



PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedures 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. Accordingly, the Department hereby provides notice of its intent to add new rules and regulations, specifically Ga. Comp. R. & Regs. r. 111-1-1, Petition for Promulgation, Amendment, or Repeal of Rule. The purpose of this new rule is to establish an agency practice for review and consideration of a petition for promulgation, amendment, or repeal of rules made by an interested person pursuant to O.C.G.A. § 50-13-9.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on February 8, 2023, 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 822 1491 2091 and the event password is “**Public**”. 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/82214912091?pwd=Wmt3VlBHMfZwNjBQZnI4N1gvSmFZZz09>

2. Click “Join Now”

To join by telephone: One tap mobile
+13126266799,,82214912091# US (Chicago)

+16465588656,,82214912091# US (New York)

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 15, 2023. Due to reduced physical staffing at the 2 Peachtree Street location and 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: **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 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 9, 2023. The Board will vote on the proposed changes on March 9, 2023.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF JANUARY 2023

A handwritten signature in blue ink, reading "Caylee Noggle", positioned above a horizontal line.

Caylee Noggle, Commissioner

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH**

**CHAPTER 111-1
RULES AND REGULATIONS FOR ADMINISTRATION**

**SUBJECT 111-1-1
PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF RULE**

SYNOPSIS OF PROPOSED RULES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to adopt new Rules and Regulations for Petition for Promulgation, Amendment, or Repeal of Rule, Subject 111-1-1. These rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. §§ 50-13-4, 50-13-9, and 31-2-1 et seq.

MAIN FEATURE OF THE PROPOSED RULE: New rule to establish agency procedure for review and consideration of a petition for promulgation, amendment, or repeal of rules made by an interested person pursuant to O.C.G.A. § 50-13-9.

RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH

CHAPTER 111-1
DEPARTMENT OF COMMUNITY HEALTH - ADMINISTRATION

111-1-1
RULES AND REGULATIONS FOR PETITION FOR PROMULGATION, AMENDMENT,
OR REPEAL OF RULE

TABLE OF CONTENTS

111-1-1-.01 Definitions

111-1-1-.02 Petition by Interested Person

111-1-1-.01. Definitions

In these rules, unless the content otherwise requires, the terms set forth, herein shall mean the following:

(1) "Department" means the Department of Community Health, any division, section, or unit of the Department, and any agency attached to the Department for administrative purposes.

(2) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(3) "Petition" means a petition for promulgation, amendment, or repeal of rules made by an interested person pursuant to O.C.G.A. § 50-13-9.

(4) "Rule" means each Department regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of the Department. The term includes the amendment or repeal of a prior rule but does not include the following:

(a) Statements concerning only the internal management of the Department and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to O.C.G.A. § 50-13-11;

(c) Intra-Department memoranda;

(d) Statements of policy or interpretations that are made in the decision of a contested case;

(e) Rules which relate to the acquiring, sale, development, and management of the property, both real and personal, of the state or of the Department;

(f) Rules which relate to contracts for the purchases and sales of goods and services by the state or of the Department;

(g) Rules which relate to the employment, compensation, tenure, terms, retirement, or regulation of the employees of the state or of the Department;

(h) Rules relating to loans, grants, and benefits by the state or of the Department; or

(i) The approval or prescription for the future of rates or prices.

Authority: O.C.G.A. §§ 50-13-4, 50-13-9, and 31-2-1 et seq.

111-1-1-.02. Petition by Interested Person

(1) Form of Petition. Each petition for promulgation, amendment, or repeal of rules made pursuant to O.C.G.A. § 50-13-9 shall be submitted in writing to the Department's Commissioner and General Counsel. The petition shall include:

(a) The name, address, telephone number, and email address of the petitioner;

(b) The full text of the rule requested to be promulgated, or the full text of the rule desired to be amended or repealed, including strikethrough of any text of an existing rule the petitioner seeks to remove by amendment;

(c) A statement of the reason(s) such rule should be promulgated, amended, or repealed, including a statement of all pertinent facts which relate to petitioner's interest in the matter;

(d) Citations of legal authority which authorize, support, or require the action requested by petition;

(e) A notarized verification by the petitioner stating that petitioner has reviewed the petition and that the statement of pertinent facts is true to the best of petitioner's information and belief.

(2) Department's Action on the Petition. Upon receipt of the Petition, the Department shall determine what action, if any, is required by the petition.

(a) The Department is only required to take action regarding petitions which include all requirements of Ga. Comp. R. & Regs. r. 111-1-1-.02(1).

(b) Within thirty (30) days after submission of a petition in conformance with the requirements of Ga. Comp. R. & Regs. r. 111-1-1-.02(1), the Department shall either deny the petition in writing, stating its reasons for denial, or shall initiate rule-making proceedings in accordance with O.C.G.A. § 50-13-4. Petitions submitted which fail to conform with the

requirements of Ga. Comp. R. & Regs. r. 111-1-1-.02(1) shall be denied without further action required by the Department.

Authority: O.C.G.A. §§ 50-13-4, 50-13-9, and 31-2-1 et seq.