

House Bill 517

By: Representative Taylor of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to provide for the registration
3 of diagnostic imaging equipment; to provide for definitions; to provide for applications; to
4 provide for registration requirements; to provide for rules and regulations; to provide for
5 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
9 regulation of hospitals and related institutions, is amended by adding a new Code section to
10 read as follows:

11 "31-7-22.

12 (a) As used in this Code section, the term:

13 (1) 'Department' means the Department of Community Health.

14 (2) 'Diagnostic imaging equipment' means equipment used to perform magnetic
15 resonance imaging or computed tomography (CT) scanning.

16 (3) 'Registration' means registration with the department pursuant to this Code section
17 for diagnostic imaging equipment.

18 (b) On and after July 1, 2017, no diagnostic imaging equipment shall be used or operated
19 in this state unless such equipment is registered with the department in accordance with this
20 Code section. The department is authorized to provide by rule or regulation for the
21 registration and periodic renewal of registration of diagnostic imaging equipment. Each
22 application for registration shall be in writing on forms prescribed and furnished by the
23 department and shall state such information and be accompanied by such documents, as the
24 department may determine to be reasonable and necessary, to protect the public health and
25 safety. Each application shall be accompanied by a nonrefundable fee prescribed by the
26 department. Such fee shall be determined in a manner so as to help defray the costs

27 incurred by the department, but in no event to exceed such costs, both direct and indirect,
28 in providing such registration activities. The department may require any applications or
29 statements to be made under oath or affirmation. No registration issued under the authority
30 of this Code section and no right to use or operate diagnostic imaging equipment granted
31 by any registration shall be assigned or in any manner disposed of without prior
32 notification to the department.

33 (c) No diagnostic imaging equipment shall be registered by the department unless the
34 following requirements, in addition to any requirements established by the department
35 pursuant to subsection (b) of this Code section, are met:

36 (1) If purchased or leased on or after July 1, 2017, such diagnostic imaging equipment
37 shall not be greater than five years old;

38 (2) The diagnostic imaging equipment shall have the most recent version of the original
39 equipment manufacturer's software, as evidenced by a signed and notarized statement
40 from the original equipment manufacturer;

41 (3) The diagnostic imaging equipment shall be accredited by an accrediting entity
42 approved by the department for such purposes;

43 (4) The diagnostic imaging equipment is approved by or meets all requirements of the
44 federal Centers for Medicare and Medicaid Services for purposes of medicare
45 reimbursement;

46 (5) If computed tomography (CT) scanning equipment, the equipment shall have the
47 original equipment manufacturer's most recent radiation dose management software, as
48 evidenced by a signed and notarized statement from the seller;

49 (6) If computed tomography (CT) scanning equipment, the equipment shall have a
50 radiation survey conducted by a licensed professional approved by the department;

51 (7) The diagnostic imaging equipment shall be covered by a continuous maintenance
52 service agreement;

53 (8) The diagnostic imaging equipment shall have complete stamped architectural
54 drawings for the installation of the equipment; and

55 (9) A certificate of occupancy from the governing authority of the county or municipality
56 in which the equipment will be installed shall be obtained prior to installation.

57 (d) The department may refuse to register diagnostic imaging equipment as provided for
58 in subsection (b) of this Code section to any applicant who does not possess the applicable
59 requirements or qualifications which the department may prescribe in rules and regulations.
60 The department may suspend, revoke, or amend any registration in the event the person to
61 whom such registration was granted violates any of the rules and regulations of the
62 department or ceases or fails to have the reasonable facilities prescribed by the department.
63 Any applicant or person to whom a registration was granted who is aggrieved by any order

64 of the department or the duly authorized agent of such department denying any such
 65 application or suspending, revoking, or amending such registration may file a hearing
 66 request to contest such action pursuant to Chapter 13 of Title 50, the 'Georgia
 67 Administrative Procedure Act.'

68 (e) It shall be unlawful for any person to use or operate any diagnostic imaging equipment
 69 in this state unless registered with the department in accordance with this Code section and
 70 rules and regulations adopted and promulgated pursuant to this Code section.

71 (f)(1) Any person who:

72 (A) Violates any registration provision of this Code section or any rule, regulation, or
 73 order issued under this Code section or any term, condition, or limitation of any
 74 registration under this Code section; or

75 (B) Commits any violation for which a registration may be revoked under rules or
 76 regulations issued pursuant to this Code section

77 may be subject to a civil penalty, to be imposed by the department not to
 78 exceed \$10,000.00. If any violation is a continuing one, each day of such violation shall
 79 constitute a separate violation for the purpose of computing the applicable civil penalty.

80 (2) Whenever the department proposes to subject a person to the imposition of a civil
 81 penalty under this subsection, it shall notify such person in writing:

82 (A) Setting forth the date, facts, and nature of each act or omission with which the
 83 person is charged;

84 (B) Specifically identifying the particular provision or provisions of this Code section
 85 or rule, regulation, order, or registration involved in the violation; and

86 (C) Advising of each penalty which the department proposes to impose and its amount.

87 Such written notice shall be sent by registered or certified mail or statutory overnight
 88 delivery by the department to the last known address of such person. The person so
 89 notified shall be granted an opportunity to show in writing, within such reasonable period
 90 as the department shall by rule or regulation prescribe, why such penalty should not be
 91 imposed. The notice shall also advise such person that, upon failure to pay the civil
 92 penalty, if any, subsequently determined by the department, the penalty may be collected
 93 by civil action. Any person upon whom a civil penalty is imposed may contest such
 94 action in an administrative hearing pursuant to Chapter 13 of Title 50, the 'Georgia
 95 Administrative Procedure Act.'

96 (3) On the request of the department, the Attorney General is authorized to institute a
 97 civil action to collect a penalty imposed pursuant to this subsection. The Attorney
 98 General shall have the exclusive power to compromise, mitigate, or remit such civil
 99 penalties as are referred to him or her for collection.

100 (4) All moneys collected from civil penalties pursuant to this subsection shall be paid to
101 the state for deposit in the general fund."

102 **SECTION 2.**

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