



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. 111-8-40-.03, Hospital Permit Requirement. The is an amendment to an existing rule to require hospitals to provide DCH 180 days prior written notice of specified changes materially affecting organized services offered by the hospital, subject to monetary penalties for late notice. DCH will review such proposed changes within its regulatory authority. The amendment further specifies that hospitals must provide DCH 180 days prior written notice of anticipated closures (increased from 30 days notice) and revises hospital responsibilities prior to closure, subject to monetary penalties for late notice. The amendment also clarifies that a new hospital permit is required upon merger with another hospital. Additionally, the amendment clarifies that a facility seeking to terminate its enrollment as a provider of medical assistance shall submit a written request to the department documenting good cause for termination as may be applicable in accordance with O.C.G.A. § 31-6-45.2. 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 January 18, 2023, 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 829 0497 8618 and the event password is “**Public**”. 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/82904978618?pwd=Zk5EN0ovTk1tOFVxVGVIIdIZEV0dRZz09>
2. Click “Join Now”

To join by telephone: One tap mobile
+16465588656,,82904978618# US (New York)

+16469313860,,82904978618# US

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 (404) 657-7195 at least three (3) business days prior to the meeting.



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

Individuals wishing to comment in writing on any of the proposed changes must do so on or before January 27, 2023. Due to reduced physical staffing at the 2 Peachtree Street location and in an attempt to limit the amount of exposure to COVID-19, 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 Peachtree Street, NW, 40th Floor
Atlanta, GA 30303

Comments from written and public testimony will be provided to the Board of Community Health prior to March 9, 2023. The Board will vote on the proposed changes on March 9, 2023.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF JANUARY 2023



Caylee Noggle, Commissioner

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH**

**CHAPTER 111-8
HEALTHCARE FACILITY REGULATION**

**SUBJECT 111-8-40
RULES AND REGULATIONS FOR HOSPITALS**

SYNOPSIS OF PROPOSED RULES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to adopt Rules and Regulations for Hospitals, Subject 111-8-40. These rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-2-5, O.C.G.A. § 31-2-7, O.C.G.A. § 31-7-2.1, and O.C.G.A. § 31-6-45.2.

MAIN FEATURE OF THE PROPOSED RULE: This is an amendment to an existing rule to require hospitals to provide DCH 180 days prior written notice of specified changes materially affecting organized services offered by the hospital, subject to monetary penalties for late notice. DCH will review such proposed changes within its regulatory authority. The amendment further specifies that hospitals must provide DCH 180 days prior written notice of anticipated closures (increased from 30 days notice) and revises hospital responsibilities prior to closure, subject to monetary penalties for late notice. The amendment also clarifies that a new hospital permit is required upon merger with another hospital. Additionally, the amendment clarifies that a facility seeking to terminate its enrollment as a provider of medical assistance shall submit a written request to the department documenting good cause for termination as may be applicable in accordance with O.C.G.A. § 31-6-45.2.

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111-8-40-.03 Hospital Permit Requirement

111-8-40-.03 Hospital Permit Requirement

No person, corporation, association, or other entity shall establish, operate, or maintain a hospital in Georgia without a permit or provisional permit: issued by the Department.

(a) A permit is required for each hospital. Multi-building hospitals may request a single permit to include all buildings provided that the hospital buildings are in close proximity to each other, the facilities serve patients in the same geographical area, and the facilities are operated under the same ownership, control, and bylaws.

1. Services offered in separate buildings or on separate premises, which do not by themselves meet the definition of a hospital, including, but not limited to, satellite urgent care centers, outpatient or mammography clinics, or hospital-owned physicians' offices, shall be considered organized services of the hospital for the purposes of these rules.

2. Only those services operated by the hospital under the permit as approved by the Department shall be presented to the public as a service of the hospital.

(b) A permit, either continuing or provisional, is required prior to the admission of any patients or initiation of any patient care services in the hospital. A provisional permit may be issued for a limited time to a newly established hospital to allow the hospital to demonstrate that its operational procedures equal standards specified by the rules.

(c) The permit shall designate the classification of the hospital as determined by the Department following evaluation of the hospital's services and in accordance with the Certificate of Need-("CON").

