, the department sought public comment on proposed changes to CON regulations; public comment closed on Aug. 10. The regulations specifically defined Independent Diagnostic Testing Facilities and physician’s offices, and specified when such entities need to participate in the CON program.

The Department of Health and Social Services received a large number of comments on the proposed regulations. However, many of the comments went well beyond the scope of the proposed regulations, including proposals that would require statutory changes by the legislature. As a result, Governor Palin and Commissioner Jackson decided to explore the viability of providing an opportunity for interested parties to participate in the development of a comprehensive package of certificate of need program reforms, including new regulations developed through a negotiated regulation making process.

If the convener finds that there is a general agreement that the process has potential merit, then the department will issue public notice to invite interested parties to apply to serve on a committee to consider CON reforms and the regulations under development. Commissioner Jackson will select members for appointment to the committee.

The current certificate of need statute and regulations, and the statute governing the negotiated regulation making process are available at:

[http://www.hss.state.ak.us/commissioner/Healthplanning/cert\\_of\\_need/law/default.htm](http://www.hss.state.ak.us/commissioner/Healthplanning/cert_of_need/law/default.htm)

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