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SECRETARY OF STATE

**BEFORE THE TENNESSEE  
HEALTH SERVICES AND DEVELOPMENT AGENCY**

**IN THE MATTER OF** ) **Certificate of Need # CN0604-028A**  
 )  
**SPRING HILL HOSPITAL** ) **APD No. 25.00-092967J**

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**PETITION FOR REVIEW OF  
ADMINISTRATIVE JUDGE'S ORDER  
DENYING A CON FOR SPRING HILL HOSPITAL**

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Spring Hill Hospital, Inc., ("SHH") hereby respectfully requests the Health Services and Development Agency to review the Initial Order of an Administrative Judge denying a Certificate of Need for the establishment of Spring Hill Hospital, which CON was previously approved and issued by the Agency. SHH would show the Agency as follows:

**BACKGROUND AND HISTORY**

1. On April 13, 2006, Spring Hill Hospital, Inc., an affiliate of HCA, filed a certificate of need application for Spring Hill Hospital. The application called for the establishment of a 56 bed community hospital to be located in Spring Hill, Maury County, Tennessee.
2. The application was opposed by Williamson Medical Center ("WMC") located in Franklin, Tennessee, and Maury Regional Hospital ("MRH") located in Columbia, Tennessee.

3. On July 26, 2006, the Agency considered the application and granted the CON by a vote of 7 – 1. The Agency issued CON No. CN0406-026A for Spring Hill Hospital on August 23, 2006.

4. WMC and MRH appealed the Agency’s decision by filing a Petition for Contested Case Hearing with the Administrative Procedures Division of the Secretary of State. The appeal was assigned to Administrative Judge Leonard Pogue (the “Administrative Judge”).

5. The case was heard before the Administrative Judge on April 11-24, 2007.

6. On October 12, 2007, the Administrative Judge entered an “Initial Order” denying the certificate of Need for Spring Hill Hospital, effectively reversing the Agency’s decision to grant the CON.

7. In his Initial Order the Administrative Judge ruled that Spring Hill Hospital is not “necessary to provide needed health care in the area to be served” and would not “contribute to the orderly development of adequate and effective health care facilities and/or services.” The Administrative Judge ruled that Spring Hill Hospital would be “economically accomplished and maintained.”

#### **REASONS TO ACCEPT REVIEW**

Tennessee Code Annotated §§4-5-315 and 68-11-1610 and the Rules of the Agency allow the Agency to review Judge Pogue’s ruling and uphold it, or reverse it and re-instate the CON for Spring Hill Hospital. SHH respectfully submits the Agency should review the ruling for the following reasons:

1. The Administrative Judge erred in denying the CON for Spring Hill Hospital because the facts as he found them do not support the conclusions of law he reached. The Administrative Judge also erred in some of his findings of fact, and in

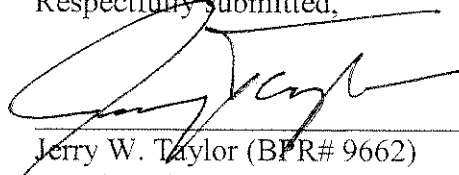
failing to heed significant facts in the record, of which members of the Agency took note at the time they initially voted to grant the CON. The more specific grounds on which SHH relies in seeking reversal from the Agency will be discussed more fully in subsequent briefs or other documents as directed by the Agency, should the Agency decide to review the case.

2. This Agency has the experience and expertise in CON matters that is necessary for an informed and correct decision on the ultimate issue of whether a CON should be granted and Spring Hill Hospital should be built. The Agency has diversity of membership, including members of the Executive branch of state government, health care providers, and consumer representatives. That diversity of knowledge, expertise and representation is essential to a proper application of the governing law and public policy to the facts in this case, in order to reach a decision that is in the best interests of the citizens of the State of Tennessee.

### CONCLUSION


For all of these reasons, Spring Hill Hospital, Inc. respectfully requests that the Agency exercise its right and discretion to review the Administrative Judge's Initial Order, and place this matter on the agenda to be considered at the first available date.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

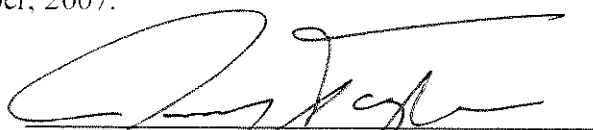
I hereby certify that a true and exact copy of the foregoing has been served on the following counsel of record via first class mail to the addresses below:

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This 25<sup>th</sup> day of October, 2007.

  
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