

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Frank H. Murkowski, Governor

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August 1, 2006

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VIA FAX (907) 279-5358

William L. Choquette  
Choquett & Farleigh, LLC  
629 L Street, Suite 101  
Anchorage, AK 99501  
VIA FAX (907) 274-9819

Re: Mat-Su Regional Medical Center  
Our file: 223-07-0024

Dear Ms. Nault and Mr. Choquette:

This letter will confirm my conversations yesterday with Ms. Nault and Ms. Willis, on behalf of Mr. Choquette, regarding the Department of Health and Social Services (DHSS) request for an extension to file its Notice of Defense to Mat-Su Regional Medical Center's (Mat-Su) Accusation. It is my understanding that you have agreed to allow DHSS until August 14 to file its Notice of Defense.

In addition, I wanted to inform you that DHSS will be submitting the referral and documentations to the Office of Hearings and Appeals this week for the assignment of a hearing officer.

Finally, as I mentioned to each of you today, there is an oral argument in Fairbanks on Tuesday, August 8<sup>th</sup> at 8:00 a.m. before Judge Steinkruger on the precise issue raised in Mat-Su's Accusation, specifically, the adoption of 7 AAC 08.012 and the definition of Independent Diagnostic and Testing Facilities. This matter is *Banner Health v. Karleen Jackson, et al.*, 4FA-06-1799 CI. It might be beneficial for all of us to meet and discuss the merits of litigating this matter at the administrative level when the same issue is presently before the superior court. I am happy to schedule a time to

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discuss these issues at your convenience or when the substitution of counsel is entered on behalf of Ms. Nault's firm.

Thank you for our courtesy in allowing DHSS a short extension of time. If you have any questions or I have misstated my understanding of our previous conversations and agreement, please feel free to call me at (907) 465-4164 or email me at [stacie\\_kraly@law.state.ak.us](mailto:stacie_kraly@law.state.ak.us).

Sincerely,

DAVID W. MÁRQUEZ  
ATTORNEY GENERAL

By:   
Stacie L. Kraly  
Assistant Attorney General

SLK/mkb