

**GRUENSTEIN & HICKEY**

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**August 19, 2008**

**Via Facsimile, Email and U.S. Mail**

The Honorable Bill Hogan, Commissioner  
Department of Health and Social Services  
State of Alaska  
350 Main Street, Room 404  
P.O. Box 110601  
Juneau, Alaska 99811-0601

**Re: Request for Hearing and Appeal of July 22, 2008 Decision Denying  
Grant of Certificate of Need Application to Imaging Associates of  
Providence, LLC Mat-Su Valley Imaging Facility**

**Dear Commissioner Hogan:**

Pursuant to 7 AAC 07.080, the undersigned, on behalf of Imaging Associates of Providence, LLC ("IAP"), appeals your decision of July 22, 2008 to deny the granting of a Certificate of Need to IAP's Mat-Su Valley Imaging Facility, and requests a hearing.

For purposes of efficiency, IAP further requests that you direct the Office of Administrative Hearings to resolve the outstanding estoppel issue prior to consideration of other aspects of the appeal.

Sincerely,

Gruenstein & Hickey

  
Peter Gruenstein

**cc: Hon. Terry Thurbon**

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON  
REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of )  
Imaging Associates of Providence ) OAH No. 06-0743-DHS  
\_\_\_\_\_ )

**RESPONSE TO REQUEST FOR STATUS CONFERENCE**

This responds to Imaging Associates of Providence's August 14, 2008 request for a status conference. The November 29, 2007 decision in this matter was issued by the Commissioner of Health and Social Services as a final administrative decision. As such, the Office of Administrative Hearings (OAH) retained no jurisdiction in the matter and is presently without authority to conduct a status conference or further proceedings on estoppel or other issues, or to otherwise reopen the now-closed case.

Nothing about OAH's lack of continuing jurisdiction over the closed case would preclude consideration of estoppel or any other issues raised in a new appeal, if Imaging Associates of Providence has filed or files an appeal of the July 22, 2008 denial a certificate of need for the Mat-Su facility and the Commissioner elects to refer the new appeal to OAH. In the event of such an appeal and referral, the parties would be free to stipulate to use the record, including previous briefing, from the 06-0743-DHS case in the new appeal and to otherwise work with the administrative law judge to make the administrative appeal as efficient as possible.

DATED this 18<sup>th</sup> day of August, 2008.

By: \_\_\_\_\_

Terry L. Thurbon  
Chief Administrative Law Judge

The undersigned certifies that on August 18, 2008, this order was distributed by facsimile (with hardcopy to follow by mail) to the following: Peter Gruenstein, counsel for Imaging Associates of Providence; Stacie Kraly, Assistant Attorney General; Christine Williams, counsel for Mat-Su Regional Medical Center. A courtesy copy was sent to Commissioner Bill Hogan.

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Neil Roberts