

Senate Bill 490

By: Senators Carter of the 13th, Balfour of the 9th, Goggans of the 7th, Johnson of the 1st and Chance of the 16th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state  
2 health planning and development, so as to provide that skilled nursing facilities, intermediate  
3 care facilities, and intermingled nursing facilities may be allowed to divide under certain  
4 conditions; to provide considerations for skilled nursing facilities, intermediate care facilities,  
5 and intermingled nursing facilities to relocate; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state health  
10 planning and development, is amended by revising subsection (a) of Code Section 31-6-41,  
11 relating to the scope and term of validity of a certificate of need, as follows:

12 "(a) A certificate of need shall be valid only for the defined scope, location, cost, service  
13 area, and person named in an application, as it may be amended, and as such scope,  
14 location, service area, cost, and person are approved by the department, unless such  
15 certificate of need owned by an existing health care facility is transferred to a person who  
16 acquires such existing facility. In such case, the certificate of need shall be valid for the  
17 person who acquires such a facility and for the scope, location, cost, and service area  
18 approved by the department. However, in reviewing an application to relocate all or a  
19 portion of an existing skilled nursing facility, intermediate care facility, or intermingled  
20 nursing facility, the department may allow such facility to divide into two or more such  
21 facilities if the department determines that the proposed division is financially feasible and  
22 would be consistent with quality patient care."

23 **SECTION 2.**

24 Said chapter is further amended in Code Section 31-6-42, relating to qualification for issue  
25 of certificate of need, by adding a new subsection to read as follows:

1 "(b.1) In the case of an application for a replacement skilled nursing facility, intermediate  
2 care facility, or intermingled nursing facility at an alternate location or locations from its  
3 existing location, the department shall review the application solely under the general  
4 considerations set forth in the department's rules as promulgated pursuant to subsection (a)  
5 of this Code section and shall not be subject to any service specific considerations  
6 established by the department if the following conditions are met:

7 (1) Such facility has received prior certificate of need review and approval or has been  
8 deemed under previous provisions of this chapter to be exempt from certificate of need  
9 review;

10 (2) The alternate location of the replacement facility is within the same county as the  
11 applicant facility; and

12 (3) The replacement facility does not otherwise qualify as an expanded service within  
13 the specific review considerations for skilled nursing facilities and intermediate care  
14 facilities."

15 **SECTION 3.**

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