GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

Brian P. Kemp, Governor **Caylee Noggle, Commissioner**

2 Martin Luther King Jr. Drive, SE, East Tower | Atlanta, GA 30334 | 404-656-4507 | www.dch.georgia.gov

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 revise its rules and regulations, specifically Ga. Comp. R. & Regs. r. 111-8-13-.05, Appeals of Ineligibility Determinations. This is an amendment to existing rule Ga. Comp. R. & Regs. r. 111-8-13-.05 regarding an applicant's or employee's right to appeal a determination of employment ineligibility by the Department. The Georgia Caregiver Registry enables employers who are family members or guardians of elderly persons in Georgia to obtain an employment eligibility determination for applicants or employees who are providing personal care services to the employer's family members or wards. The amendment updates and makes reference to the Department's new mailing address and makes reference to an online administrative form through which the applicant or employee may utilize to file an appeal. An exact copy of the revised rules and a synopsis of the revisions are attached to this public notice.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on May 10, 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 880 8740 3675 and the event password is "212761". 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/88087403675?pwd=YWhWNEVaV1QxV25jYWNQYnNhcjZvUT09

2. Click "Join Now"

To join by telephone: One tap mobile
+1 646 558 8656 US (New York)

+13052241968,,88087403675# US

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 (470) 259-0735 at least three (3) business days prior to the meeting.

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Individuals wishing to comment in writing on any of the proposed changes must do so on or before May 17, 2023, at 5:00pm. Due to reduced physical staffing at the 2 M.L.K., Jr. Drive, SE location 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:

Attention: Alycia Allgood
Office of General Counsel
Georgia Department of Community Health
2 M.L.K., Jr. Drive, SE, 18th Floor, East Tower
Atlanta, GA 30334

Comments from written and public testimony will be provided to the Board of Community Health prior to June 8, 2023. The Board will vote on the proposed changes on June 8, 2023.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF APRIL 2023

Caylee Noggle

Caylee Noggle, Commissioner

RULES OF
DEPARTMENT OF COMMUNITY HEALTH

CHAPTER 111-8
HEALTHCARE FACILITY REGULATION

SUBJECT 111-8-13
RULES AND REGULATION FOR THE GEORGIA CAREGIVER REGISTRY

SYNOPSIS OF PROPOSED RULES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to amend and update Rules and Regulations for the Georgia Caregiver Registry, Appeals of Ineligibility Determinations, Ga. Comp. Rules & Regs., r. 111-8-13-.05. This rule is being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. §§ 31-7-360 and 31-7-384.

MAIN FEATURE OF THE PROPOSED RULE: This is an amendment to existing rule Ga. Comp. R. & Regs. r. 111-8-13-.05 regarding an applicant's or employee's right to appeal a determination of employment ineligibility by the Department. The Georgia Caregiver Registry enables employers who are family members or guardians of elderly persons in Georgia to obtain an employment eligibility determination for applicants or employees who are providing personal care services to the employer's family members or wards. The amendment updates and makes reference to the Department's new mailing address and makes reference to an online administrative form through which the applicant or employee may utilize to file an appeal.

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111-8-13-.05 Appeals of Ineligibility Determinations

111-8-13-.05 Appeals of Ineligibility Determinations

(1) If an applicant or employee receives an ineligible determination notice by the Department and wishes to appeal the ineligible determination, the applicant or employee must appeal by requesting an appeal in writing within ten (10) days of receipt of the notice. The applicant or employee must submit their request in writing for the Department ~~at 2 Peachtree St., N.W., 5th Floor, Atlanta, Georgia 30303~~ via submission of the Request for Administrative Appeal form located at the Department's website at https://dch.georgia.gov/divisionsoffices/hfrd/facility-licensure/georgia-criminal-history-check-system-gchexs/request (or such other location as indicated on the Department's webpage) or via mail to the Georgia Department of Community Health, Office of Inspector General, 19th Floor, 2 M.L.K. Jr. Drive, SW, Atlanta, GA 30334, or such other mailing address listed for the Department's headquarters as set forth on its website located at www.dch.ga.gov.

(2) An applicant or employee who receives an ineligible determination or whose name appears on a registry check conducted pursuant to these rules shall be eligible to appeal such determination pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." In a hearing held pursuant to this paragraph, the hearing officer shall consider in mitigation the length of time since the crime was committed, the absence of additional criminal charges, the circumstances surrounding the commission of the crime, and other indicia or rehabilitation.

Authority: O.C.G.A. §§ 31-7-360, 31-7-384.