



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

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

RE: Senate Bill 433 Clarification Regarding Adult Diagnostic Cardiac Catheterization

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, received on May 16, 2008, seeking clarification with respect to the diagnostic cardiac catheterization provisions contained in Senate Bill 433, whether exceeding the equipment and capital expenditure thresholds to implement a diagnostic cardiac catheterization service would require a certificate of need, and to which settings the exemption applies. 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.

In response to your inquiry, one of the new exemptions from prior CON review and approval in the legislation is for diagnostic cardiac catheterization 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}. Pediatric cardiac catheterization services remain subject to prior CON review and approval. See CON Rule 111-2-2-.23.

If a proposed new service, or expansion of an existing service, meets the criteria of this statutory exemption on or after July 1, 2008, it will be exempt from the other provisions of the health planning statute, and the exemption will apply regardless of the dollar expenditure involved, whether a capital expenditure or for major medical equipment, i.e., cardiac catheterization equipment. An adult diagnostic cardiac catheterization service offered in a non-hospital setting will remain subject to prior CON review and approval. See CON Rule 111-2-2-.21. The service specific CON rules for adult diagnostic catheterization services do not contemplate or address mobile settings. The Department will continue to take the position that such services are not permissible in a mobile setting.

Another new exemption from prior CON review and approval in the legislation is for therapeutic cardiac catheterization in hospitals selected by the Department prior to July 1, 2008, to participate in the Atlantic Cardiovascular Patient Outcomes Research Team (C-Port) Study and therapeutic cardiac catheterization in hospitals, that, as determined by the Department on an annual basis, meet the criteria to participate in the C-Port Study but have not been selected for participation; provided, however, that if the criteria requires a transfer agreement to another hospital, no hospital shall unreasonably deny a transfer agreement to another hospital. O.C.G.A. § 31-6-47(a)(22).

As a result, on and after July 1, 2008, an existing participant in the C-Port Study, chosen by the Department to participate in the study before July 1, 2008, will no longer require prior CON review and approval to perform therapeutic cardiac catheterization procedures. Also, at some point in the fall of 2008, after the new and amended administrative rules to implement SB 433 in its entirety are promulgated and in effect, the Department will, on a date certain to be re-issued annually, publish standards for hospitals who are not current participants in the C-Port Study to avail themselves of this exemption and to perform therapeutic cardiac catheterization procedures without prior CON review and approval. The Department will annually re-publish standards to implement this particular exemption, and those hospitals who receive confirmation of exemption pursuant to these published standards, will be required to show compliance with the standards on a continuing annual basis, notwithstanding the year in which they received initial confirmation of compliance with the published standards.

Please be advised that a party wishing to avail itself of these exemptions 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 cursive script, appearing to read "Clyde L. Reese, III".

Clyde L. Reese, III  
General Counsel