



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. 111-8-56-.20, Permits. This is an amendment to an existing rule updating Nursing Home Permit Requirements. The amendment requires that nursing homes provide at least 90 days prior written notice of a proposed transfer of ownership or operator, anticipated closures or interruptions of operations, certain nursing home transactions, and material changes of nursing home operations. The amendment sets forth penalties for failure to provide such notice. The amendment specifies when the Nursing Home permit must be surrendered to the department. 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 February 1, 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 883 9031 2711 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/88390312711?pwd=V1RjMThlTzE1eHE0c090dnRoelJCUT09>

2. Click “Join Now”

To join by telephone: One tap mobile

+16469313860,,88390312711# US

+13017158592,,88390312711# US (Washington DC)

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.

Individuals wishing to comment in writing on any of the proposed changes must do so on or before February 8, 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



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

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
DEPARTMENT OF COMMUNITY HEALTH**

**CHAPTER 111-8
HEALTHCARE FACILITY REGULATION**

**SUBJECT 111-8-56
NURSING HOMES**

SYNOPSIS OF PROPOSED RULES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to adopt Rules and Regulations for Nursing Homes, Subject 111-8-56. 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, and O.C.G.A. § 31-7-2.1.

MAIN FEATURE OF THE PROPOSED RULE: This is an amendment to an existing rule updating Nursing Home Permit Requirements. The amendment requires that nursing homes provide at least 90 days prior written notice of a proposed transfer of ownership or operator, anticipated closures or interruptions of operations, certain nursing home transactions, and material changes of nursing home operations. The amendment sets forth penalties for failure to provide such notice. The amendment specifies when the Nursing Home permit must be surrendered to the department.

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DEPARTMENT OF COMMUNITY HEALTH

CHAPTER 111-8
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111-8-56-.20 Nursing Home Permits-Requirements

111-8-56-.20 Nursing Home Permits Requirements

(1) To be eligible for a permit the nursing home must be in satisfactory compliance with these rules and regulations and the provisions at law which apply to the locations, construction and maintenance of homes and the safety of the patients therein.

(2) Prior to the issuance of a permit and at the request of the Commissioner, the governing body or operator shall furnish to the Department evidence of satisfactory compliance with any laws or regulations thereunder applicable to homes but the enforcement of which is the responsibility of a department or agency of government other than the Department.

(3) The permit shall be framed and publicly displayed at all times.

(4) Permits are not transferable from one governing body or operator to another, nor valid when the home is moved from one location to another.

(5) Nursing homes shall provide the Department at least ninety (90) days prior written notice of the following events via electronic mail at HFRD.NH@dch.ga.gov (or such other updated address posted on the Department's website), and, for applicable events, shall take the following required actions:

(a) Date of a proposed transfer of ownership and/or change of the operator of the nursing home. The transferring nursing home owner and/or the owner of the real estate upon which the nursing home is located shall provide to the Department a copy of the acquisition agreement, operator or management agreement, lease agreement, and any other documents regarding the transfer as requested by the Department.

(b) Date of closure of the nursing home or anticipated interruption of nursing home operations. Prior to ceasing operations, a nursing home shall timely notify the Department of the planned storage location for residents' medical records, medical staff

information, and other critical information. The nursing home shall publish on its webpage in a prominent location and in a widely circulated newspaper(s) in the nursing home service area a notice indicating where medical records and other critical information can be retrieved. The nursing home shall also provide this information to its residents or their designated representatives in writing. Following its closure, the nursing home shall promptly notify the Department in writing of any change in location of the residents' medical records, medical staff information, and other critical information;

(c) The effective date of a transaction involving a nursing home's acquisition, sale, divestment, transfer of operations, or merger with another nursing home or other business entity; or

(d) Effective date of material changes affecting nursing home operations, including but not limited to the addition of any services, reduction or elimination of bed capacity, or other material change(s) regarding the nursing home's delivery of services. Such notification shall include a detailed description of the material changes.

A nursing home may be fined by the Department in an amount of \$1000.00 per day that any notification required by Ga. Comp. R. & Regs. r. 111-8-56-.20 is late, subject to waiver or reduction of such notice requirement by the Department for good cause, as it determines in its sole discretion. A nursing home may also be fined \$1000.00 per day that it fails to take any other action required by Ga. Comp. R. & Regs. r. 111-8-56-.20, after receipt of written notice by the Department. The Department shall review all proposed events and actions in accordance with its regulatory authority. A nursing home must also promptly respond to information requests issued by the Department.

(56) The permit shall be ~~returned~~ surrendered to the Department upon occurrence of any of the following events:

(a) The final onsite inspection by the Department on the last day of operation for the nursing home;

(b) The nursing home's cessation of operations, ~~when the home ceases to operate,;~~ or is moved

(c) A nursing home's relocation of its facility to a new premises; ~~to another location,;~~

(d) ~~or the~~ A change of more than fifty percent (50%) of the nursing home's ownership or governing body, or any change of ~~changes~~ operator of the nursing home; or

(e) The Department's suspension or revocation of the nursing home's permit, ~~or the governing body is significantly changed, or the permit is suspended or revoked.~~

(67) A permit shall be required for each nursing home located on different premises where more than one home is operated under the same governing body. When a nursing home operates as distinct parts, then a permit shall be required for each distinct part.

(78) Each nursing home shall be in compliance with O.C.G.A. § 26-2-370 et seq., entitled "Food Service Establishments" and the Rules and Regulations as adopted and promulgated thereunder entitled "Rules and Regulations for Food Service" and with any amendment to the law or rules promulgated thereunder.

Authority: O.C.G.A. §§ 26-2-370, et seq., 31-2-1, et seq. and 31-7-1 et seq.