

Senate Bill 424

By: Senator Beach of the 21st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 6 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to the certificate of need program, so as to require general cancer hospitals to provide  
3 at least 3 percent uncompensated indigent or charity care; to require the publishing of a  
4 detailed accounting of all unpaid fines and other amounts owed by a general cancer hospital;  
5 to require that any fines and other penalties in arrears are paid prior to approval of any new  
6 inpatient beds; to provide that any new inpatient beds of a general cancer hospital be located  
7 in rural counties with no hospitals; to provide for a short title; to provide for related matters;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 This Act shall be known and may be cited as the "Accessible Health Care for Rural Georgia  
12 Act."

13 style="text-align:center">**SECTION 2.**

14 Article 3 of Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to the  
15 certificate of need program, is amended in Code Section 31-6-40.1, relating to acquisition  
16 of health care facilities, penalty for failure to notify department, limitation on applications,  
17 agreement to care for indigent patients, requirements for destination cancer hospitals, and  
18 notice and hearing provisions for penalties authorized, by revising subsection (c) as follows:

19 "(c) The department may require that any applicant for a certificate of need agree to  
20 provide a specified amount of clinical health services to indigent patients as a condition for  
21 the grant of a certificate of need; provided, however, that the department shall require that  
22 each facility granted a certificate of need by the department as a ~~destination~~ general cancer  
23 hospital ~~shall be required to provide uncompensated indigent or charity care for residents~~  
24 of Georgia ~~which meets or exceeds~~ of at least 3 percent of such ~~destination~~ general cancer  
25 hospital's adjusted gross revenues and provide care to Medicaid beneficiaries. A grantee

26 or successor in interest of a certificate of need or an authorization to operate under this  
 27 chapter which violates such an agreement or violates any conditions imposed by the  
 28 department relating to such services, whether made before or after July 1, 2008, shall be  
 29 liable to the department for a monetary penalty in the amount of the difference between the  
 30 amount of services so agreed to be provided and the amount actually provided and may be  
 31 subject to revocation of its certificate of need, in whole or in part, by the department  
 32 pursuant to Code Section 31-6-45. Any penalty so recovered shall be paid into the state  
 33 treasury."

34 **SECTION 3.**

35 Said article is further amended in Code Section 31-6-40.3, relating to conversion of  
 36 destination cancer hospital to general cancer hospital, by adding new subsections to read as  
 37 follows:

38 "(e) No later than October 1, 2020, a general cancer hospital that has any unpaid fines,  
 39 penalties, fees, or other payments that are owed to the state, including, but not limited to,  
 40 fines or penalties imposed pursuant to subsection (c) or (c.1) of Code Section 31-6-40.1  
 41 and Code Sections 31-6-45.2 and 31-6-70, shall provide a detailed accounting of such  
 42 unpaid amounts and post such detailed accounting on its website in a prominent location  
 43 in conjunction with the annual report required to be posted pursuant to subsection (h) of  
 44 Code Section 31-6-70. In addition, such general cancer hospital shall cause written notice  
 45 of such detailed accounting to be published no later than October 1, 2020, and annually  
 46 thereafter in the legal organ of the county or counties in which such hospital is located.  
 47 Such general cancer hospital shall also provide written notice of such detailed accounting  
 48 of unpaid amounts to each patient.

49 (f) Prior to approving any new inpatient beds for a general cancer hospital, a general  
 50 cancer hospital shall pay all unpaid amounts to the department, as set out in the detailed  
 51 accounting required pursuant to subsection (e) of this Code section.

52 (g) On and after July 1, 2020, any new inpatient beds approved by the department for a  
 53 general cancer hospital shall be located in rural counties with no existing hospitals."

54 **SECTION 4.**

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