

## **SYNOPSIS**

### ***Administrative Rules for Certificate of Need Appeal Panel***

#### ***Rule 274-1-.16***

#### ***Conduct of Board Meeting***

### **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Section 274-1-.16 is repealed due to the abolishment of the Health Planning Review Board by SB 433.

**274-1-.16 Conduct of Board Meeting. Repealed.**

~~((1) Except as otherwise specifically provided in these Rules or by law, no official business shall be considered by the Board at any meeting at which a quorum, as defined in these Rules, is not present, and the only motion which the Chairperson or Vice Chairperson shall entertain is a motion to adjourn. Such adjournment may be for a time and date certain or until the time fixed for the next regular meeting of the Board.~~

~~(2) As provided by these Rules, the Chairperson or Vice Chairperson shall preside at all meetings of the Board and shall assume all authority and responsibility normally associated with those positions.~~

~~(3) Parliamentary procedure for the conduct of the business of the Board shall be in accordance with the most recent edition of Robert's Rules of Order.~~

~~(4) Each member of the Board shall have one vote. Each act or decision made by a simple majority of the members present and voting at a meeting duly held at which a quorum is present is the act of the Board unless these Rules require a greater number. The use of proxies or alternates is prohibited.~~

~~(5) Every member of the Board shall, in all cases, reserve their opinion and in no way prejudge any matter pending before the Board until the facts and evidence are all submitted and the Board considers the same in its regularly scheduled meeting.~~

~~(6) If a party filed a specific objection concerning any finding of fact or conclusion of law rendered by the hearing officer, the burden of proof shall be on such party as to such specific objection.~~

~~(7) Each party may present as much as, but no more than, twenty-five (25) minutes of oral argument to the Board concerning a case which the Board is about to consider if that particular party participated in the initial administrative appeal hearing and that party also notified the Board of its intent to present oral argument. Each party may reserve up to, but no more than, five (5) minutes of its time for oral argument for rebuttal. A party who wishes to reserve time for rebuttal must make such desire known~~

~~to the Board prior to beginning its oral argument. However, the oral presentation of new evidence is strictly prohibited and no party shall address an objection in their oral argument if such objection was not otherwise addressed in their written objections to the Board. Parties may not divide or share their allotted time.~~

~~(8) The oral arguments by the parties shall be recorded and transcribed, and the cost for preparing this record shall be shared equally by the parties.~~

~~Authority O.C.G.A. Secs. 31-5A, 31-6, 31-6-44.~~