



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. § 31-7-2.1(a). Accordingly, the Department hereby provides notice of its intent to revise its Rules and Regulations for Hospitals, specifically Ga. Comp. R. & Regs. r.111-8-40-.24, *Imaging and Therapeutic Radiology Services*. The amendment removes the requirement for an order or referral for screening mammograms.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on December 17, 2024, at 1:00 p.m. via Zoom. There will be no in-person attendance at the Department of Community Health. The Zoom meeting ID number is 860 2153 4259 and the event password is “063319”. 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/86021534259?pwd=A8Mh1U1J5j9vCzNmDLDBHng7qEkpNs.1>
2. Click “Join Now”

To join by telephone: One tap mobile
+1 646 558 8656 US (New York)

+16465588656,,86021534259#,,, *063319# US

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.

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



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

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.

A handwritten signature in blue ink, appearing to read "Russel Carlson", written over a horizontal line.

Russel Carlson, Commissioner

**111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
111-8. HEALTHCARE FACILITY REGULATION
111-8-40. HOSPITALS**

AMEND CHAPTER 111-8-40

SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Georgia Department of Community Health proposes to amend and update the Rules and Regulations for Hospitals, Ga. Comp. R. & Regs. r. 111-8-40. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-7-2.1(a).

MAIN FEATURES OF THE PROPOSED RULE:

The amendment removes the requirement for an order or referral for screening mammograms.

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Rule 111-8-40-.24 Imaging and Therapeutic Radiology Services

(1) **Imaging Services.** The hospital shall maintain or arrange for effective imaging services to meet the needs of patients. The radiological imaging services shall be provided by the hospital in accordance with the rules under Chapter 111-8-90 ~~290-5-22~~ Rules and Regulations for X-rays, where applicable.

(a) **Organization and Staffing for Imaging Services.** The hospital shall have an organizational plan for imaging services that identifies the scope of the services provided and the qualifications of the individuals necessary for the performance of various aspects of imaging services and delineates the lines of authority and accountability.

1. There shall be a qualified director of imaging services who is a member of the medical staff and a licensed doctor of medicine or osteopathy with knowledge and experience in imaging services to supervise the provision of imaging services on a full-time or part-time basis.

2. The director shall be responsible for all clinical aspects of the organization and delivery of imaging services, including the evaluation of the effectiveness of the services in coordination with the hospital's quality management program.

3. Basic radiological imaging services shall be available at all times, or there shall be an on-call procedure to provide access to qualified x-ray personnel within thirty (30) minutes.

4. The hospital shall have qualified staff performing imaging services.

(b) **Orders of Imaging Procedures.** No imaging procedures, except screening mammograms, shall be performed without an order or referral from a licensed doctor of medicine or osteopathy, chiropractor, dentist, podiatrist, physician assistant or nurse with advanced training where such order is in conformity with an approved job description or nurse protocol, and as authorized under state law for such licensed healthcare professionals.

(c) **Verbal/telephone orders for imaging services** shall be given only to health care professionals licensed or certified by state law or authorized by medical staff rules and regulations and other hospital policy to receive those orders, in accordance with these rules, and shall be entered into the patient's medical record by those licensed, certified, or authorized health care professionals.

(2) **Reports of Imaging Interpretations.** Interpretation of imaging test results or procedures shall be made only by those medical staff designated as qualified to interpret those tests or procedures. Interpretations must be signed and dated by the medical staff providing the interpretation.

(a) **Reports of all imaging interpretations and consultations** shall be included in the patient's medical record.

(b) The hospital shall have an effective procedure for notifying in a timely manner the patient's physician and responsible nursing staff of critical interpretations identified through imaging tests.

(c) Films, scans, and other images shall be retained by the hospital for at least five years after the date of the procedure unless the release of the original images is required for the care of the patient. When original images are released, documentation of the disposition of the original images shall be retained for the applicable five-year period. If the patient is a minor, the records shall be retained for at least five years past the age of majority.

(3) Therapeutic Radiology Services. Radiation oncology services, if provided, must be directed by a physician with training and experience in therapeutic radiology. The service must have a medical oncologist and hematologist available for consultation.

(a) Therapeutic radiology procedures shall be ordered by a licensed doctor of medicine or osteopathy and administered by persons trained and qualified for those procedures and as required under current state law and regulations.

(b) Reports of all imaging interpretations, consultations, and therapies shall be included in the patient's medical record.

(c) Radiation Safety. If the hospital is providing diagnostic or therapeutic radiological services, hospital policies and procedures shall be implemented to ensure that patients and hospital staff are not exposed to unnecessary or unsafe levels of radiation. All imaging staff and therapeutic radiology staff shall be trained in these policies and procedures.

(d) Medical Emergencies. The hospital shall have written protocols for managing medical emergencies in the imaging area and therapeutic radiology area.

(e) Infectious Disease. The hospital shall have written protocols for managing patients with infectious diseases and critical care patients in the imaging area, or wherever imaging services are provided, and in the therapeutic radiology area.

Authority: O.C.G.A. §§ 31-7-2.1, 31-13-1 *et seq.*