

Board of Community Health  
Meeting  
March 9, 2023

**Members Present**

Norman Boyd  
Roger Folsom  
Russell Crutchfield  
David Crews  
Anthony Williamson  
Nelva Lee  
Robert Cowles  
Cynthia Rucker  
Shane Mobley (delayed)

**Members Absent**

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 10:30 a.m.

**Minutes**

The Minutes of the February 9, 2023 meeting were unanimously approved.

**Opening Comments**

None to report.

**Committee Report**

Members present: David Crews, Norman Boyd, Russell Crutchfield, and Nelva Lee.

David Crews, Audit Committee Chairman provided the following updates to the Board:

- Presentation provided on the FY21 Statewide Single Audit.
  - Reports provided for two audits.
  - Corrective action plan included six findings.

**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:

- House recommendation on the FY24 budget was released yesterday.
- Budget hearing scheduled with the Senate this afternoon to discuss recommended budget changes.

The Department is grateful for Governor Brian P. Kemp's support on several key items in our budget. The House added additional items in support of provider re-rates, and other services that will continue to improve access to care for our Medicaid members, as well as support the State Health Benefit Plan (SHBP).

- This may be our last Board meeting at 2 Peachtree. We are scheduled to move to our new office mid-April.
- There are four proposed items on the agenda today for final adoption. In January, the Board approved the Amendment to Hospital Permit Requirement rules for initial adoption that would increase the notification on a closure or material change of service to 180 days, which is not on the agenda today.

The Department received several written comments and feedback during the public comment period. As a result, we'd like to take more time to engage in further dialogue with those constituents and members of the community that submitted comments before we bring that item back to the Board for final action.

Joseph Hood, Chief Operating Officer presented to the Board for final 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 was held on February 1, 2023 at 11:00 a.m. via Zoom. Written comments were due on or before February 8, 2023. No oral or written comments were received.

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

Roger Folsom MADE a MOTION to approve the Amendment to Nursing Home Permit Requirements 111-8-56-.20. Russell Crutchfield SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #3).

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

This is a new rule 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 was held on February 8, 2023 at 11:00 a.m. via Zoom. Written comments were due on or before February 15, 2023. No oral or written comments were received.

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

Russell Crutchfield MADE a MOTION to approve the Regulations for Petition for Promulgation, Amendment, or Repeal of Rule 111-1-1. Cynthia Rucker SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #4).

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

This is an amendment of an 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, following a temporary waiver that allowed facilities to utilize this ratio during the COVID-19 public health emergency.

An opportunity for public comment was held on February 15, 2023 at 11:00 a.m. via Zoom. Written comments were due on or before February 22, 2023. No oral comments were received. Written comments were received from the following:

Davita, Inc. ("Davita") submitted a written comment supportive of the proposed amendment to the regulation. Davita stated that its 2,470 Georgia-based employees provide care to over 9,000 Georgia patients living with ESRD. When faced with staffing shortages, providers are often forced to reduce the availability of dialysis treatment times, thereby making it more difficult for ESRD patients to access and receive dialysis care. Davita stated that the proposed amendment will positively impact its ability to keep treatment shifts available in the face of unprecedented staffing challenges while continuing to provide safe and high-quality care.

Fresenius Medical Care ("FMC") submitted a written comment supportive of the proposed amendment to the regulation. FMC stated that its 1,600 Georgia-based employees

provide care to over 7,000 Georgia residents living with ESRD. FMC stated that it has been adversely impacted by the ongoing shortage of registered nurses. FMC has seen consolidation and closure of dialysis facilities throughout the country due to the healthcare staffing shortages. FMC stated that the proposed amendment will positively impact its ability to provide safe and high-quality care.

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

Shane Mobley MADE a MOTION to approve the Amendment to Facility Organization and Administration Requirements for End Stage Renal Disease Facilities 111-8-22. Robert Cowles SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #5).

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

This is an amendment to repeal the rules cited in Ga. Comp. R. & Regs. Chapter 111-2-3 in its entirety. 2022 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 was held on January 25, 2023 at 11:00 a.m. via Zoom. Written comments were due on or before February 1, 2023. No oral comments were received. One written comment was received but the contents of the comment were not materially related to the proposed rule or its purpose.

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

David Crews MADE a MOTION to approve the Repeal of Regulations for Patient's Right to Independent Review 111-2-3. Roger Folsom SECONDED the MOTION. ON THE MOTION, the yeas were 9, 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 #6).

**New Business/Closing Comments**

- Chairman Norman Boyd thanked the department for providing the Board documents in advance of the meeting.

Adjournment

There being no further business to be brought before the Board, Chairman Norman Boyd adjourned the meeting at 10:45 a.m.

THESE MINUTES ARE HEREBY APPROVED AND ADOPTED THIS THE 9<sup>th</sup> DAY OF March, 2023.

*Cynthia Rucker*

Cynthia Rucker  
Secretary

*N. Boyd*

Norman Boyd  
Chairman

Official Attachments:

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