

Senate Bill 367

By: Senators Cowser of the 46th, Dolezal of the 27th, Watson of the 1st, Kirkpatrick of the 32nd, Robertson of the 29th and others

AS PASSED SENATE

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 health
3 care facilities, services, and equipment dedicated primarily or exclusively to the treatment
4 of cancer; to provide for conditions; to provide for an exception to the exemption for
5 facilities within 35 miles of certain facilities; to provide for applicability; to provide for
6 related matters; to repeal conflicting laws: and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions
10 from certificate of need requirements, is amended in subsection (a) by striking "and" at the
11 end of paragraph (34), by replacing the period at the end of paragraph (35) with "; and", and
12 by adding a new paragraph to read as follows:

13 "(36)(A) The development, expansion, acquisition, relocation, or operation of any
14 health care facility, service, or equipment that is primarily or exclusively dedicated to
15 the treatment of cancer, including:

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16 (i) Any hospital, clinic, ambulatory surgical center, or freestanding facility that
17 provides diagnostic, therapeutic, surgical, management, or palliative care for cancer
18 patients;

19 (ii) Any medical technology or equipment used primarily for the detection, diagnosis,
20 treatment, or research of cancer, including but not limited to radiation therapy
21 machines, linear accelerators, proton therapy systems, positron emission tomography,
22 and other oncological treatment modalities;

23 (iii) Any outpatient services, including radiation therapy, chemotherapy, infusion
24 therapy, and precision medicine programs, dedicated primarily to cancer treatment;

25 (iv) Any facility engaged in clinical trials, experimental treatments, or research
26 exclusively related to oncology;

27 (v) Any hospice, rehabilitation, or supportive care facility primarily providing
28 services to cancer patients; and

29 (vi) Any expenditure or capital expenditure associated with the construction,
30 development, acquisition, or other establishment of a service, service facility, or
31 equipment primarily or exclusively dedicated to the treatment of cancer.

32 (B) Facilities and services operating under the exemption provided for in this
33 paragraph shall:

34 (i) Comply with all applicable federal and state regulations for oncology care;

35 (ii) Submit patient volume and treatment data to the department to verify compliance
36 with the exemption provided for in this paragraph; and

37 (iii) Provide annual reports in the same manner and in accordance with Code Section
38 31-6-70.

39 (C) The exemption provided for in this paragraph shall apply regardless of ownership
40 structure, affiliation with an existing hospital, or location within the state.

41 (D) The exemption provided for in this paragraph shall not apply to any facility within
42 35 miles of an existing nonprofit hospital designated as a sole community hospital

43 pursuant to 42 C.F.R. 412.92, which offers chemotherapy or radiation therapy as of the
44 effective date of this Act."

45 **SECTION 2.**

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