

SYNOPSIS

Rule 111-2-2 Health Planning Certificate of Need

Rule 111-2-2-.04 Periodic Reports

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment in totality is to modify existing regulations in light of changes in the Certificate of Need statute, O.C.G.A. § 31-6 et seq., due to the passage of Senate Bill (SB) 433 in the 2008 Georgia General Assembly. SB 433 necessitates extensive revision to the existing administrative rules for certificate of need. The revisions are outlined in detail below.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Various grammatical and punctuation errors and omissions were corrected throughout the existing version of the regulations.

Rule 111-2-2-.04 Periodic Reports.

This section is renumbered to reflect additional provisions.

Rule 111-2-2-.04(1)(a) is revised to include applicability of reporting requirements to all ambulatory surgical centers and imaging centers, whether or not exempt from obtaining a Certificate of Need.

Rule 111-2-2-.04(1)(b) is new language setting forth the notice and reporting requirements for existing, operational, and exempt ambulatory surgical centers, any diagnostic, treatment, or rehabilitation center offering imaging or other imaging services or any facility operating pursuant to a letter of nonreviewability and offering diagnostic imaging services, all prior to July 1, 2008.

Rule 111-2-2-.04(1)(c) is new language requiring the Department to publish notice giving a date when the information required by subsection (b) of this Rule shall be due and authorizing the Department to fine non reporting health care facilities or health care facilities who have submitted timely but incomplete reports but only after notice to the health care facility regarding the deficiencies.

Rule 111-2-2-.04(1)(h) is new language authorizing the Department authority to revoke the certificate of need from a health care facility if the Department does not receive the required annual report within 180 days following the date such report was due or

receives a timely but incomplete report which is not sufficiently completed within such 180 days.

111-2-2-.04 Periodic Reports.

The availability of accurate, current data is critical for adequate health planning and for the review process. Therefore, all inpatient and outpatient health care facilities and services subject to Certificate of Need review will be required to provide complete and accurate data, in a timely manner, as required by the Department. Pursuant to O.C.G.A. § 31-6-70(a), this reporting requirement shall also apply, beginning July 1, 2008, to all ambulatory surgical centers and imaging centers, whether or not exempt from obtaining a certificate of need under O.C.G.A. § 31-6 et. seq. and these Rules.

(1) Annual and Special Questionnaires.

(a) All CON-regulated facilities and services, as well as all ambulatory surgical centers and imaging centers, whether or not exempt from obtaining a certificate of need under these Rules, shall complete and submit certain surveys annually and periodically to the Department, as deemed necessary by the Department.

(b) Any facility offering ambulatory surgery pursuant to the exclusion designated on June 30, 2008, as division (14)(G)(iii) of O.C.G.A. § 31-6-2; any diagnostic, treatment, or rehabilitation center offering diagnostic imaging or other imaging services in operation and exempt prior to July 1, 2008; or any facility operating pursuant to a letter of nonreviewability and offering diagnostic imaging services prior to July 1, 2008, shall:

1. Provide notice to the Department of the name, ownership, location, single specialty, and services provided in the exempt facility; and

2. Beginning on January 1, 2009, provide annual reports in the same manner and in accordance with the provisions of this Rule.

(c) The Department shall publish a notice giving a date when the information responsive to subsection (b)(1) of this Rule by December 30, 2008, or the Department does not receive the annual report referenced in subsection (a), and subsection (b)(2), of this Rule from a health care facility requiring a certificate of need or an ambulatory surgical center or imaging center, whether or not exempt from obtaining a certificate of need under these Rules, on or before the date such report is due or receives a timely but incomplete report, the Department shall notify the health care facility or center regarding the deficiencies and shall be authorized to fine such health care facility or center an amount not to exceed \$500.00 per day for every day up to 30 days and \$1,000.00 per day for every day over 30 days for every day the Department has not received a report or an incomplete report has not been sufficiently corrected based on the Department's notice of deficiencies.

(bd) Survey notices will be mailed or electronically transmitted by the Department to each such facility. The accurately and fully completed survey, covering the report period indicated, shall be filed with the Department within the time frame specific in the notice. The Survey shall be filed with the Department in the electronic format designated by the Department in the Survey Notice or on the Department's website. The survey shall include an electronic signature as authorized by law, of the chief executive officer or principal administrator of the facility, who shall attest to the accuracy and completeness of the information provided.

(ee) Reporting requirements shall also apply to new health facilities and services approved through Certificate of Need review. Generally, new facilities and services will be required to report if approved for operation or occupancy for 60 days or more of the report period.

(ef) Surveys submitted to the Department pursuant to these Rules and any service-specific Rules shall not be available for public review until after the deadline for submission for all surveys of that type;

(eg) Required surveys submitted for a given period of time may not be revised by the facility or service after the survey filing deadline unless the request for revision is approved by the Department at its sole discretion.

(h) If the Department does not receive an annual report from a health care facility within 180 days following the date such report was due or receives a timely but incomplete report which is not sufficiently completed within such 180 days, the Department shall be authorized to revoke the certificate of need of the health care facility in accordance with O.C.G.A. § 31-6-45 and Rule 111-2-2-.05.

(2) Post-Approval Reporting.

(a) All entities receiving a Certificate of Need shall maintain a valid and accurate mailing address with the Department. Any notification, notice, or letter required by these Rules is deemed to be received by the certificate holder when the Department mails such notification, notice, or letter to the mailing address on file with the Department.

(b) Persons holding Certificates for construction projects shall, within 12 months of the effective date of the Certificate, i.e. at the end of the implementation period, provide a progress report to the Department including documentation of the following:

1. that the construction plans have been approved by the Department;
2. that a construction contract has been signed, specifically indicating beginning and completion dates;
3. that construction materials and equipment are on the site and construction of the project has actually begun.

(c) The Department shall monitor the certificate of need holder's progress in completing the project and phases thereof, as applicable, within the effective period as specified at 111-2-2-.02(5). Each Certificate of Need issued requires a regular reporting of the different stages of development to completion. All projects approved as presented with phases shall submit a progress report within 45 days of the completion of each phase. All Certificate of Need projects must satisfy the pertinent reporting requirements or the Certificate shall be subject to revocation. These reports shall include information as to the total dollar amount of capital expenditures that have been obligated under the certificate, and any changes in amounts of proposed or previously obligated capital expenditures or changes to the timing of phases, if approved by the Department in advance. These reports will be made on a form provided by the Department on its website and will be due on the date or dates indicated by the Department on attachments to the Certificate of Need and in subsequent correspondence.

(d) The Department may also request additional reports as often as necessary in order to determine:

1. if the timetable specified in the certificate is being met;
2. if the scope of the project is being completed as described on the certificate and in the application for the certificate of need;
3. if the amount of the capital expenditure or expenditures obligated under the certificate has exceeded or can be expected to exceed the maximum under the certificate; and
4. if the condition(s) of approval, if any, have been satisfactorily met.

Authority O.C.G.A. §§ 31-5A et seq. and 31-6 et seq.