

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.06

Scheduling and Notice 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 scheduling and notice of an initial administrative appeal hearing before the CON Appeal Panel.

274-1-.05.06 Scheduling and Notice of Initial Administrative Appeal Hearing.

(1) Within fourteen (14) days after the appointment of the hearing officer, ~~the such~~ hearing officer shall confer with the parties and set the date or dates for the hearing. ~~and~~ The hearing officer shall provide the parties with written notice mailed at least fourteen (14) days before the date of commencement of the hearing. Notification shall include, at a minimum, the information required in the "Georgia Administrative Procedure Act," O.C.G.A. § 50-13-13.

(2) The hearing officer shall make all arrangements for scheduling the hearing, providing for the making of a record, the transcription thereof, and any other arrangements necessary to convene the hearing. However, the hearing officer shall be authorized to request the assistance of the General Counsel of the Department as necessary in the discharge of these duties.

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