



PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedures Act, Official Code of Georgia Annotated (O.C.G.A.) §§ 50-13-1 *et seq.*, the Georgia Department of Community Health is required to provide public notice of its intent to adopt, amend, or repeal certain rules other than interpretive rules or general statements of policy. Accordingly, the Department hereby provides notice of its intent to revise its rules and regulations, specifically Ga. Comp. R. & Regs. r. 111-2-1, Rules and Regulations for Administration, Certificate of Need. These changes reflect amendments to the State Health Planning and Development Act, O.C.G.A. §§ 31-6-1 *et seq.*, as a result of the passage of House Bill 1339 during the 2024 legislative session.

These changes are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1. An exact copy of the revised rules and a synopsis of the revisions are attached to this public notice.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on October 8, 2024, at 11:00 a.m. via Zoom. There will be no in-person attendance at the Department of Community Health. The Zoom meeting ID number is 856 2705 2758 and the event password is “137513”. Follow these instructions to join the event:

1. Click the link or copy and paste the link text to a browser:
<https://us02web.zoom.us/j/85627052758?pwd=g3SRsI6n2Glbps0VE4D4uA7Ti1NcGX.1>

2. Click “Join Now”

To join by telephone: One tap mobile
+13092053325,,85627052758#,,,,*137513# US

+13126266799,,85627052758#,,,,*137513# US (Chicago)

Oral comments will be limited to ten (10) minutes per person. Individuals who are disabled and require assistance to participate during this meeting should contact the Office of General Counsel at (470) 259-0735 at least three (3) business days prior to the meeting.

Individuals wishing to comment in writing on any of the proposed changes must do so on or before Friday, October 11, 2024, at 5:00 p.m. Due to reduced physical staffing at the 2 M.L.K. Jr.



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

Drive, SE location, DCH encourages written public comments submitted in accordance with O.C.G.A. § 50-13-4(a)(2) to be submitted via e-mail to the following e-mail address:

Public.Comment@dch.ga.gov.

Written comments may be submitted via regular mail to the following address:

Attention: Alycia Allgood
Office of General Counsel
Georgia Department of Community Health
2 M.L.K. Jr. Drive, SE, 18th Floor, East Tower
Atlanta, GA 30334

Comments from written and public testimony will be provided to the Board of Community Health prior to November 14, 2024. The Board will vote on the proposed changes on November 14, 2024.

NOTICE IS HEREBY GIVEN THIS 12th DAY OF SEPTEMBER 2024

A handwritten signature in black ink, appearing to read "Russel Carlson", written over a horizontal line.

Russel Carlson, Commissioner

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF HEALTH PLANNING
AMEND CHAPTER 111-2-1**

RULES AND REGULATIONS FOR ADMINISTRATION

SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Georgia Department of Community Health proposes to amend and update the Rules and Regulations for Health Planning, Administration, Ga. Comp. R. & Regs. r. 111-2-1. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

MAIN FEATURES OF THE PROPOSED RULE:

The proposed rule changes reflect amendments to the State Health Planning and Development Act, O.C.G.A. §§ 31-6-1 *et seq.*, as a result of the passage of House Bill 1339 during the 2024 legislative session.

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF HEALTH PLANNING
AMEND CHAPTER 111-2-1**

RULES AND REGULATIONS FOR ADMINISTRATION

TABLE OF CONTENTS

111-2-1-.02 Health Planning Functions of the Department

Rule 111-2-1-.02. Health Planning Functions of the Department.

(1) The Department is authorized to administer the health planning and Certificate of Need programs established under O.C.G.A. §31-6 *et seq.* and a state health plan approved by the Board. The Department shall review and update the state health plan at least every five years beginning no later than January 1, 2025, to ensure the plan meets the evolving needs of the state. The Department shall provide by rule for procedures to administer its functions. As appropriate, the Commissioner may delegate the authority to administer any function or duty prescribed by law or these Rules to one or more authorized designees in the Office of Health Planning and the Office of General Counsel.

(2) The functions of the Department shall be:

(a) to conduct the health planning activities of the State and, within appropriations made available by the General Assembly and consistent with the laws of the State of Georgia, to implement such parts of the State Health Plan as may relate to State government;

(b) to prepare and revise a draft State Health Plan with recommendations from technical advisory committees;

(c) to seek advice, at its discretion, from technical advisory committees;

(d) to adopt, promulgate, and implement rules and procedures necessary to carry out the provisions of O.C.G.A. §31-6 *et seq.* in accordance with O.C.G.A. §50-13 *et seq.*, the Georgia Administrative Procedure Act.

(e) to define the form, content, schedules, fees, and procedures for submission of applications for Certificates of Need, other determinations and periodic reports;

(f) to establish time periods and procedures consistent with O.C.G.A. §31-6 *et seq.* to hold hearings and to obtain the viewpoints of interested persons prior to issuance or denial of a Certificate of Need;

(g) to provide for such payment as may be necessary to share the costs of preparing the record for Certificate of Need appeals before the Certificate of Need Appeal Panel;

(h) to provide for a reasonable and equitable fee schedule for Certificate of Need applications; provided, however, that a Certificate of Need application filed by or on behalf of a hospital in a rural county shall be exempt from any such fee;

(i) to grant, deny, suspend, rescind, cancel, or revoke a Certificate of Need as applied for or as amended;

(j) to impose civil penalties as permitted or required by law for violation of these Rules and O.C.G.A. §31-6 *et seq.*; and

(k) to study the amount of uncompensated indigent and charity care provided by each type of health care facility, recommend requirements for the levels of uncompensated indigent and charity care required to be performed by each health care facility type and develop standardized reporting requirements for the Department to accurately track the amount of uncompensated indigent and charity care provided by each health care facility.

(3) The Commissioner shall have the power to establish and abolish technical advisory committees as he or she deems necessary, in consultation with the board, to inform effective strategy development and execution.

Authority: O.C.G.A. § 31-6et seq.