

FACT SHEET



GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

Certificate of Need

State Health Planning & Development Act, O.C.G.A. 31-6-1 et seq. (2019)

What is a CON?

The Georgia Department of Community Health (DCH), Office of Health Planning is responsible for administering the Certificate of Need program (CON). A CON is the official determination that a new or expanded health care service or facility is needed in Georgia. The state's policy is that health care services and facilities should be provided in a manner that avoids unnecessary duplication of services, that is cost effective, that provides quality health care services, and that is compatible with the health care needs of the various areas and populations of the state.

When is a CON Required?

Unless exempted from review, health care facilities and services that require a CON include, but are not limited to:

- New hospitals, including general, acute care, and specialty hospitals;
- New or expanding nursing homes, home health agencies;
- All multi-specialty and certain single-specialty ambulatory surgery centers;
- Providers of radiation therapy, positron emission tomography, open heart surgery, and neonatal services;
- Facilities offering a health care service which was not provided on a regular basis during the previous 12 months or increasing the number of beds.

How do I apply for a CON?

CON applications fall into two categories: non-batched and batched. Both types require submission of a Notice of Intent 30 days prior to the submission of an application. Non-batched applications are accepted throughout the year. Batched applications are accepted only during the following designated times each year:

Fall and Spring: home health services, skilled nursing and intermediate care facilities, perinatal services, comprehensive inpatient physical rehabilitation services, ambulatory surgery services, and obstetrical services

Winter and Summer : positron emission tomography services, megavoltage radiation therapy services, pediatric cardiac catheterization/open heart services, adult open-heart surgical services, psychiatric and substance abuse services, and freestanding birthing centers.

For further guidance on submitting CON applications, please visit dch.georgia.gov/divisions/offices/office-health-planning/certificate-need-con.

Can I appeal a CON decision?

The CON Panel is charged with reviewing the department's initial decision to grant or deny a CON. See generally O.C.G.A. § 31-6-44 and Ga. Comp. R. & Regs. r. 274-1-.01 et seq. for additional information.

What happens if I do not comply with CON laws?

The department may:

- Issue cease and desist mandates and/or seek court injunctions to halt violations, as well as impose graduated fines.
- Impose monetary penalties of up to \$500.00 per day for failure to notify the department of a transfer of ownership.
- Assess a monetary penalty of the difference between the amount of indigent and charity care that was committed to be provided and the amount that was provided.
- Revoke a CON in whole or in part.



FACT SHEET

What are some projects exempted from CON?

- Replacement of existing therapeutic or diagnostic equipment that received prior CON authorization.
- Projects that bring facilities into compliance with licensing requirements, life safety codes or to comply with accreditation standards.
- Expenditures for non-clinical projects, including parking lots, parking decks, medical office buildings.

Unless otherwise specified in the applicable statutes and regulations, all applicants seeking an exemption must provide prior notice to and receive written approval from the department for the exempted activity.

This Fact Sheet has been prepared to serve as a reference and should not be used in place of the applicable statutes, and regulations. If you still have questions about the Certificate of Need program please contact the DCH, Office of Health Planning at 404-456-0655.