

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS**

In the Matter of the Certificate of Need Application of:)	OPS No. 95-08-21-050 CON
)	
OTHELLO CONVALESCENT HOSPITAL,)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER
)	
Applicant.)	
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Eric B. Schmidt, Senior Health Law Judge for the Department of Health, having reviewed the record in this proceeding, hereby issues the following:

I. FINDINGS OF FACT

1.1 On July 21, 1995, the Office of Health Services Development of the Department of Health (the Office) denied part of a request for bed banking submitted by Othello Convalescent Hospital (the Applicant). The Office denied bed banking for two of the ten beds requested.

1.2 On August 18, 1995, the Applicant filed a Request for Brief Adjudicative Proceeding with the Office of Professional Standards of the Department of Health. The request for brief adjudicative proceeding was referred to the Assistant Secretary for assignment of a Presiding Officer.

1.3 On May 16, 1997, while the brief adjudicative proceeding was pending, the Applicant submitted a second request for bed banking for the two beds denied in the 1995 request.

1.4 On May 21, 1997, the Office of Health Services Development granted the Applicant's request for bed banking.

1.5 On June 2, 1997, the Applicant withdrew its Request for Brief Adjudicative Proceeding by letter to the Office of Professional Standards.

II. CONCLUSIONS OF LAW

2.1 The Department of Health, through the Senior Health Law Judge, has jurisdiction over the Applicant's request for an adjudicative proceeding in this matter.

2.2 The Applicant withdrew its request for an adjudicative proceeding. This withdrawal constitutes grounds for dismissal of this proceeding.

III. FINAL ORDER

3.1 Based upon the Findings of Fact and Conclusions of Law above, Senior Health Law Judge Eric B. Schmidt hereby orders this proceeding DISMISSED.

THE PARTIES ARE FURTHER ADVISED, pursuant to RCW 34.05.461 and 34.05.470, that within ten (10) days of service of this Order you may file a petition for reconsideration with the Office of Professional Standards, Department of Health, P.O. Box 47872, Olympia, Washington 98504-7872. The petition shall state the specific grounds upon which relief is requested. The petition for reconsideration shall not stay the effectiveness of this Final Order. The petition is deemed to have been denied if, within twenty (20) days of the date of its filing, the Department has not disposed of your petition or has not served you with written notice specifying the date by which action will be taken on your petition.

"Filing" means actual receipt of the document by the Office of Professional Standards. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(18).

Proceedings for judicial review may be instituted by filing a petition in superior court in accord with the procedures specified in Title 34 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after you have been served with this Final Order, as provided by RCW 34.05.542.

DATED THIS ____ DAY OF JUNE, 1997.

ERIC B. SCHMIDT, Senior Health Law Judge
Presiding Officer