

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.08

Place of Initial Administrative Appeal Hearing

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of the proposed amendments in totality is to modify existing regulations in light of changes in the Certificate of Need statute, O.C.G.A. § 31-6 et seq., due to the passage of Senate Bill (SB) 433 in the 2008 Georgia General Assembly. SB 433 necessitates revision to the existing administrative rules for administrative appeals of certificate of need decisions. SB 433 abolished the previous Health Planning Review Board and created the Certificate of Need (CON) Appeal Panel. O.C.G.A. 31-6-44 and 31-6-44.1. The revisions are outlined in detail below.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This rule is amended to reflect new provisions governing the place of an initial administrative appeal hearing before the CON Appeal Panel.

274-1-.07.08 Place of Initial Administrative Appeal Hearing.

The initial administrative appeal hearing shall be held at the offices of the Department (2 Peachtree Street, NW, Atlanta, Georgia 30303) or, if those offices are unavailable at the scheduled time of the hearing, or are insufficient to accommodate the hearing for any reason, at such other place as the hearing officer designates with the approval of the General Counsel of the Department of Community Health.

Authority O.C.G.A. § ~~31-5A, 31-6~~, 31-6-44.