

Health Care Alert April 12, 2010

Puerto Rico Appellate Court revokes Certificate of Need to allow presentation of evidence by application opponent

The Appellate Court of Puerto Rico, as per judgment entered on March 29, 2010, overturned a decision by the Secretary of Health granting a certificate of need to Laboratorio Clínico Landrón III ("Laboratorio Landrón"), authorizing it to establish a clinical laboratory in Manatí, Puerto Rico, Case No. KLRA201000193.

In overturning the Secretary's decision, the Court recognized the right of the Manatí Medical Center to conduct discovery and present evidence in opposition to the certificate of need application filed by Laboratorio Landrón. The Secretary had denied such right on the basis that the Manatí Medical Center was not an affected party. The Court held that under Article 12 of the Certificates of Need Law, Manatí Medical Center could present evidence at the hearing regardless of whether it was or was not an affected party.

In reversing, the Court ordered the Secretary of Health to hold a new evidentiary hearing at which Manatí Medical Center would be permitted to present evidence in support of its opposition to Laboratorio Landrón's application.

If you have any question or comment, or wish additional information regarding this matter, please contact any of the attorneys listed below, members of our Health Care Practice Group:

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