

Board of Community Health
Meeting
January 13, 2023

Members Present

Norman Boyd
Roger Folsom
Russell Crutchfield
David Crews
Anthony Williamson
Nelva Lee
Robert Cowles
Cynthia Rucker

Members Absent

Shane Mobley

The Board of Community Health held its meeting via Zoom teleconference. (An agenda and a List of Attendees are attached hereto and made an official part of these Minutes as Attachments #1 and #2). Chairman Norman Boyd presided and called the meeting to order at 11:00 a.m.

Minutes

The Minutes of the October 13, 2022 meeting were unanimously approved.

Opening Comments

None to report.

Committee Report

None to report.

Commissioner's Report

Commissioner Noggle thanked the Board, members of the public and staff for their participation via Zoom.

The following updates were provided to the Board:

- We're pleased to support Governor Brian P. Kemp, constitutional officers in their swearing in activities.
- The legislative session has begun.
 - Creation of two new committees in the Senate and House. We look forward to working with new committee chairs on potential health topics.
 - The department has one piece of agency legislation from Healthcare Facility Regulation (HFR).

- On January 3rd, the department issued a Request for Qualified Contractors (RFQC) [for the Medicaid CMO Procurement] that will be open for several weeks.
 - Forthcoming Request for Proposal (RFP) later this Spring.
- State Health Benefit Plan (SHBP) has been engaged with the Department of Audits and Accounts (DOAA) on a financial audit performance review of the Plan.
 - A draft report was provided, and a copy will be shared with the Board.
- Joint budget hearings start on Tuesday. Presentations include SHBP and long-term liabilities with our Other Postemployment Benefits (OPEB) accounts.
 - DOAA's report will highlight healthcare and plan expenses have grown over the years; premiums and revenues have stayed flat.
- The Governor's budget was officially released this morning, which includes a lot of support by the Governor and his team for SHBP.
 - Work will begin on plan design and upcoming re-procurement over the next year and a half.
 - Close to \$1 billion invested in the Governor's budget recommendation. We are thankful and appreciative to him, his team, and their leadership.
- Federal Public Health Emergency (PHE) has been extended to April 11, 2023. The Consolidated Appropriations Act passed in December, included a new provision related to the continuous enrollment requirement for Medicaid.

During the PHE, Medicaid agencies were not allowed to disenroll any Medicaid members or re-determine eligibility. They have decoupled that provision from the continuation of the PHE.

Although, the PHE will continue, those requirements regarding eligibility will be redetermined on March 13, 2023, for the first time in several years, a process that will continue for 12 to 14 months, resulting in a fluctuation in membership.

We are working very closely with the Department of Human Services (DHS) and the Georgia Division of Family & Children Services (DFCS) to prepare.

- We are moving forward with the Pathways 1115 Waiver which is our limited Medicaid expansion program.
 - On January 11, 2023, a kick-off was held that included approximately 90 business partners.
 - Targeting a very aggressive timeline to have the waiver in place by July 1, 2023.
- Staff announcement:
 - Dr. Dean Burke, former Senator, has joined DCH in the Medicaid Division as the Chief Medical Officer, working on Medicaid quality and reporting, as well as working with our Care Management Organizations (CMOs) on our key health care initiatives.
- Recognition for employees' years of service milestones.

Joseph Hood, Chief Operating Officer presented to the Board for initial adoption the Amendment to Hospital Permit Requirement 111-8-40-.03.

This is an amendment to an existing rule to require hospitals to provide DCH 180 days prior written notice of specified changes materially affecting organized services offered by the hospital, subject to monetary penalties for late notice.

DCH will review such proposed changes within its regulatory authority. The amendment further specifies that hospitals must provide DCH 180 days prior written notice of anticipated closures (increased from 30 days' notice) and revises hospital responsibilities prior to closure, subject to monetary penalties for late notice.

The amendment also clarifies that a new hospital permit is required upon merger with another hospital. Additionally, the amendment clarifies that a facility seeking to terminate its enrollment as a provider of medical assistance shall submit a written request to the department documenting good cause for termination as may be applicable in accordance with O.C.G.A. § 31-6-45.2.

An opportunity for public comment will be held on January 18, 2023 at 11:00 a.m. via Zoom. Written comments are due on or before January 27, 2023.

Mr. Hood respectfully asked for the Board's favorable consideration of initial adoption.

David Crews MADE a MOTION to approve the Amendment to Hospital Permit Requirement 111-8-40-.03. Roger Folsom SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Amendment to Hospital Permit Requirement 111-8-40-.03 is attached hereto and made an official part of these minutes as Attachment #3).

Joseph Hood, Chief Operating Officer presented to the Board for initial adoption the Amendment to Nursing Home Permit Requirements 111-8-56-.20.

This is an amendment to an existing rule updating Nursing Home Permit Requirements. The amendment requires that nursing homes provide at least 90 days prior written notice of a proposed transfer of ownership or operator, anticipated closures or interruptions of operations, certain nursing home transactions, and material changes of nursing home operations. The amendment sets forth penalties for failure to provide such notice. The amendment specifies when the Nursing Home permit must be surrendered to the department.

