



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

Rhonda M. Medows, MD, Commissioner

Sonny Perdue, Governor

2 Peachtree Street, NW
Atlanta, GA 30303-3159
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WRITER'S DIRECT DIAL
404-657-7198

June 20, 2008

Karen Boeckholt
Senior Compliance Coordinator
Life Care Services, LLC
Capital Square
400 Locust Street
Des Moines, IA 50309-2334

RE: Senate Bill 433 Clarification Regarding Continuing Care Retirement
Communities

Dear Ms. Boeckholt:

The Georgia Department of Community Health, Division of Health Planning (the Department) is in receipt of your request, dated May 20, 2008, seeking clarification with respect to the continuing care retirement communities provisions contained in Senate Bill 433. Your request was submitted in response to the Department's invitation to submit questions regarding the impact and applicability of Senate Bill (SB) 433, a Certificate of Need (CON) reform bill passed during the 2008 session of the Georgia General Assembly.

Your letter states it is written on behalf of Peachtree Hills Place, a continuing care retirement community (CCRC) issued a CON in Project No. GA 2006-079. Your letter states the project is currently under development. You ask, if once licensed, this CCRC can avail itself of an exemption related to CCRCs contained in SB 433.

One of the new exemptions from prior CON review and approval in the legislation is for continuing care retirement communities, provided that the skilled nursing component of the facility is for the exclusive use of residents of the continuing care retirement community and that a written exemption is obtained from the Department. O.C.G.A. § 31-6-47(a)(17). {Note: all citations referenced are effective July 1, 2008}. The exemption goes on to provide for instances where the sheltered nursing beds may be used by non-resident persons for a period of five years in decreasing percentages.

Please be advised that Section 3-1 of SB 433 provides that the CON changes in Part I of the bill shall become effective on July 1, 2008, and shall only apply to applications submitted on or after July 1, 2008. As a result, on and after July 1, 2008, an existing continuing care retirement community with sheltered nursing facility beds wishing to

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expand the number of sheltered nursing facility beds will no longer require prior CON review and approval. However, there is no grandfather clause for applications submitted, or projects approved, prior to July 1, 2008. Therefore, the facility you reference approved in Project No. GA 2006-079, remains subject to the rules and law in place at the time of the issuance of the CON.

Please be advised that a party wishing to avail itself of this exemption on or after July 1, 2008, must submit a specific and factual determination request to the Department on the existing published Determination form, along with the proper filing fee. The Department will respond as appropriate, and the Department response shall be the written confirmation of exemption required in SB 433. This letter is not an official written confirmation of any activity to be undertaken on or after July 1, 2008 pursuant to SB 433.

I hope this letter is responsive to your request. If there are any further questions or concerns, please feel free to contact me at the Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde L. Reese, III". The signature is fluid and cursive, with a prominent flourish at the end.

Clyde L. Reese, III
General Counsel