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

In the Matter of the Certificate of Need Application of:

ST. MARY MEDICAL CENTER,

Applicant.

Docket No. 98-01-C-1015CN

FINDINGS OF FACT CONCLUSIONS OF LAW, AND FINAL ORDER

Senior Health Law Judge Eric B. Schmidt, Presiding Officer for the Department of Health, having reviewed the record in this proceeding, hereby issues the following:

## I. FINDINGS OF FACT

1.1 On December 12, 1997, the Office of Health Services Development of the Department of Health denied an application by St. Mary Medical Center (the Applicant), for a certificate of need to open a heart surgery program and a PTCA program.

1.2 On January 7, 1998, the Applicant filed a Request for Adjudicative Proceeding with the Office of Professional Standards of the Department of Health.

1.3 Prehearing orders were issued on March 11, 1998, May 11, 1998, and October 14, 1998.

1.4 On February 22, 1999, the Applicant withdrew its Request for Adjudicative Proceeding by letter to the Office of Professional Standards.

## **II. CONCLUSIONS OF LAW**

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

2.2 The Applicant has withdrawn its request for an adjudicative proceeding.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

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER - Page 1

## **III. FINAL ORDER**

3.1 Based upon the Findings of Fact and Conclusions of Law above, the Presiding Officer 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 Office of Professional Standards 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 \_\_5th\_\_ DAY OF MARCH, 1999.

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

FOR INTERNAL USE ONLY: (Internal tracking numbers) OPS No. 98-02-20-86CON