



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

Rhonda M. Medows, MD, Commissioner

Sonny Perdue, Governor

2 Peachtree Street, NW
Atlanta, GA 30303-3159
www.dch.georgia.gov

Writer's Direct Dial
404-657-7198

May 23, 2008

Kathryn M.T. Platt
President
Platt HMC, Inc.
881 Piedmont Avenue, NE
Atlanta, GA 30309

RE: Senate Bill 433 Clarification Regarding Continuing Care Retirement
Communities

Dear Ms. Platt:

The Georgia Department of Community Health, Division of Health Planning (the Department) is in receipt of your request, dated May 1, 2008, seeking clarification with respect to the continuing care retirement community provisions contained in Senate Bill 433. This 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 request asks if a continuing care retirement community with existing sheltered nursing beds wishing to expand the number of licensed sheltered facility nursing beds is exempt from prior CON review and approval under the provisions of SB 433. The CON reform changes contained within SB 433 are effective on July 1, 2008. 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

expand the number of sheltered nursing facility beds will no longer require prior CON review and approval.

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 the official written exemption required under SB 433. Upon receipt of written confirmation from the Department, a party wishing to expand the number of sheltered nursing facility beds in an existing continuing care retirement community would not be subject to prior CON review and approval.

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 cursive script that reads "Clyde L. Reese, III". The signature is written in dark ink and is positioned above the typed name.

Clyde L. Reese, III
General Counsel