



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT on July 25, 2012, at 10:00 a.m., in the Board Room at the Department of Community Health, #2 Peachtree Street, 5th Floor, Atlanta, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes.

The chapter affected by the proposed changes of administrative rules & regulations is listed below:

(Amendment) Ga. Admin. Comp. Ch. 111-8-25, General Licensing and Enforcement Requirements (Healthcare Facility Regulation)

111-8-25-.03 General Licensing Requirements and Fee Schedules

All interested persons are hereby given the opportunity to participate by submitting data, views or arguments (orally or in writing). Oral comments may be limited to 10 minutes per person. If you need auxiliary aids or services because of a disability, please contact the Office of General Counsel at (404) 657-7195 at least (3) three business days prior to the hearing.

Written comments must be submitted to the Department no later than the close of business at 5:00 p.m. on July 26, 2012. Comments may be faxed to (404) 656-0663, emailed to pjohnson@dch.ga.gov or mailed to the address above, attention Office of General Counsel.

Unless revision of the proposed rule changes is indicated as a result of the public comments, it is the intent of the Department of Community Health to ask the Board of Community Health to approve the rule(s) as promulgated herein for final adoption on August 9, 2012.

This 22nd day of June, 2012.

David A. Cook
Commissioner

DAC:pmj

Attachments

**RULES OF
DEPARTMENT OF COMMUNITY HEALTH
HEALTHCARE FACILITY REGULATION**

AMEND CHAPTER 111-8-25

RULES AND REGULATIONS FOR

GENERAL LICENSING AND ENFORCEMENT REQUIREMENTS

SYNOPSIS OF PROPOSED RULE AMENDMENTS

STATEMENT OF PURPOSE: The Department of Community Health proposes to amend a certain paragraph of the Rules and Regulations for General Licensing and Enforcement Requirements, Chapter 111-8-25. The amendment is being proposed to allow licensure fee payments to be made by credit card or other forms of electronic payment.

In the formulation of this amendment to the rules, the Department has considered the economic costs associated with the regulation and the impact on small businesses in the state. To the extent possible, the proposed amendment to the rule does not impose excessive regulatory costs on the regulated entities.

MAIN FEATURES OF THE PROPOSED AMENDED RULE:

Rule 111-8-25-.03

Subparagraph (8) would be amended to authorize fee payments to be made by credit card or other forms of electronic payment at the option of the user with convenience charges disclosed and added to the licensing fee that is due. Additionally, the rule is amended to update the references to the Georgia Code. The new language that has been added to the rule is underscored. No other changes are proposed to be made to the existing rule at this time.

**RULES
OF
DEPARTMENT OF COMMUNITY HEALTH**

**CHAPTER 111-8
HEALTHCARE FACILITY REGULATION**

**111-8-25
General Licensing and Enforcement Requirements**

111-8-25-.03 General Licensing Requirements and Fee Schedules

- (1) No facility shall offer or provide services which are required to be licensed under rules enforced by the department without a current license issued by the department.
- (2) No license shall be issued by the department unless the facility is in compliance with applicable rules set forth in these rules, specific rules applicable to the particular facility type and all licensure activity fees due the department have been paid.
- (3) Fees will be assessed to facilities and applicants for licensure for the following licensure activities: processing applications for a new license or a change in ownership, initial license fees, annual licensure activity fees to maintain current license, follow-up visits to periodic inspections, training materials, returned check and mail processing charges and civil monetary penalties.
- (4) Application for License. An application for a license to provide regulated services shall be submitted on forms made available by the department in a format acceptable to the department. No application shall be acted upon by the department until the application is determined complete by the department with all required attachments and applicable fees submitted.
- (5) Where the department denies an initial license for non-payment of fees or any other reason, such action may be taken by the department prior to an administrative hearing on the denial being held. The applicant whose license has been denied may obtain an administrative hearing, subsequent to the decision to deny the license, as authorized under Georgia law.
- (6) Ongoing Licensure Activity Fees. All licenses issued by the department require payment of ongoing licensure activity fees as calculated by the department each state fiscal year, including the state fiscal year that these rules take effect. For annual licenses, such licensure activity fees will be due on the anniversary date of the issuance of the previous year's license. For continuing licenses, such ongoing licensing activity fees will be due October 31st of each state fiscal year. The annual fees shall include the base licensure activity fee and any additional fees incurred during the previous year. Such fees are due and payable to the

department within thirty (30) days of receipt of the licensure activity fee invoice. Fees will be calculated by the department in a manner so as to help defray the direct and indirect costs incurred by the department in providing such licensure activities for all programs, but in no event shall exceed such costs.

