

Senate Bill 622

By: Senators Tarver of the 22nd and Whitehead, Sr. of the 24th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 15 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to hospital acquisition, so as to change certain provisions relating to notice of
3 acquisition to the Attorney General; to change certain provisions relating to content and form
4 of notice to the Attorney General, fees, and retention of experts; to provide an effective date;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 15 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
9 hospital acquisition, is amended by striking Code Section 31-7-401, relating to notice of
10 acquisition to the Attorney General, and inserting in lieu thereof the following:

11 "31-7-401.

12 (a) No acquiring entity shall engage in an acquisition without first notifying the Attorney
13 General pursuant to this article. No nonprofit corporation which owns, controls, or
14 operates, directly or indirectly, a hospital having a permit under this chapter shall engage
15 in a disposition without first notifying the Attorney General pursuant to this article. The
16 parties to the transaction shall provide the Attorney General with at least 90 days' notice
17 of the proposed transaction prior to its consummation, except as otherwise provided by
18 subsection (b) of this Code section.

19 (b) If an acquiring entity has withdrawn from the acquisition of a hospital after the
20 Attorney General has scheduled a public hearing pursuant to Code Section 31-7-405 with
21 respect to such acquisition, the parties to any subsequent transaction shall provide the
22 Attorney General with at least 30 days' notice of the proposed transaction prior to its
23 consummation; provided, however, that this subsection shall apply only if the notice of the
24 subsequent transaction is given within one year after the date of the canceled hearing."

1 14 days prior to the holding of the public hearing required by Code Section 31-7-406 and
 2 shall be available for public inspection at the hospital being acquired not later than 14
 3 days prior to the holding of such public hearing.

4 The notice to the Attorney General required by this article and all documents related
 5 thereto shall be considered public records pursuant to Code Section 50-18-70.

6 ~~(c) Notice to the Attorney General shall be accompanied by the payment by either the~~
 7 ~~seller or lessor, or by the acquiring entity, of a fee in the amount of \$50,000.00.~~

8 ~~(d) The Attorney General shall be authorized to retain financial, economic, health~~
 9 ~~planning, or other experts or consultants to assist in addressing each of the criteria set forth~~
 10 ~~in Code Section 31-7-406. The Attorney General shall be authorized to retain financial,~~
 11 ~~economic, health planning, or other experts or consultants to assist in addressing each of~~
 12 ~~the criteria set forth in Code Section 31-7-406. Within 30 days after notice from the~~
 13 ~~Attorney General, the cost and expense incurred in connection with the retention of such~~
 14 ~~experts or consultants shall be paid directly to each of such experts and consultants by the~~
 15 ~~parties to the proposed transaction in such proportionate amounts as the parties to the~~
 16 ~~proposed transaction may agree or otherwise as determined by the Attorney General;~~
 17 ~~provided, however, that the parties to the proposed transaction shall not be required to pay~~
 18 ~~any portion of such cost and expense that exceeds a total amount of \$60,000.00."~~

19 **SECTION 3.**

20 This Act shall become effective upon its approval by the Governor or upon its becoming law
 21 without such approval.

22 **SECTION 4.**

23 All laws and parts of laws in conflict with this Act are repealed.