

House Bill 1024

By: Representatives Newton of the 123<sup>rd</sup>, Hatchett of the 150<sup>th</sup>, Jones of the 47<sup>th</sup>, Stephens of the 164<sup>th</sup>, Dickey of the 140<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state  
2 health planning and development, so as to provide for freestanding emergency departments  
3 under the certificate of need program; to provide an exemption from certificate of need  
4 requirements for certain inpatient beds for behavioral health patients and for freestanding  
5 emergency departments in rural counties; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state health  
10 planning and development, is amended by adding a new paragraph to Code Section 31-6-2,  
11 relating to definitions relative to state health planning and development, as follows:

12 "(16.05) 'Freestanding emergency department' means a facility that provides emergency  
13 services, but that is structurally separate and distinct from a hospital and has no more than  
14 one inpatient bed and that:

15 (A) Is operated pursuant to a hospital's license and located within 35 miles of such  
16 hospital;

17 (B) Is subject to the federal Emergency Medical Treatment and Labor Act;

18 (C) Operates 24 hours per day, 365 days per year;

19 (D) Is a Medicaid provider and treats Medicaid recipients; and

20 (E) Is not located within three miles of a hospital based emergency department which  
21 exists and is operational as of June 30, 2020."

22 **SECTION 2.**

23 Said chapter is further amended by adding a new Code section to read as follows:

24 "31-6-45.3.  
25 No freestanding emergency department shall be permitted in this state unless it meets the  
26 criteria contained in paragraph (16.05) of Code Section 31-6-2."

27 **SECTION 3.**

28 Said chapter is further amended in subsection (a) of Code Section 31-6-47, relating to  
29 exemptions from certificate of need program requirements, by striking "and" at the end of  
30 paragraph (28), by replacing the period at the end of paragraph (29) with a semicolon, and  
31 by adding new paragraphs to read as follows:

32 "(30) Increases in bed capacity or use of unused beds of a private or public hospital,  
33 located in a rural county, provided that any such beds are used exclusively for the  
34 treatment of patients in need of behavioral health or developmental disabilities services;  
35 provided, further, that any such beds may also be leased to a behavioral health provider  
36 for treatment of such patients; and  
37 (31) Freestanding emergency departments."

38 **SECTION 4.**

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