PUBLIC NOTICE

Scheduling of Public Hearings for Certificate of Need Applications During the COVID-19 Pandemic

RALEIGH — Public hearings for certificate of need applications are scheduled only if they are required by law. The law requires a public hearing be held if the capital cost of a project proposed in a certificate of need application is $5,000,000 or more, the review is competitive, or a written request to hold a public hearing is received by the Healthcare Planning and Certificate of Need Section during the 30-day public comment period for the review.

During the COVID-19 pandemic, the Healthcare Planning and Certificate of Need Section asks that no one request a public hearing be held due to social distancing guidelines and potential restrictions on locations to hold public hearings.

Submitting Written Public Remarks

If a public hearing was required by law, members of the public will be given an opportunity to submit remarks in lieu of a public hearing in writing. Remarks should be sent to the project analyst assigned to the review attached to an email. To determine which project analyst to email the remarks to, visit the Healthcare Planning and Certificate of Need website at https://info.ncdhhs.gov/dhsr/coneed/applicationlogs.html.

Remarks from members of the public must be received no later than 5:00 p.m. on the 20th day of the month after the last day to submit written comments. If the 20th day falls on a weekend or holiday, the last day to submit remarks is the last business day before the weekend or holiday. The following table shows the deadlines for the last review period in 2021 and the eleven review periods in 2022 assuming the state of emergency extends the entire year and public hearings cannot be held.
Because G.S. 131E-185(a1)(2)b prohibits an applicant from commenting about another applicant’s application during the public hearing, the applicant should not submit remarks in lieu of a public hearing.

Responding to Written Comments and Public Remarks

The applicant will have an opportunity to respond to any written comments received during the 30-day public comment period and any written remarks from members of the public submitted in lieu of a public hearing. Within three business days of receipt of the remarks, the project analyst will notify the applicant that comments and/or remarks were received and request that the applicant provide a response within 10 business days of the analyst’s notice.

The applicant’s response will be a public record and a copy will be provided to those requesting it. The request must be sent to: DHSR.CON.Public.Info.Request@dhhs.nc.gov. The applicant’s response will not be posted to the website.

Since the certificate of need law does not provide an opportunity for commenters to submit a response to the applicant’s response, responses to the applicant’s response will not be considered by the agency during the review.

For more information contact:

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