



PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedure 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. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 37-3-205(a). Accordingly, the Department hereby provides notice of its intent to revise its Rules and Regulations for General Licensing and Enforcement Requirements, specifically Ga. Comp. R. & Regs. r.111-8-25-.03, *General Licensing Requirements and Fee Schedules*. The amendment establishes an annual license fee for Adult Residential Mental Health Programs.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on December 17, 2024, 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 4568 1839 and the event password is “471176”. 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/88345681839?pwd=f54oA3jh23XJFx5jGXDI5uhwBIWA3N.1>

2. Click “Join Now”

To join by telephone: One tap mobile

+16465588656,,88345681839#,,,,*471176# US (New York)

+13126266799,,88345681839#,,,,*471176# US (Chicago)

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 (470) 259-0735 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 December 20, 2024, at 5:00 p.m. Due to reduced physical staffing at the 2 M.L.K., Jr. Drive, SE location 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.



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

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 M.L.K., Jr. Drive, SE, 18th Floor, East Tower
Atlanta, GA 30334

Comments from written and public testimony will be provided to the Board of Community Health prior to January 9, 2025. The Board will vote on the proposed changes on January 9, 2025.

NOTICE IS HEREBY GIVEN THIS 14th DAY OF NOVEMBER 2024.

Russel Carlson, Commissioner

**111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
111-8. HEALTHCARE FACILITY REGULATION
111-8-25. GENERAL LICENSING AND ENFORCEMENT REQUIREMENTS**

AMEND CHAPTER 111-8-25

SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Georgia Department of Community Health proposes to amend and update the Rules and Regulations for General Licensing and Enforcement Requirements, Ga. Comp. R. & Regs. r. 111-8-25. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 37-3-205(a).

MAIN FEATURES OF THE PROPOSED RULE:

The amendment establishes an annual license fee for Adult Residential Mental Health Programs.

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111-8-25-.03 General Licensing Requirements and Fee Schedules

Rule 111-8-25-.03 General Licensing Requirements and Fee Schedules

- (1) No facility shall offer or provide services which are required to be licensed under rules enforced by the department without a current license issued by the department.
- (2) No license shall be issued by the department unless the facility is in compliance with applicable rules set forth in these rules, specific rules applicable to the particular facility type and all licensure activity fees due the department have been paid.
- (3) Fees will be assessed to facilities and applicants for licensure for the following licensure activities: processing applications for a new license or a change in ownership, initial license fees, annual licensure activity fees to maintain current license, follow-up visits to periodic inspections, training materials, returned check and mail processing charges and civil monetary penalties.
- (4) Application for License. An application for a license to provide regulated services shall be submitted on forms made available by the department in a format acceptable to the department. No application shall be acted upon by the department until the application is determined complete by the department with all required attachments and applicable fees submitted.
- (5) Where the department denies an initial license for non-payment of fees or any other reason, such action may be taken by the department prior to an administrative hearing on the denial being held. The applicant whose license has been denied may obtain an administrative hearing, subsequent to the decision to deny the license, as authorized under Georgia law.
- (6) Ongoing Licensure Activity Fees. All licenses issued by the department require payment of ongoing licensure activity fees as calculated by the department each state fiscal year, including the state fiscal year that these rules take effect. For annual licenses, such licensure activity fees will be due on the anniversary date of the issuance of the previous year's license. For continuing licenses, such ongoing licensing activity fees will be due October 31st of each state fiscal year. The annual fees shall include the base licensure activity fee and any additional fees incurred during the previous year. Such fees are due and payable to the department within thirty (30) days of receipt of the licensure activity fee invoice. Fees will be calculated by the department in a manner so as to help defray the direct and indirect costs incurred by the department in providing such licensure activities for all programs, but in no event shall exceed such costs.
- (7) Effective January 31, 2011, the department may revoke any license if the facility has failed to pay the annually recurring licensure activity fees within sixty (60) days of receipt of a written invoice from the department. The revocation action is subject to written notice of the proposed revocation and a right to receive an administrative hearing on the amount past due and owing prior to the revocation action becoming final.
- (8) Schedule of Fees. Fees collected by the department are not refundable, except in extraordinary circumstances as determined by the department in its sole discretion. The decision of the department as to whether to refund a payment is final and may not be appealed. Payment of fees must be in a form of payment accepted by the department. Some forms of electronic payment may result in an additional convenience charge being added to the licensing fee that is

