

**Minutes**  
**Reconsideration Committee**  
**September 19, 2018**  
**235 S. Beretania Street, Room 204**  
**Honolulu, Hawaii**

**Members Present:** Administrator Romala Sue Radcliffe, SHCC Chair Jon Lim, PDC Chair Leonard Licina, Review Panel Chair Mike Kido, Tri-Isle SAC Chair Karen Holt

**Guests:** See attached sign-in sheet

**SHPDA:** Darryl Shutter

**Attorney General's Office:** Angela Tokuda

The meeting was called to order by Chair Radcliffe at 11:07 a.m. Chair Radcliffe gave an overview of the meeting stating that the purpose of the meeting was to determine whether the request received from Maui Spine and Laser Institute, LLC showed good cause, as provided in Hawaii Revised Statutes (HRS) 323D-47 and Hawaii Administrative Rules (HAR) 11-186-82, for the convening of a public hearing for reconsideration of the Agency's decision on Certificate of Need Application No. 18-03A from Maui Spine and Laser Institute, LLC, for the establishment of an ambulatory surgery center limited to neurological and pain management procedures at 137 and 141 Ma'a St., Lots 2 and 3, Kahului, HI, at a capital cost of \$7,225,000.

There were no conflicts of interest declared.

Ron Heller gave a presentation on behalf of Maui Spine and Laser Institute, LLC.

No public testimony was offered.

The Committee members asked questions of the presenter regarding the request for reconsideration relative to the good cause criteria set forth in HRS 323D-47 and HAR 11-186-82.

The Committee then went into Executive session at 11:20 a.m. with Deputy Attorney General, Angela Tokuda concerning legal advice on questions and issues pertaining to the Committee's powers, duties, privileges, immunities and liabilities.

The public meeting was reconvened at 11:45 a.m.

It was moved/seconded (Lim/Holt) to deny the request for a public hearing for reconsideration.

The Committee members making the motion and seconding the motion summarized their motion/second relative to the good cause criteria: There was no significant, relevant information presented, not previously considered by the Agency which, with reasonable diligence, could not have been presented before the agency made its decision. It was not demonstrated that the agency materially failed to follow the agency's rules in reaching its decision. It was not demonstrated that there have been significant changes in factors or circumstances relied upon by the agency in reaching its decision. There was no other basis for a public hearing which the Agency determined constituted good cause.

There was no discussion on the motion.

Members voted YES –5, NO – 0, to deny the request for a public hearing for reconsideration.

The meeting was adjourned by Chair Radcliffe.

