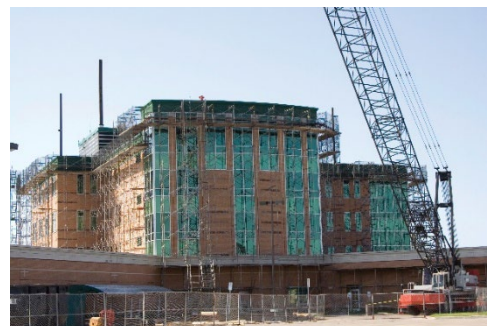


Certificate of Need

State Health Planning & Development Act, O.C.G.A. 31-6-1 et seq. (2024)

What is a Certificate of Need (CON)?

The Georgia Department of Community Health, Office of Health Planning, is responsible for administering the Certificate of Need (CON) program. A CON is the official determination that a new or expanded healthcare facility or service is needed in Georgia. The state's policy, which is set by the legislature, is that healthcare facilities and services should be provided in a manner that avoids unnecessary duplication of services, that is cost effective, provides quality healthcare services, and is compatible with the health care needs of the various areas and populations of the state.



When is a CON required?

Unless exempt from review, healthcare facilities and services that require a CON include, but are not limited to:

- New hospitals, including general, acute care, specialty hospitals, and freestanding emergency departments
- New or expanding nursing homes and home health agencies
- All multi-specialty and certain single-specialty ambulatory surgery centers
- Personal care homes with 25 or more beds that are Medicaid certified
- Providers of radiation therapy, positron emission tomography, open heart surgery, and neonatal services
- Facilities offering a healthcare service which was not provided on a regular basis during the previous 12 months, or increasing the number of beds.

How do I apply for a CON?

CON applications fall into two categories: non-batched and batched. Both types require submission of a Letter of Intent prior to the submission of an application. Non-batched applications are accepted throughout the year. Batched applications are accepted during designated times of the year, generally, in accordance with the following batching cycles:

- **Fall and Spring:** home health services, skilled nursing and intermediate care facilities, perinatal services, comprehensive inpatient physical rehabilitation services, ambulatory surgery services, and obstetrical services
- **Winter and Summer:** positron emission tomography services; megavoltage radiation therapy services, pediatric cardiac catheterization and open-heart services and adult open heart surgical services

The Department's published batching notice indicates which applications will be accepted during each batching cycle.

For further guidance on submitting CON applications, please visit:

<https://dch.georgia.gov/divisionsoffices/office-health-planning/certificate-need-con>

Can I appeal a CON decision?

The CON Appeal Panel is charged with reviewing the Department's initial decision to grant or deny a CON. See generally O.C.G.A. § 31-6-44 and Ga. Comp. R. & Regs. r. 274-1-.01 et seq. for additional information.

What happens if I do not comply with CON laws?

The Department may:

- Issue cease and desist mandates and/or seek court injunctions to halt violations, as well as impose graduated fines.
- Impose monetary penalties of up to \$500.00 per day for failure to notify of the transfer of ownership.
- Assess a monetary penalty of the difference between the amount of indigent and charity care that was committed to be provided and the amount that was actually provided.
- Revoke a CON in whole or in part.

What are some projects that may be exempt from CON?

- Certain single specialty ambulatory surgery centers.
- Projects that bring facilities into compliance with licensing requirements, life safety codes, or to comply with accreditation standards.
- Certain new hospitals and increases in inpatient bed capacity meeting specific criteria.

Unless otherwise specified in the applicable statutes and regulations, all applicants seeking an exemption must provide prior notice to and receive written approval from the Department for the exempt activity.

This fact sheet has been prepared to serve as a general reference and should not be used in place of the applicable statutes and regulations. If you still have questions about the Certificate of Need process please contact the Georgia Department of Community Health, Office of Health Planning, at ohp.help@dch.ga.gov.

