

ORDER ADOPTING RULE

TO: (a) Legislative Counsel – State of Georgia
(b) All Parties on the Certificate of Need Appeal Panel’s Rulemaking Mailing List

FROM: Certificate of Need Appeal Panel
2 Peachtree Street, NW
5th Floor
Atlanta, Georgia 30303

Notice of Proposed Rulemaking to Amend Certificate of Need Appeal Panel Rule 274-1-.04, Appeal Filing Fees; Provisions for Amount and Payment

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated (“O.C.G.A.”) § 50-13-4) that the Certificate of Need Appeal Panel (“CON Appeal Panel”) has considered and adopted amendments to CON Appeal Panel Rule 274-1-.04 regarding the filing fee for appeals to the CON Appeal Panel. This rule, as amended, that was adopted at the CON Appeal Panel’s July 28, 2022 meeting shall become effective as provided by law twenty days after the rule is filed in the office of the Secretary of State.

BY THE CON APPEAL PANEL:

Whereas, during its July 28, 2022 meeting, the CON Appeal Panel approved the adoption of amendments to CON Appeal Panel Rule 274-1-.04.

Whereas, copies of written notices of the proposed rule previously were mailed to all interested persons on the mailing list of the CON Appeal Panel pursuant to O.C.G.A. § 50-13-4(a)(1); and

Whereas, a copy of said notice was furnished to the Legislative Counsel of the State of Georgia, pursuant to O.C.G.A. § 50-13-4(e); and

Whereas, the CON Appeal Panel provided parties with the opportunity to provide written comments and to request a hearing to present oral comments on the proposed amendments to the rule;

WHEREFORE IT IS ORDERED, that CON Appeal Panel Rule 274-1-.04, as amended, is hereby approved and adopted as shown below:

RULES OF THE CERTIFICATE OF NEED APPEAL PANEL
Title 274: Certificate of Need Appeal Panel
Chapter 274-1 Administration

Rule 274-1-.04 Appeal Filing Fees; Provisions for Amount and Payment

- (1) In the event an appeal is filed, the appeal shall be accompanied by payment of a filing fee of \$7,500.00. The fee shall be made using one of the methods of payment listed on the “Approved Methods of Payment for the Appeal Filing Fee” posted on the Department’s website at <https://dch.georgia.gov/divisionsoffices/office-health-planning/certificate-need-con-appeal-panel>. If the filing fee is mailed, it shall be sent enclosed with a copy of the request for appeal or intervention as provided in Rule 274-1-.03. An appeal filed by or on behalf of a hospital in a rural county to challenge the Department’s denial of that hospital’s Certificate of Need application shall be exempt from such filing fee.
- (2) A separate appeal filing fee, in the amount specified in paragraph (1), shall be paid by each separate party requesting an appeal or intervention in any such appeal. A party requesting intervention shall pay the appeal filing fee within fourteen (14) days of the date on which either the appeal is filed or its intervention is filed, whichever is later. If a Department decision to grant a Certificate of Need application is appealed to the Certificate of Need Appeal Panel, then the Applicant for the Certificate of Need may intervene in the appeal without having to pay an appeal filing fee.
- (3) In the event a party requests an appeal or intervention in an appeal of more than one application reviewed by the Department, pursuant to joinder review or a batching cycle review, the party shall pay a separate filing fee for each separate application for which an appeal or intervention in such appeal is requested.

Authority O.C.G.A. §§ 31-6, 31-6-44

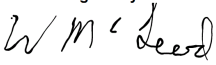
WHEREFORE IT IS ORDERED, that the CON Appeal Panel hereby adopts CON Appeal Panel Rule 274-1-.04 as amended.

ORDERED FURTHER, that said adopted rule having been published as provided in O.C.G.A. § 50-13-3(b) shall be filed with the Administrative Procedure Act Division of the Secretary of State as provided in O.C.G.A. § 50-13-6(b).

ORDERED FURTHER, that any motion for reconsideration, rehearing, or oral argument or any other relief shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this CON Appeal Panel may deem just and proper.

The above by action of the CON Appeal Panel in its meeting on the 28th day of July, 2022.

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Wright McLeod
Chairperson
Certificate of Need Appeal Panel

8/18/2022
Date