GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

Brian P. Kemp, Governor **Caylee Noggle, Commissioner**

2 Peachtree Street, NW | Atlanta, GA 30303-3159 | 404-656-4507 | www.dch.georgia.gov

PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedures Act, Official Code of Georgia (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 interpretative 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. 111-2-1, Health Planning, Administration. These changes reflect amendments to the State Health Planning and Development Act, O.C.G.A. §§ 31-6-1 *et seq.*, as a result of the passage of House Bill 186 during the 2019 legislative session. The proposed changes make updates to the functions of the Office of Health Planning to include references to utilizing technical advisory committees to prepare and revise a draft State Health Plan; to seek advice from technical advisory committees, at the department's discretion; to provide for a fee exemption for a Certificate of Need application filing by a rural county hospital; and to study, recommend requirements for, and track the amount of uncompensated indigent and charity care required by each type of health care facility. The proposed changes include empowering the Commissioner to establish and abolish technical advisory committees in consultant with the board in order to inform effective strategy development and execution. Additional revisions are proposed to correct grammar, to provide clarity, and to modernize the rules. These changes are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1. 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 15, 2022 at 10:00 a.m. via Zoom. There will be no in-person attendance at the Department of Community Health. The Zoom meeting ID number is 885 4349 2442 and the event password is "**Open**". 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/88543492442?pwd=dlQ2eDFkV2pHZFRHWWpPcnEyT0JyZz09

2. Click "Join Now"

To join by telephone:

Call-in toll free number (US/Canada): 877-853-5247

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Meeting ID: 855 4349 2442

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 18, 2022. Due to reduced physical staffing at the 2 Peachtree Street location 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: **PublicComment@dch.ga.gov**.

Written comments may be submitted via regular mail to the following address:

Attention: Mary Peterkin
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 10, 2022. The Board will vote on the proposed changes on March 10, 2022.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF JANUARY, 2022

Caylee Noggle, Commissioner

111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
111-2. HEALTH PLANNING
111-2-1. ADMINISTRATION

AMEND CHAPTER 111-2-1

SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Georgia Department of Community Health proposes to amend and update the Rules and Regulations for Health Planning, Administration, Ga. Comp. R. & Regs. r. 111-2-1. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

MAIN FEATURES OF THE PROPOSED RULE:

The proposed rule changes reflect amendments to the State Health Planning and Development Act, O.C.G.A. § 31-6-1 *et seq.*, as a result of the passage of House Bill 186 during the 2019 legislative session. Additional revisions are proposed to correct grammar, to provide clarity, and to modernize the rules.

111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
111-2. HEALTH PLANNING
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AMEND CHAPTER 111-2-1

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Rule 111-2-1-.01 Definitions

(1) "Board" means the Board of Community Health, the body created under O.C.G.A. § 31-2-3 ~~31-5A-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-~~5A~~2-6.

(4) "Department" means the Department of Community Health established under O.C.G.A. § 31-~~5A~~2-4.

(5) "Health Strategies Council" or "Council" means the body created by this chapter to advise the Department of Community Health.

Cite as Ga. Comp. R. & Regs. R. 111-2-1-.01
Authority: O.C.G.A. Secs. 31-~~5A*et*~~ 2 *et* *seq.*,31-6 *et seq.*
History. Original Rule entitled "Definitions" adopted. F. Dec. 16, 2004; eff. Jan. 5, 2005.
Amended: F. Sept. 11, 2008; eff. Oct. 1, 2008.

Rule 111-2-1-.02. Health Planning Functions of the Department

(1) The Department is authorized to administer the health planning and ~~c~~Certificate of N~~n~~eed programs established under O.C.G.A. § 31-6 *et seq.* ~~Title 6~~ 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 ~~Division~~ 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; ~~for submission to the Board of Community Health for approval;~~

(c) to seek advice, at its discretion, from technical advisory committees; ~~assist the Health Strategies Council in its functions;~~

(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; ~~and~~

(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.

Cite as Ga. Comp. R. & Regs. R. 111-2-1-.02
Authority: O.C.G.A. Secs. 31-~~5A~~2 *et seq.*,31-6 *et seq.*
History. Original Rule entitled "Health Planning Functions of the Department" adopted. F. Dec. 16, 2004; eff. Jan. 5, 2005.
Amended: F. Sept. 11, 2008; eff. Oct. 1, 2008.