

## **SYNOPSIS**

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

#### ***Rule 274-1-.02***

#### ***Definitions***

### **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 amended and new definitions for the creation of the CON Appeal Panel.

## 274-1-.02 Definitions.

(1) "Appeal Panel" means the panel of attorneys appointed by the Governor to review the Department's initial decision to grant or deny a certificate of need application.

~~(42)~~ "Appellant" means the person who files an appeal with the Board Appeal Panel.

~~(23)~~ "Applicant" means the person who files an application for review of a project with the Department.

~~(3) "Board" means the Health Planning Review Board created by O.C.G.A. § 31-6-44.~~

(4) "Chairperson" means the Chairperson of the Board Appeal Panel appointed by the Governor or the Vice Chairperson acting as Chairperson at the direction of either the appointed Chairperson or the Governor.

(5) "Commissioner" means the commissioner of the Department of Community Health as provided for in O.C.G.A. § 31-5A-6.

~~(56)~~ "Department" means the Department of Community Health established under O.C.G.A. § 31-5A-4.

~~(67)~~ "Hearing Officer" means the attorney from the list approved by the Board Appeal Panel to whom a case has been assigned by the Chairperson.

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