

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

In the Matter of the Certificate of Need)	
Application of:)	Docket No. 99-06-C-1056CN
)	
CAPITAL MEDICAL CENTER,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Applicant.)	AND FINAL ORDER
)	

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 May 26, 1999, the Facilities and Services Licensing Division of the Department of Health (the Division) issued a letter stating Capital Medical Center (the Applicant) must obtain a certificate of need before performing non-emergent percutaneous transluminal coronary angioplasty (PTCA) at its facility.

1.2 On June 15, 1999, the Applicant, represented by Stephen R. Pentz, Attorney at Law, filed an Application for Adjudicative Proceeding with the Adjudicative Clerk Office of the Department of Health.

1.3 On June 24, 1999, Laura L. Wulf, Assistant Attorney General, filed a Notice of Appearance on behalf of the Division.

1.4 On September 14, 1999, the Applicant voluntarily dismissed its Application for Adjudicative Proceeding by letter to the Adjudicative Clerk Office.

II. CONCLUSIONS OF LAW

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

2.2 The Applicant has voluntarily dismissed its application for an adjudicative 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.

“Filing” means actual receipt of the document by the Adjudicative Clerk Office. 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).

As provided in RCW 34.05.461(3), 34.05.470, and WAC 246-10-704, either party may file a petition for reconsideration. The petition must be filed within ten (10) days of service of this Order with the Adjudicative Clerk Office, 1107 Eastside St., PO Box 47879, Olympia, WA 98504-7879. The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration shall not stay the effectiveness of this Order. The petition for reconsideration is deemed to have been denied twenty (20) days after the petition is filed if the Adjudicative Clerk Office has not acted on the petition or served written notice of the date by which action will be taken on the petition.

Proceedings for judicial review may be instituted by filing a petition in superior court in accordance with the procedures specified in chapter 34.05 RCW, Part V,

////////////////////////////////////

////////////////////////////////////

////////////////////////////////////

Judicial Review and Civil Enforcement. The petition for judicial review must be filed within 30 days after service of this Order, as provided in RCW 34.05.542.

DATED THIS 23rd DAY OF SEPTEMBER, 1999.

 /s/
ERIC B. SCHMIDT, Senior Health Law Judge
Presiding Officer

<p>FOR INTERNAL USE ONLY: (Internal tracking numbers) OPS No. 99-07-09-258CON Program No. 99-06-C-1056CN</p>
--