

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.05

Assignment of Hearings; Review of Initial Administrative Appeal and Intervention Requests

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 review of initial administrative appeal and intervention requests to the CON Appeal Panel.

274-1.0405 Assignment of Hearings; Review of Initial Administrative Appeal and Intervention Requests.

(1) In the event ~~an appeal is requested, that a request for an initial administrative hearing is made,~~ the Chairperson of the Board Appeal Panel shall appoint a hearing officer for each such hearing within ~~50~~ thirty (30) days after the date ~~of the Department's decision~~ appeal is received. The Chairperson shall immediately deliver the appeal request and any other related documentations to the assigned hearing officer.

(2) The hearing officer shall review the request to determine whether it was timely filed and whether Appellant has standing. If the request is timely and the Appellant has standing, an initial administrative appeal hearing shall be granted; provided, however; the hearing officer shall be entitled to consider all pre-hearing motions and arguments and may dispose of the case before conducting a hearing. The hearing officer shall have the authority to and shall make such rulings as may be required for the conduct of the hearing. If the request is not timely or the Appellant lacks standing, the hearing officer shall deny the request.

Authority: O.C.G.A. § 31-6-44.