(7) Effective January 31, 2011, the department may revoke any license if the facility has failed to pay the annually recurring licensure activity fees within sixty (60) days of receipt of a written invoice from the department. The revocation action is subject to written notice of the proposed revocation and a right to receive an administrative hearing on the amount past due and owing prior to the revocation action becoming final.

(8) Schedule of Fees. Fees collected by the department are not refundable, except in extraordinary circumstances as determined by the department in its sole discretion. The decision of the department as to whether to refund a payment is final and may not be appealed. Payment of fees must be by check, or money order, credit card or other form of electronic payment accepted by the department. Using any form of electronic payment is optional, but may result in an additional convenience charge being added to the licensing fee that is due. Any convenience charge for which the user is responsible must be disclosed to the potential user before completion of the transaction. No cash payments are accepted by the Department. The following schedule of fees applies for the listed licensure activities:

Licensure Activity	Fee	Fee Frequency
Application Processing Fee, Change in Ownership, Change in Service Level (requiring on site visit), Name Change – Any Program	\$300	Upon submission
Initial Provisional or Regular License (Same as annual licensure activity fee for each program type)	Varies by program	Submitted with application processing fee
Involuntary Application Processing Fee subsequent to unlicensed complaint investigation	\$550	
Follow-up Visit to Periodic Inspection – Any Program	\$250	License renewal date
Licenses		
Adult Day Centers (rules to be developed)**	\$250 (social) \$350 (medical)	Annually
Ambulatory Surgical Treatment Centers**	\$750	Annually

Birthing Centers**	\$250	Annually
Clinical Laboratories**	\$500	Annually
Community Living Arrangements**	\$350	Annually
Drug Abuse Treatment Programs**	\$500	Annually
End Stage Renal Disease Centers**		Annually
1-12 stations	\$600	Annually
13-24 stations	\$1,000	Annually
25 or more	\$1,100	Annually
Stand Alone ESRD Facilities Offering Peritoneal Dialysis Only:	\$800	Annually
Eye Banks	\$250	Annually
HMOs (if subject to licensure)	\$2,000	Annually
Home Health Agencies**	\$1,000	Annually
Hospices**	\$1,000	Annually
Hospitals**		Annually
CAHS < 25 beds	\$250	Annually
25 <= 50 beds	\$750	Annually
> 50 beds	\$1,500	Annually
Imaging Centers (rules to be developed)**	\$3,000	Annually
Infirmaries	\$250	Annually
Intermediate Care Facilities/MR (private)**	\$250	Annually
Narcotic Treatment Programs**	\$1,500	Annually
Nursing Homes**		Annually
1 <= 99	\$500	Annually
> 99	\$750	Annually
Personal Care Homes**		Annually
< 25 beds	\$350	Annually
25 <= 50 beds	\$750	Annually
> 50 beds	\$1,500	Annually
Private Home Care Providers**		Annually
Companion Sitter or Personal Care	\$200 < 50 FTEs *** \$400 > 49 FTEs	Annually
Nursing Services Only	\$500 < 50 FTEs \$750 > 49 FTEs	Annually
Nursing Services and Personal Care and/or Companion Sitter	\$750 < 50 FTEs	Annually

	\$1,000 > 49 FTEs	
Traumatic Brain Injury Facilities	\$250	Annually
X-Ray Facilities (per machine)	\$300	Annually
Miscellaneous Fees:		
Civil monetary penalties as finally determined		Case-by-case basis
Late Fee: 60 days past due	\$150	Per instance
Lists of Facilities by license type (electronic only)	\$25	Per request
Replacement of Lost Permit	\$50	Per request
Returned check charge – as assessed by bank	< \$50	Per instance
Special handling charges when required (special courier/ mailing costs)	Cost	Per instance
Training materials – cost to reproduce for participant	\$.25 per page, \$5 per disk	Per participant
<p>**Eligible for a 25% discount if currently accredited by a nationally recognized accreditation organization approved by the department as having standards comparable to specific state licensure requirements, and complete copy of current decision is submitted to the department at the time of renewal or is already on file with the department.</p> <p>***FTEs Full-time equivalent (40 hours/week) employees/contract workers rules, so a provider with less than 50 FTEs could utilize up to 99 half-time (20 hours/week) employees/contract workers.</p>		

| Authority; O.C.G.A. §§ 31-2-4, 31-2-97, 31-2-44-8 and 31-7-2.2.