

**RULES
OF
DEPARTMENT OF COMMUNITY HEALTH**

**CHAPTER 111-2
HEALTH PLANNING**

**111-2-1
ADMINISTRATION**

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111-2-1-.01 Definitions.

- (1) "Board" means the Board of Community Health, the body created under O.C.G.A. § 31-5A-3, appointed by the Governor, that establishes the general policy to be followed by the Department of Community Health.
- (2) "Certificate of Need Appeal Panel" or 'appeal panel' means the panel of independent hearing officers created pursuant to O.C.G.A. § 31-6-44 to conduct appeal hearings.
- (3) "Commissioner" means the commissioner of community health established under O.C.G.A. § 31-5A-6.
- (4) "Department" means the Department of Community Health established under O.C.G.A. § 31-5A-4.
- (5) "Health Strategies Council" or "Council" means the body created by this chapter to advise the Department of Community Health.

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

111-2-1-.02 Health Planning Functions of the Department.

(1) The Department is authorized to administer the health planning and certificate of need programs established under O.C.G.A. Title 6 and a state health plan approved by the Board. The Department shall provide by rule for procedures to administer its functions. As appropriate, the Commissioner may delegate the authority to administer any function or duty prescribed by law or these Rules to one or more authorized designees in the Division of Health Planning and the Office of General Counsel.

(2) The functions of the Department shall be:

(a) to conduct the health planning activities of the State and, within appropriations made available by the General Assembly and consistent with the laws of the State of Georgia, to implement such parts of the State Health Plan as may relate to State government;

(b) to prepare and revise a draft State Health Plan for submission to the Board of Community Health for approval;

(c) to assist the Health Strategies Council in its functions;

(d) to adopt, promulgate, and implement rules and procedures necessary to carry out the provisions of O.C.G.A. § 31-6 in accordance with O.C.G.A. § 50-13, the "Georgia Administrative Procedure Act."

(e) to define the form, content, schedules, fees, and procedures for submission of applications for Certificates of Need and periodic reports;

(f) to establish time periods and procedures consistent with O.C.G.A. § 31-6 to hold hearings and to obtain the viewpoints of interested persons prior to issuance or denial of a Certificate of Need;

(g) to provide for such payment as may be necessary to share the costs of preparing the record for Certificate of Need appeals before the Certificate of Need Appeal Panel;

(h) to provide for a reasonable and equitable fee schedule for Certificate of Need applications; and

(i) to grant, deny, suspend, rescind, cancel, or revoke a Certificate of Need as applied for or as amended.

(j) to impose civil penalties as permitted or required by law for violation of these Rules and O.C.G.A. § 31-6.

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

**CERTIFICATION OF ADMINISTRATIVE
RULE**

**FILED WITH THE SECRETARY OF STATE
KAREN HANDEL**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4, and 50-13-6)

I do hereby certify that the attached amended Chapter is a true and correct copy as signed, promulgated, and adopted on the 11th day of September, 2008.

DEPARTMENT OF COMMUNITY HEALTH

FILING DATE: _____

Rules 111-2-1-.01 and 111-2-1-.02 are hereby amended and read as attached hereto.

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

This _____ day of September, 2008.

COMMISSIONER, DEPARTMENT OF COMMUNITY HEALTH

Sworn to and subscribed before me this _____ day of September, 2008.

Notary Public

Commission Expires