An opportunity for public comment will be held on February 1, 2023 at 11:00 a.m. via Zoom. Written comments are due on or before February 8, 2023.

Mr. Hood respectfully asked for the Board's favorable consideration of initial adoption.

Cynthia Rucker MADE a MOTION to approve the Amendment to Nursing Home Permit Requirements 111-8-56-.20. Nelva Lee SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Amendment to Nursing Home Permit Requirements 111-8-56-.20 is attached hereto and made an official part of these minutes as Attachment #4).

Joseph Hood, Chief Operating Officer presented to the Board for initial adoption the Regulations for Petition for Promulgation, Amendment, or Repeal of Rule 111-1-1.

The Georgia Department of Community Health proposes to adopt Rules and Regulations for Petition for Promulgation, Amendment, or Repeal of Rule, Subject 111-1-1 to establish an 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.

An opportunity for public comment will be held on February 8, 2023 at 11:00 a.m. via Zoom. Written comments are due on or before February 15, 2023.

Mr. Hood respectfully asked for the Board's favorable consideration of initial adoption.

Roger Folsom MADE a MOTION to approve the Regulations for Petition for Promulgation, Amendment, or Repeal of Rule 111-1-1. David Crews SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Regulations for Petition for Promulgation, Amendment, or Repeal of Rule 111-1-1 is attached hereto and made an official part of these minutes as Attachment #5).

Joseph Hood, Chief Operating Officer presented to the Board for initial adoption the Amendment to Facility Organization and Administration Requirements for End Stage Renal Disease Facilities 111-8-22.

The Georgia Department of Community Health proposes to adopt Rules and Regulations for End Stage Renal Disease Facilities, Subject 111-8-22. These rules are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-2-5, O.C.G.A. § 31-2-7, and O.C.G.A. § 31-44-3.

Amendment of existing rule to change minimum staffing ratios at End Stage Renal Disease Facilities to 1 nurse for every 12 patients from 1 nurse to every 10 patients.

An opportunity for public comment will be held on February 15, 2023 at 11:00 a.m. via Zoom. Written comments are due on or before February 22, 2023.

Mr. Hood respectfully asked for the Board's favorable consideration of initial adoption.

Robert Cowles MADE a MOTION to approve the Amendment to Facility Organization and Administration Requirements for End Stage Renal Disease Facilities 111-8-22. Anthony Williamson SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Amendment to Facility Organization and Administration Requirements for End Stage Renal Disease Facilities 111-8-22 is attached hereto and made an official part of these minutes as Attachment #6).

Joseph Hood, Chief Operating Officer presented to the Board for initial adoption the Repeal of Regulations for Patient's Right to Independent Review 111-2-3.

The Georgia Department of Community Health proposes to repeal in its entirety the Rules of Department of Community Health, Health Planning, Patient's Right to Independent Review. These rules are being repealed pursuant to the authority granted to the Department of Community Health in O.C.G.A. § 31-2-5 and O.C.G.A. § 31-2-7.

The proposed rule changes reflect amendments to rules cited in Ga. Comp. R. & Regs. 111-2-3 in their entirety. 2022 legislation, HB 1013 transferred oversight of the Patient's Right to Independent Review from DCH to the Office of Commissioner of Insurance and Safety Fire (OCI). Therefore, this action repeals said rules made obsolete by the passage of House Bill 1013 which became law on July 1, 2022.

An opportunity for public comment will be held on January 25, 2023 at 11:00 a.m. via Zoom. Written comments are due on or before February 1, 2023.

Mr. Hood respectfully asked for the Board's favorable consideration of initial adoption

Roger Folsom MADE a MOTION to approve the Repeal of Regulations for Patient's Right to Independent Review 111-2-3. David Crews SECONDED the MOTION. ON THE MOTION, the yeas were 8, nays 0, abstained 0, and the MOTION was APPROVED.

(A copy of the Repeal of Regulations for Patient's Right to Independent Review 111-2-3 is attached hereto and made an official part of these minutes as Attachment #7).

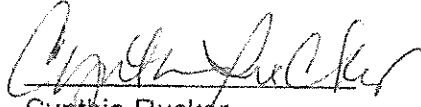
New Business/Closing Comments

- Chairman Norman Boyd thanked the department for providing the Board documents in advance of the meeting.
- Recognized the Honorable Clyde L. Reese, III for his many years of service and contributions to the state of Georgia.

Adjournment

There being no further business to be brought before the Board, Chairman Norman Boyd adjourned the meeting at 11:27 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 13th DAY OF January, 2023.



Cynthia Rucker
Secretary



Norman Boyd
Chairman

Official Attachments:

- #1 Agenda
- #2 List of Attendees
- #3 Amendment to Hospital Permit Requirement 111-8-40-.03
- #4 Amendment to Nursing Home Permit Requirements 111-8-56-.20
- #5 Regulations for Petition for Promulgation, Amendment, or Repeal of Rule 111-1-1
- #6 Amendment to Facility Organization and Administration Requirements for End Stage Renal Disease Facilities 111-8-22
- #7 Repeal of Regulations for Patient's Right to Independent Review 111-2-3