

The House Special Committee on Access to Quality Health Care offers the following substitute to HB 1032:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide for certain Medicaid reimbursement for patients treated pursuant to a behavioral  
3 rehabilitation joint venture; to provide that proceeds from the rural tax credit program  
4 received by a behavioral rehabilitation joint venture is not counted against a hospital's cap;  
5 to provide for definitions; to provide that a certain consideration for certificate of need  
6 requirements is not applicable to utilizing unused hospital inpatient beds for behavioral  
7 health patients; to provide that certain facilities that perform medical procedures only in  
8 non-sterile procedure rooms that are exempt from certificate of need requirements or are not  
9 required to obtain a certificate of need are not subject to certain requirements relating to their  
10 physical plant under certificate of need laws; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in  
15 Chapter 2, relating to the Department of Community Health, by adding a new Code section  
16 to read as follows:

17 "31-2-17.

18 (a) As used in this Code section, the term:

19 (1) 'Behavioral rehabilitation joint venture' means an agreement between a public or  
20 private general acute care hospital which has vacant beds and an institution for mental  
21 diseases to authorize the institution for mental diseases to manage up to 16 of the  
22 hospital's vacant beds as behavioral rehabilitation swing beds for the treatment of its  
23 patients and which agreement includes the following provisions:

24 (A) Addressing the distribution of liability between the parties;

25 (B) Providing for payment to the rural hospital in the same fixed amount per patient,  
 26 regardless of payor source or indigent status of the patient using any such behavioral  
 27 rehabilitation swing bed; and

28 (C) Providing that the rural hospital is responsible for submitting billing and receiving  
 29 reimbursement from payors.

30 (2) 'Behavioral rehabilitation swing beds' means vacant inpatient beds in a hospital in a  
 31 rural county, as defined in Code Section 31-6-2, which, when utilized, may be reimbursed  
 32 under Medicaid for furnishing post-hospital extended care services to Medicaid  
 33 beneficiaries.

34 (3) 'Institution for mental diseases' has the same meaning as in 42 U.S.C. Section 1396d.

35 (b) The department shall provide Medicaid reimbursement at 100 percent of allowable  
 36 reimbursement amounts for any Medicaid patients treated under the behavioral  
 37 rehabilitation joint venture, with payments beginning in the second year after such joint  
 38 venture has been instituted and for its duration.

39 (c) Any contributions received by a behavioral rehabilitation joint venture shall not count  
 40 against the aggregate limit cap of \$4 million contained in subparagraph (e)(2)(A) of Code  
 41 Section 48-7-29.20."

#### 42 **SECTION 1A.**

43 Said title is further amended in Code Section 31-6-42, relating to qualifications for issuance  
 44 of certificate, by adding a new subsection to read as follows:

45 "(b.3) In the case of applications for increases in bed capacity or use of unused beds of a  
 46 private or public hospital, located in a rural county, to use such beds exclusively for the  
 47 treatment of patients in need of behavioral health or developmental disabilities services,  
 48 including, but not limited to, through the lease of any such beds to a behavioral health  
 49 provider for treatment of such patients, including through a behavioral rehabilitation joint  
 50 venture, as defined in Code Section 31-2-17, the department shall not apply the  
 51 consideration contained in paragraph (2) of subsection (a) of this Code section."

#### 52 **SECTION 2.**

53 Said title is further amended in Code Section 31-7-3, relating to requirements for permits to  
 54 operate certain health care related institutions, by adding a new subsection to read as follows:

55 "(a.1) An ambulatory surgery facility that performs medical procedures only in non-sterile  
 56 procedure rooms and not in operating rooms and has a letter of determination from the  
 57 department that the performance of certain procedures is not subject to prior review and  
 58 approval for certificate of need, shall not be required to have an operating room or an  
 59 operating room environment or be subject to any minimum physical plant and operational

60 standards specified in the rules of the department for purposes of certificate of need,  
61 including, but not limited to, any edition of the *Guidelines for Design and Construction of*  
62 *Health Care Facilities* published by the American Institute of Architects or the *Guidelines*  
63 *for Design and Construction of Outpatient Facilities* published by the Facilities Guidelines  
64 Institute, as such standards and guidelines are applicable to operating rooms, but shall only  
65 be subject to any minimum physical plant and operational standards applicable to  
66 ambulatory surgery facilities that do not perform procedures in an operating room with  
67 general anesthesia that are set forth in the physical plant requirements contained in the  
68 department's rules and regulations for ambulatory surgical treatment centers promulgated  
69 pursuant to this chapter."

70

**SECTION 3.**

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