due. Any convenience charge for which the user is responsible must be disclosed to the potential user before completion of the transaction. No cash payments are accepted by the Department. The following schedule of fees applies for the listed licensure activities:

Licensure Activity	Fee	Fee Frequency
Application Processing Fee, Change in Ownership, Change in Service Level (requiring on site visit), Name Change - Any Program	\$300	Upon submission
Initial Provisional or Regular License (Same as annual licensure activity fee for each program type)	Varies by program	Submitted with application processing fee
Involuntary Application Processing Fee subsequent to unlicensed complaint investigation	\$550	
Follow-up Visit to Periodic Inspection - Any Program	\$250	License renewal date
Licenses and Certificates		
Adult Day Centers **	\$250 (social) \$350 (medical)	Annually
<u>Adult Residential Mental Health Programs**</u>	<u>\$800</u>	<u>Annually</u>
Ambulatory Surgical Treatment Centers **	\$750	Annually
Assisted Living Communities ** (see Personal Care Homes)		
Birthing Centers **	\$250	Annually
Clinical Laboratories **	\$500	Annually
Community Living Arrangements **	\$350	Annually
Drug Abuse Treatment Programs **	\$500	Annually
End Stage Renal Disease Centers **	Annually	
1-12 stations	\$600	Annually
13-24 stations	\$1,000	Annually
25 or more	\$1,100	Annually
Stand Alone ESRD Facilities	\$800	Annually
Offering Peritoneal Dialysis Only		
Eye Banks	\$250	Annually

HMOs (if subject to licensure)	\$2,000	Annually
Home Health Agencies **	\$1,000	Annually
Hospices **	\$1,000	Annually
Hospitals **	Annually	
CAHS < 25 beds	\$250	Annually
25 =< 50 beds	\$750	Annually
>50 beds	\$1,500	Annually
Imaging Centers (rules to be developed) **	\$3,000	Annually
Infirmaries	\$250	Annually
Intermediate Care Facilities/MR (private) **	\$250	Annually
Memory Care Certificate **	\$200	Annually
Narcotic Treatment Programs **	\$1,500	Annually
Nursing Homes **	Annually	
1 =< 99	\$500	Annually
>99	\$750	Annually
Personal Care Homes **	Annually	
< 25 beds	\$350	Annually
25 =< 50 beds	\$750	Annually
>50 beds	\$1,500	Annually
Private Home Care Providers **	Annually	
For each service offered: Companion Sitter, Personal Care and/or Nursing Maximum of \$750	\$250 (per service)	Annually
Traumatic Brain Injury Facilities	\$250	Annually
X-Ray Facilities (per machine)	\$300	Annually
Miscellaneous Fees		
Civil monetary penalties as finally determined	Case-by-case basis	
Late Fee: Sixty (60) days past due	\$150	Per instance
Lists of Facilities by license type (electronic only)	\$25	Per request
Replacement of Lost Permit	\$50	Per request

Returned check charge - as assessed by bank	<\$50	Per instance
Special handling charges when required (special courier/ mailing costs)	Cost	Per instance
Training materials - cost to reproduce for participant	\$.25 per page, \$5 per disc	Per participant
<p>** Eligible for a 25% discount if currently accredited by a nationally recognized accreditation organization approved by the department as having standards comparable to specific state licensure requirements, and complete copy of current decision is submitted to the department at the time of renewal or is already on file with the department.</p>		