

The House Special Committee on Access to Quality Health Care offers the following substitute to HB 89:

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 an exemption for integrated  
3 ambulatory surgery centers from certificate of need requirements; to provide for a definition;  
4 to provide for conditions; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "(21.1) 'Integrated ambulatory surgery center' means a freestanding ambulatory surgical  
12 center with no more than six operating rooms developed on the same site as a sports  
13 training and educational facility that includes sports training facilities and fields; a  
14 medical education facility and program for physicians and other health care professionals  
15 training in sports medicine; a medical research program; ancillary services, including  
16 physical therapy and diagnostic imaging; a community education program for student  
17 athletic programs on injury prevention and treatment and related topics, and that provides  
18 care to Medicaid patients, and, if the facility provides medical care and treatment to  
19 children, participates as a provider for PeachCare for Kids beneficiaries; and  
20 demonstrates a positive economic impact of no less than \$25 million, taking into  
21 consideration the full-time and part-time jobs generated by the initial construction and  
22 ongoing operation of the center, new state and local tax revenue generated by the initial  
23 construction and ongoing operation of the center, and other factors deemed relevant as  
24 determined by the department based on a report prepared by an independent consultant  
25 or expert retained by the center."

26 **SECTION 2.**

27 Said chapter is further amended in subsection (a) of Code Section 31-6-47, relating to  
 28 exemptions from chapter, by striking "and" at the end of paragraph (25), by replacing the  
 29 period at the end of paragraph (26) with "; and", and by adding a new paragraph to read as  
 30 follows:

31 "(27) An integrated ambulatory surgery center that:

32 (A) Provides uncompensated indigent and charity care in an amount equal to or greater  
 33 than 5 percent of its adjusted gross revenue; and

34 (B) Provides annual reports in the same manner and in accordance with Code  
 35 Section 31-6-70.

36 Noncompliance with any condition of this paragraph shall result in a monetary penalty  
 37 in the amount of the difference between the services which the center is required to  
 38 provide and the amount actually provided and may be subject to revocation of its  
 39 exemption status by the department for repeated failure to pay any fines or moneys due  
 40 to the department or for repeated failure to produce data as required by Code  
 41 Section 31-6-70 after notice to the exemption holder and a fair hearing pursuant to  
 42 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

43 **SECTION 3.**

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