

Senate Bill 491

By: Senators Brass of the 28th, Watson of the 1st, Albers of the 56th and Cowser of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for certain definitions relative to state health planning and development; to provide
3 for exemptions; to permit payment of funds into the Indigent Care Trust Fund to support
4 certain rural hospitals; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
9 Section 31-6-2, relating to definitions, by adding two new paragraphs to read as follows:

10 "(16.1) 'Freestanding emergency department' means an emergency department that is
11 structurally separate and distinct from a hospital."

12 "(32.1) 'Rural restriction area' means a rural county that is served by a single hospital
13 with no more than 100 inpatient beds."

14 **SECTION 2.**

15 Said title is further amended in subsection (a) of Code Section 31-6-47, relating to
16 exemptions from chapter, by deleting "and" at the end of paragraph (25), by substituting a
17 semicolon for the period at the end of division (26)(B)(iii), and by adding two new
18 paragraphs to read as follows:

19 "(27) Any of the following facilities that are not located in a rural restriction area that
20 commits in writing to the department that it shall pay 2 percent of its net revenue per
21 fiscal year to the department for the Indigent Care Trust Fund, to be used in accordance
22 with paragraph (4) of Code Section 31-8-154, and provide uncompensated indigent and
23 charity care in an amount equal to or greater than 3 percent of its adjusted gross revenue
24 to indigent and charity patients:

25 (A) An ambulatory surgical center owned by a Georgia based, multispecialty physician
 26 group, provided that no such multispecialty physician group owns more than two such
 27 single specialty ambulatory surgical centers;

28 (B) Any expansion of a hospital up to an additional 100 inpatient beds, whether by the
 29 hospital itself or by a joint venture partner;

30 (C) The conversion of a destination cancer hospital granted a certificate of need prior
 31 to July 1, 2018, to a hospital and, upon such conversion, such hospital shall be
 32 permitted to provide all institutional health care services and facilities as such services
 33 and facilities were provided on July 1, 2018, including but not limited to its inpatient
 34 beds, imaging, operating rooms, radiation therapy, and positron emission tomography
 35 (PET) scanning, without any further action by the department or the hospital and
 36 thereafter the department shall deem such hospital a hospital and such hospital shall not
 37 be subject to any limitations imposed upon a destination hospital, including but not
 38 limited to a limit of 50 beds and a 65 percent out-of-state base with all such services;

39 (D) Freestanding emergency departments;

40 (E) An ambulatory surgical center built and operated in connection with an integrated
 41 athletic training and educational facility for youth, amateur, and professional athletes;
 42 medical research activities; and physician training and education for sports medicine;
 43 or

44 (F) A hospital that exclusively provides inpatient psychiatric or mental health services.

45 Noncompliance with any condition of this Code section shall result in a monetary penalty
 46 in the amount of the difference between the services which the facility is required to
 47 provide and the amount actually provided and may be subject to revocation of such
 48 facility's exemption status by the department for repeated failure to pay any fines or
 49 moneys due to the department or for repeated failure to produce data as required by Code
 50 Section 31-6-70 after notice to the exemption holder and a fair hearing pursuant to
 51 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

52 (28) Any project that requires a certificate of need only because of the capital
 53 expenditure; and

54 (29) Any hospital that adds the following services:

55 (A) Adult cardiac catheterization;

56 (B) Adult open heart surgery;

57 (C) Perinatal services; or

58 (D) Psychiatric and substance abuse inpatient programs.

59 **SECTION 3.**

60 Said title is further amended in Code Section 31-8-154, relating to authorized expenditure
 61 of contributed funds, by revising paragraphs (3) and (4) and by adding a new paragraph to
 62 read as follows:

63 "(3) For primary health care programs for medically indigent citizens and children of this
 64 state; or

65 (4) To use an amount equal to the funds contributed by a facility pursuant to
 66 paragraph (27) of Code Section 31-6-47 for a program designed by the department for
 67 support of those rural hospital organizations as defined in Code Section 48-7-29.20, based
 68 on the percentage of inpatient beds each entity has in relation to the total number of
 69 inpatient beds of all such licensed entities; or

70 ~~(4)~~(5) Any combination of purposes specified in paragraphs (1) through ~~(3)~~ (4) of this
 71 Code section."

72 **SECTION 4.**

73 Said title is further amended in Code Section 31-8-156, relating to appropriation of state
 74 funds by General Assembly, by revising subsection (b) as follows:

75 "(b) An appropriation pursuant to subsection (a) of this Code section shall specify each
 76 purpose, if any, as specified in paragraphs (1) through ~~(4)~~ (5) of Code Section 31-8-154,
 77 for which the trust funds are appropriated thereby."

78 **SECTION 5.**

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