

110-RICR-30-00-3

TITLE 110 – ATTORNEY GENERAL

CHAPTER 30 – CIVIL DIVISION

SUBCHAPTER 00 – N/A

PART 3 – Rules and Regulations Pertaining to Hospital Conversions Act

3.1 Authority

These regulations are promulgated pursuant to R.I. Gen. Laws §§ 23-17.14-32 and 42-35-1, *et. seq.*

3.2 Purpose

The purpose of these rules and regulations is to accomplish the principles of R.I. Gen. Laws Chapter 23-17.14, known as the Hospital Conversions Act.

3.3 Definitions

For purposes of these regulations, terms have the meanings as defined in the Hospital Conversions Act definitions section, R.I. Gen. Laws § 23-17.14-4.

3.4 Review Process

A. Approval by the Attorney General and the Department of Health

1. A conversion shall require review and approval from the Department of Attorney General and from the Department of Health in accordance with the provisions of the Act; except as provided for under R.I. Gen. Laws § 23-17.14-12.1 hereof, but shall remain subject to the authority of the Attorney General pursuant to R.I. Gen. Laws § 23-17.14-21.

B. Initial Application

1. The transacting parties shall file an initial application on forms available from the Department of Attorney General and the Department of Health.
2. Two (2) copies of the initial application shall be provided to each of the Department of Attorney General and Department of Health simultaneously by United States mail, certified, return receipt requested. The transacting parties shall also file an electronic version of the initial application in a format acceptable to the Department of Attorney General and Department of Health.

3. Except for information determined by the Attorney General in accordance with R.I. Gen. Laws § 23-17.14-32 to be confidential and/or proprietary, or otherwise required by law to be maintained as confidential, the initial application and supporting documentation shall be considered public records and shall be available for inspection upon request.

C. Review Process

1. Within thirty (30) days after receipt of an initial application, the Department of Attorney General and Department of Health shall jointly advise the applicant, in writing, whether the application is complete, and, if not, shall specify all additional information the applicant is required to provide.
2. The applicant will submit the additional information within thirty (30) working days. If the additional information is submitted within the thirty (30) day period, the Department of Attorney General and Department of Health will have ten (10) working days within which to determine acceptability of the additional information. If the additional information is not submitted by the applicant within the thirty (30) day period or if either agency determines the additional information submitted by the applicant is insufficient, the application will be rejected without prejudice to the applicant's right to resubmit, the rejection to be accompanied by a detailed written explanation of the reasons for rejection. If the Department of Attorney General and Department of Health determine the additional information to be as requested, the applicant will be notified, in writing, of the date of acceptance of the application.
3. Within thirty (30) working days after acceptance of the initial application, the Department of Attorney General shall render its determination on confidentiality pursuant to R.I. Gen. Laws § 23-17.14-32 and the Department of Attorney General and Department of Health shall publish notice of the application in a newspaper of general circulation in the state and shall notify by United States mail any person who has requested notice of the filing of the application. The notice shall:
 - a. State that an initial application has been received and accepted for review;
 - b. State the names of the transacting parties;
 - c. State the date by which a person may submit written comments to the Department of Attorney General or Department of Health; and
 - d. Provide notice of the date, time and place of informational meeting open to the public which shall be conducted within sixty (60) days of the date of the notice.

4. The Department of Attorney General and Department of Health shall each approve, approve with conditions directly related to the proposed conversion, or disapprove the application within one hundred twenty (120) days of the date of acceptance of the application.

D. Expedited Review

1. If the Department of Health determines that a conversion should receive an expedited review pursuant to R.I. Gen. Laws § 23-17.14-12.1, the Department of Attorney General shall perform a review of the proposed transaction as it deems necessary, including, at a minimum, its impact upon the charitable assets of the transacting parties. The Attorney General's review shall be done concurrently with the Department of Health review and shall not extend the length of the review process. For this review, the Department of Attorney General shall be entitled to costs in accordance with R.I. Gen. Laws §§ 23-17.14-13 and 23-17.14-12.1(f).

3.5 Public Meeting

At least one public information meeting shall be held by the Department of Attorney General and the Department of Health. The transacting parties shall pay the costs of the required notice of the meeting and for a transcript of the meeting to be produced by a stenographer identified by the transacting parties and agreed upon by the Departments. The transacting parties shall provide copies of the transcript of the meeting on an expedited basis (no more than 10 days after the public meeting) to the Department of Attorney General and the Department of Health.

3.6 Confidentiality

- A. The Attorney General has the power to decide whether any information required of an applicant is confidential and/or proprietary.
- B. The decisions by the Attorney General shall be made prior to any public notice of an initial application or any public review of any information.
- C. The Attorney General's determination shall be binding on the Attorney General, the Department of Health, and all experts or consultants engaged by the Attorney General or the Department of Health.

3.7 Judicial Review

Judicial review is available to any transacting party in accordance with R.I. Gen. Laws § 23-17.14-34.

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