



Nathan Deal, Governor

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**PUBLIC NOTICE OF
PROPOSED RULE CHANGES**

Pursuant to the Georgia Administrative Procedures Act, Official Code of Georgia (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 interpretative rules or general statements of policy. Accordingly, the Department hereby provides notice of its intent to amend the **Rules and Regulations for Finality of Hearing Officer's Decision; Optional Review of Hearing Officer's Decision by Department Commissioner, Chapter 274-1-.12**. These changes are being proposed pursuant to the authority granted to the Department in O.C.G.A. §§ 31-2-5 and 31-6, et. seq. 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 13, 2015 at 10:30 a.m. at the Department of Community Health (2 Peachtree St., N.W., Atlanta, GA 30303) in the 5th Floor Board Room. Oral comments may 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 (404) 657-7195 at least three (3) business days prior to the meeting.

Citizens wishing to comment in writing on any of the proposed changes should do so on or before October 13, 2015. Comments may be faxed to (404) 656-0663, emailed to pjohnson@dch.ga.gov, or mailed to the following address:

Attention: Office of General Counsel
Georgia Department of Community Health
Post Office Box 1966
Atlanta, GA 30301

Comments from written and public testimony will be provided to the Board of Community Health prior to November 12, 2015. The Board will vote on the proposed changes on November 12, 2015.

NOTICE IS HEREBY GIVEN THIS 10th DAY OF September, 2015

Clyde L. Reese III, Esq., Commissioner

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF HEALTH PLANNING**

**REVISE CHAPTER 274-1-.12
FINALITY OF HEARING OFFICER'S DECISION; OPTIONAL REVIEW OF HEARING OFFICER'S DECISION BY
DEPARTMENT COMMISSIONER**

SYNOPSIS OF PROPOSED RULE CHANGES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to revise the Rules and Regulations regarding Finality of Hearing Officer's Decision; Optional Review of Hearing Officer's Decision by Department Commissioner, Chapter 274-1-.12, to require parties filing objections to a hearing officer's decision and parties participating in the Commissioner Review process to file those documents directly with the Commissioner's Office. Changes have been made to the required addressee on the filing and to the required filing location. These changes are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

MAIN FEATURE OF THE PROPOSED RULES: 274-1-.12 is edited to revise subsection (4) to include a new location for filing objections and filings related to a request for Commissioner Review.

**274-1-.12 Finality of Hearing Officer's Decision; Optional Review of Hearing Officer's
Decision by Department Commissioner.**

(1) The decision of the Appeal Panel hearing officer will become the final decision of the Department upon the sixty-first (61st) day following the date of the decision unless an objection thereto is filed with the Commissioner within the time limit established in subsection (2) of this Rule.

(2) Any party, including the Department, which disputes any finding of fact or conclusion of law rendered by the hearing officer in such hearing officer's decision and which wishes to appeal that decision may appeal to the Commissioner and shall file its specific objections with the Commissioner or his or her designee within thirty (30) days of the date of the hearing officer's decision.

(3) Any objections filed with the Commissioner shall specify in detail the errors allegedly committed by the hearing officer in the hearing officer's decision. Failure to specify such alleged errors in detail shall constitute a waiver of all available objections. Further, the party submitting such objections must specify the date upon which it received the hearing officer's decision.

(4) All objections shall be in writing. An original copy must be received by the Commissioner at the Commissioner's Office, ~~Office of General Counsel~~, Department of Community Health, 2 Peachtree Street, N.W., ~~5th~~ 6th Floor, Atlanta, Georgia 30303, within the applicable thirty (30) day time period. If the thirtieth (30th) day falls on a weekend or a federal or state holiday, the time for submitting such objections shall be extended to the next business day.

- (a) The date of receipt shall be the official postmark date if mailed by registered or certified mail;
 - (b) The date of receipt shall be the date the Department actually receives the request as documented by Department date stamp if mailed by regular first class mail or if hand delivered, except that any such request received after 5:00 p.m. shall be deemed in receipt the following business day; and
 - (c) The only acceptable methods of delivery of any such objections shall be certified mail, registered mail, regular first class mail, and hand delivery. Further additional copies of such objections shall be mailed to each attorney of record, or directly to any party not represented by an attorney.
- (5) The Commissioner, or his or her designee, shall determine whether a party complied with the provisions of this Rule. In the event the Commissioner, or his or her designee, determines that the party failed to comply with the provisions of this Rule, such person shall have the authority to render written decisions on behalf of the Department with respect to such determinations. A decision adverse to a party shall specify in detail the extent to which a party failed to comply.

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