

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.07

Time of Initial Administrative Appeal Hearing

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

This rule is amended to reflect new provisions governing the timing of an initial administrative appeal hearing before the CON Appeal Panel.

274-1-~~06~~ .07 Time of Initial Administrative Appeal Hearing.

(1) The hearing shall be ~~commenced~~ scheduled not less than sixty (60) days nor more than within one hundred and twenty (120) days of after the filing of the request for a hearing, unless the Applicant consents, or in the case of competing Applicants, all applicants consent to an extension of this time period to a specified date. Unless the Applicant consents, or in the case of competing Applicants, all Applicants consent to an extension of said one hundred and twenty (120) day period, any hearing officer who regularly fails to commence a hearing within the required time period shall not be eligible for continued service as a hearing officer for the purposes of these Rules.

(2) The hearing officer shall be entitled to consider all pre-hearing motions and arguments and may have the authority to dispose of the case all motions made by any party before conducting a the issuance of the hearing. ~~officer's decision and t~~ The hearing officer shall have the authority to and shall make such rulings as may be required for the conduct of the hearing.

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