



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

Kathy Butler Polvino, Esq.
McKenna Long Aldridge LLP
303 Peachtree Street, NE
Suite 5300
Atlanta, GA 30308

RE: CON Project No. GA 2008-031 – Tanner Medical Center – Addition of Second
Adult Cardiac Catheterization Laboratory

Dear Ms. Polvino:

The Georgia Department of Community Health, Division of Health Planning (the Department) is in receipt of your request, dated May 2, 2008, on behalf of Tanner Medical Center, Inc. (Tanner). 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.

It is the understanding of the Department that Tanner has applied for a CON to add a second cardiac catheterization (cardiac cath) laboratory. The application is currently under review with a 90-day decision date of July 15, 2008. 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 diagnostic cardiac cath services offered in a hospital setting on patients 15 years of age and older. O.C.G.A. § 31-6-47(a)(21). {Note: all citations referenced are effective July 1, 2008}.

Your letter asks for confirmation that the project currently under review would be exempt from prior CON review and approval effective July 1, 2008. If so, and upon receipt of such written confirmation, Tanner would withdraw the pending CON application.

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, a pending application, even one with a decision date after July 1, 2008, would be reviewed under current applicable standards. However, on and after July 1, 2008, new or expanded adult diagnostic cardiac cath services offered in a hospital setting will no longer require prior CON review and

approval. Pursuant to this analysis, the Department would advise Tanner to withdraw the pending application.

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 black ink and is positioned above the printed name.

Clyde L. Reese, III
General Counsel