1. The classification shall be one of the following:

(i) Classification as a general hospital means a facility meets the definition of a hospital and provides continuous care for a variety of patients who have a variety of medical conditions. A critical access hospital shall fall under the general hospital classification;

(ii) Classification as a specialized hospital means a facility that meets the definition of a hospital and provides care to a specialized or specified group of patients and/or patients who have specified conditions. The type of specialization shall be designated on the hospital permit; or

(iii) Classification as a Rural Free Standing Emergency Department.

2. If a hospital proposes changes ~~occur in~~ materially affecting the organized services offered by the hospital, including, but not limited to, the addition of any services requiring CON review or off-campus service locations, the reduction or elimination of services or bed capacity, a merger, acquisition, divestment, asset sale, or other transaction which may impact the hospital's operations, or other material change regarding the hospital's delivery of services to the public, the hospital's administrator or governing body shall submit to the Department in writing a ~~new description of services~~ description of the proposed changes at least ~~thirty one hundred eighty~~ (30 180) days prior to the change. Such notification shall be made in writing and the hospital may be fined by the Department in the amount of \$1000.00 each day that such notification is late, subject to waiver or reduction of such notice by the Department for good cause, as it determines in its sole discretion. The Department shall review the proposed changes in accordance with its regulatory authority. Change in the classification of the hospital shall require application for a new permit.

(d) To be eligible for a permit the hospital shall be in substantial compliance with these rules and regulations and any provisions of law as applicable to the construction and operation of the hospital. In its discretion, the Department may issue a provisional permit for a limited time to a new or existing hospital to allow the hospital a reasonable length of time to come into compliance with these rules provided the Department has received an acceptable plan of correction.

(e) The permit issued to the hospital shall be prominently displayed in a public area of the hospital at all times.

(f) A permit is not transferable from one governing body to another nor from one hospital location to another.

(g) If the hospital anticipates that it will close or cease to operate, the governing body shall notify the Department in writing at least ~~thirty-one hundred eighty~~ (30 180) days prior to the anticipated closure date. Such notification shall be made in writing and the hospital may be fined by the Department in the amount of \$1000.00 for each day

that such notification is late, subject to waiver or reduction of such notice by the Department for good cause, as it determines in its sole discretion.

1. Prior to hospital closure, the hospital shall timely inform the Department of the planned storage location for patients' medical records, medical staff information, ~~and~~ other critical information after closure and other information requested by the Department. The hospital shall publish on its webpage in a prominent location and in a widely circulated newspaper(s) in the hospital's service area a notice indicating where medical records and other critical information can be retrieved and shall notify the Department of Transportation of the anticipated date of closure for removal of the hospital locator signs. Following closure, the hospital shall promptly notify the Department ~~shall be notified of in writing of~~ any change in location of the patients' medical records, medical staff information, ~~and~~ other critical information from the published location, and other information requested by the Department.

2. When the hospital ceases to operate, the permit shall be returned to the Department within ten (10) days of closure. The permit shall be considered revoked, unless placed on inactive status as described in these rules.

3. If the hospital is closing for a period of less than twelve (12) months, and plans to reopen under the same ownership, name, classification, and bed capacity, the hospital may request to have the permit placed on temporary inactive status.

(i) When placed on temporary inactive status, the permit shall be returned to the Department within ten (10) days of closure and the hospital shall not operate until the permit has been reactivated. The hospital shall notify the Department of Transportation of the intended closure.

(ii) The hospital shall request in writing that the permit be reactivated at least thirty (30) days prior to the desired date of reopening. Prior to reactivation of the permit, the hospital may be subject to inspection by the Department. If the permit is not reactivated within twelve (12) months, the permit shall be considered revoked.

(h) A new permit ~~may be obtained by application to the Department and~~ is required if the hospital is moved to another location, has a change in operational or trade name, has a change in ownership or classification, merges with another hospital, or has a change in the authorized bed capacity. The former permit shall be considered revoked upon the issue of a new permit and the former permit shall be returned to the Department.

(i) A permit shall remain in effect unless suspended or revoked or otherwise rescinded or removed as provided in these rules.

(j) A facility seeking to terminate its enrollment as a provider of medical assistance shall submit a written request to the department documenting good cause for termination as may be applicable in accordance with O.C.G.A. § 31-6-45.2.

Authority: O.C.G.A. §§ 31-7-1, 31-7-2, 31-7-2.1, 31-2-5, 31-2-7, and 31-6-45.2.