

SYNOPSIS

Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.18

Prohibition Against Ex-Parte Contact

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-.18 is a new section reflecting amendments to the provisions governing the prohibition against ex-parte contact with members of the CON Appeal Panel or the Commissioner of his or her designee during the CON administrative appeal process.

274-1-.18 Prohibition Against Ex Parte Contact.

After the issuance of a decision by the Department pursuant to O.C.G.A. § [31-6-43](#), no party to an appeal hearing, nor any person on behalf of such party, shall make any ex- parte contact with the hearing officer appointed to conduct the appeal hearing or ~~any member of the Board~~ [the Commissioner, or his or her designee](#), in regard to a project under appeal. This prohibition shall not be considered to prohibit Department staff from rendering technical and administrative assistance to the ~~Board~~ [Appeal Panel or the Commissioner](#), if requested to do so.

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