216B.090   Reconsideration of cabinet's decisions.

(1)   Any party to the proceedings may, for good cause shown, request in writing a hearing for purposes of reconsideration of a decision of the cabinet pertaining to a certificate of need or the revocation of a certificate of need under procedures promulgated by administrative regulation. The request shall be filed within fifteen (15) days of the notice of the decision. For purposes of this section there shall be deemed to be "good cause shown" if the request for a public hearing:

   (a)   Presents significant, relevant information not previously available for consideration by the cabinet;

   (b)   Demonstrates that there have been significant changes in the factors or circumstances relied upon by the cabinet in reaching its decision;

   (c)   Demonstrates that the cabinet has materially failed to follow its adopted procedures in reaching its decision; or

   (d)   States that a public hearing pursuant to KRS 216B.085 was not conducted prior to a decision to deny a certificate of need.

(2)   If a public hearing is granted, it shall be held within thirty (30) days after the decision to grant the request for reconsideration. The hearing shall be conducted in accordance with the provisions of this chapter. The cabinet shall make its decision on reconsideration and shall give notice thereof. The decision of the cabinet shall be final for purposes of judicial appeal. An approved certificate of need shall be issued forty (40) days after notice of the cabinet's decision unless a judicial appeal is taken and issuance is enjoined by the court.