

**RULES OF DEPARTMENT OF COMMUNITY HEALTH
CHAPTER 111-2
HEALTH PLANNING**

**CHAPTER 111-2-2
RULES AND REGULATIONS FOR ADMINISTRATION**

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111-2-1-.01 Definitions

- (1) "Board" means the Board of Community Health, the body created under O.C.G.A. § 31-2-3, appointed by the Governor, that establishes the general policy to be followed by the Department of Community Health.
- (2) "Certificate of Need Appeal Panel" or "appeal panel" means the panel of independent hearing officers created pursuant to O.C.G.A. § 31-6-44 to conduct appeal hearings.
- (3) "Commissioner" means the commissioner of community health established under O.C.G.A. § 31-2-6.
- (4) "Department" means the Department of Community Health established under O.C.G.A. § 31-2-4.
- (5) "Health Strategies Council" or "Council" means the body created by this chapter to advise the Department of Community Health.

Authority: O.C.G.A. §§ 31-2 et seq., 31-6 et seq.

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 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. §§ 31-2 *et seq.*, 31-6 *et seq.*