

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.19

Record of Proceedings

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of the proposed amendments 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 revision to the existing administrative rules for administrative appeals of certificate of need decisions. SB 433 abolished the previous Health Planning Review Board and created the Certificate of Need (CON) Appeal Panel. O.C.G.A. 31-6-44 and 31-6-44.1. The revisions are outlined in detail below.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Section 274-1-.19 is a new section reflecting amendments to the provisions governing the record of proceedings before the CON Appeal Panel.

274-1-.19 Record of Proceedings.

The record of proceedings shall be maintained at the Office of General Counsel, Division of Health Planning, Department of Community Health, 2 Peachtree Street, N.W., 5th Floor, Atlanta, Georgia 30303, and copies of such records as well as copies of all documents received in evidence shall be available to the public for inspection and copying. All parties to an initial administrative hearing shall share equally in the costs of preparing the record for both the initial administrative hearing and any subsequent Board meetings Commissioner review involving the case, including the cost of any transcript. An initial party to a contested case before the Board Appeal Panel who withdraws as a party, prior to the administrative hearing before the hearing officer but after the Master File(s) of the project(s) at issued have been delivered for copying prepared by the Department, shall share in the pro-rata costs of such copying preparation.

Authority: O.C.G.A. § 31-6-44.