

VIRGINIA :

BEFORE THE STATE HEALTH COMMISSIONER

In re: COPN REQUEST NO. VA-_____
[Insert name of the applicant]
[Briefly specify nature of the application]

PETITION
SEEKING TO SHOW
GOOD CAUSE AS TO WHY
[Insert name of petitioner]
SHOULD BE MADE A PARTY IN THE MATTER OF
THE ABOVE-REFERENCED APPLICATION FOR A
CERTIFICATE OF PUBLIC NEED (COPN)

[NOTE: Throughout, remove header, footnotes and the substance set forth in brackets, inserting indicated material into the text, as needed, before submission. DO NOT alter this document in any other substantive manner.]

Introduction. This is a Petition submitted under oath by [petitioner], pursuant to Subsections D, E and G of Section 32.1-102.6 of the Code of Virginia. This Petition, consisting of the discrete allegations numbered and set forth below, has been submitted in an effort to comply with the deadline established in this section of the Code, and the deadline established by Virginia regulation, *viz.*, Subsection A of 12 VAC 5-220-230. This Petition has been written on paper and **submitted so as to ensure its physical receipt by the Adjudication Officer and the Division of Certificate of Public Need Director on or before whichever day the earliest of these two deadlines falls**, with copies transmitted at the same time or as expeditiously as possible to the applicant and the health planning agency (HPA) with review authority over the applicant's proposed project.

This Petition is submitted in conjunction with a hereby-stated intention to present **a brief case at 9:30 a.m. on the morning of the date previously assigned for an informal fact-finding conference ("IFFC")**, or such other time as is agreed to, to expand upon this Petition. At that time, the Petitioner's case, consisting of a brief recitation of argument and evidence of the Petitioner's choosing, will be heard in a good-cause IFFC, to be held *independent of and separate from* an IFFC-in-chief in which the applicant and reviewing agency staff of the Department of Health, Division of Certificate of Public Need ("DCOPN") and the appropriate regional health planning agency ("HPA") will be heard on the application at hand. In the good-cause IFFC, the Petitioner

will present the testimony of the person signing below, and will not be allowed to range beyond matters fairly raised in this Petition.

The Petitioner understands that a person seeking to show good cause **is not a party to the IFFC-in-chief**, but will, by operation of Subsection D of Section 32.1-102.6 of the Code, become a party to the proceeding *nunc pro tunc* if the Commissioner later decides, based on the Adjudication Officer’s recommendation, that the Petitioner has shown good cause *in this document*. If the Commissioner decides the Petitioner has shown good cause, all argument and evidence presented by the Petitioner will thereafter be considered by the Adjudication Officer and the Commissioner in making a final decision on the application at hand, based on the totality of information in the record.

Allegation One.
<p>Statutory Ground: [Identify the ground upon which good cause is alleged, (<i>see</i> definition of “good cause” in Subsec. G of Sec. 32.1-102.6 of the Code), <i>i.e.</i>, use ONE of the following three alternatives: (i) “Significant relevant information not available at public hearing;” OR (ii) Significant changes in factors or circumstances following the public hearing;” OR (iii) Substantial material mistake of [fact OR law ¹] in the [DCOPN staff report OR the HPA report and recommendation²].”]</p>
<p>Factual Basis. [Set forth a cogent assertion of the existence of good cause, firmly relating the discussion to one of the grounds in law, noted above, identifying specific facts and circumstances which the person signing below states and attests UNDER OATH. As many as 500 to 750 words typically suffice for effectively setting forth a single allegation of good cause (which may be developed more fully in a brief case to be presented in a good-cause IFFC). Approximate adherence to this standard will be expected. Brevity is appreciated.]</p>

Allegation Two.
<p>Statutory Ground.</p> <p style="text-align: center;">* * *</p>
<p>Factual Basis.</p> <p style="text-align: center;">* * *</p>

[Et cetera, as deemed warranted by the petitioner.]

¹ Specify one or the other. **Set forth any alternative mistake in a separate allegation.**
² Identify one or the other.

I, [insert name of person signing below], on behalf of [insert name of Petitioner], state that the foregoing grounds and bases for finding good cause arise from my personal knowledge and understanding, and are true to the best of my belief and in accordance with all information known by and available to me. All facts and circumstances related in this Petition are presented under Oath by me.

[PETITIONER]

[Printed name]
[Business capacity by which this person alleges personal and specific knowledge of the matters discussed above, on behalf of the petitioner.]

COMMONWEALTH OF VIRGINIA
City or County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 200__, by _____.

Notary Public

My commission expires:

_____, 200__