

WAC 246-10-6035 Evidence in a certificate of need case. When a party contests the approval or denial of an application for a certificate of need, the evidence at hearing is limited to information and materials:

(1) Provided to the certificate of need program (program) during the application process by the applicant or an interested or affected party;

(2) Collected by the program during the application process;

(3) Timely submitted and meeting the grounds for reconsideration of a program decision under WAC 246-310-560; or

(4) Intended to clarify, explain, or correct evidence admitted under subsections (1) through (3) of this section. Evidence will be admitted under this subsection only if:

(a) The evidence is of consequence to the determination of approving or denying the application; and

(b) The evidence relates to facts in existence prior to whichever of the following occurred last:

(i) The conclusion of a public hearing held in accordance with WAC 246-310-180; or

(ii) The end of the public comment period.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-6035, filed 8/29/18, effective 9/29/18.]