

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 99:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to  
2 exemptions from certificate of need requirements, so as to provide an exemption for acute  
3 care hospitals established in rural counties that meet certain criteria; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions  
8 from certificate of need requirements, is amended in subsection (a) by striking "and" at the  
9 end of paragraph (28), by replacing the period at the end of paragraph (29) with "; and", and  
10 by adding a new paragraph to read as follows:

11 "(30)(A) An acute care hospital established on or after July 1, 2023, in a rural county,  
12 as defined in Code Section 31-8-9.1, that:  
13 (i) Provides inpatient hospital services;  
14 (ii) Participates in both Medicaid and Medicare and accepts both Medicaid and  
15 Medicare patients;  
16 (iii) Provides health care services to indigent patients;

(iv) Has at least 10 percent of its annual net revenue categorized as indigent care, charity care, or bad debt;

(v) Annually files IRS Form 990, Return of Organization Exempt From Income Tax, with the department, or for any hospital not required to file IRS Form 990, the department will provide a form that collects the same information to be submitted to the department on an annual basis;

(vi) Is current with all audits and reports required by law; and

(vii) Has a three-year average patient margin, as a percent of expense, less than one standard deviation above the state-wide three-year average of organizations defined in divisions (i) through (vi) of this subparagraph, as calculated by the department. For purposes of this division, the term 'patient margin' means gross patient revenues less contractual adjustments, bad debt, indigent and charity care, other uncompensated care, and total expenses.

(B) In the event that the county in which an acute care hospital established in accordance with this paragraph is located no longer meets the definition of a rural county after such hospital has commenced operations, the hospital shall be deemed to continue to meet the requirements of this paragraph for as long as such hospital continues to operate."

## **SECTION 2.**

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