

The House Special Committee on Access to Quality Healthcare offers the following substitute to SB 483:

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 for a pilot program; to provide for a report; to provide
6 for rules and regulations; to provide for an effective date; to provide for automatic repeal; to
7 provide for related matters; to provide for a short title; to provide that certain facilities that
8 perform medical procedures only in non-sterile procedure rooms that are exempt from
9 certificate of need requirements or are not required to obtain a certificate of need are not
10 subject to certain requirements relating to their physical plant under certificate of need laws;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I**
14 **SECTION 1-1.**

15 This part shall be known and may be cited as the "Behavioral Rehabilitation and Stability
16 Services Act."

17 **SECTION 1-2.**

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

21 "31-2-17.

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

23 (1) 'Behavioral rehabilitation joint venture' means an agreement between a public or
24 private general acute care hospital which has vacant beds and an institution for mental

25 diseases to authorize the institution for mental diseases to manage up to 16 of the
26 hospital's vacant beds as behavioral rehabilitation swing beds for the treatment of its
27 patients and which agreement includes the following provisions:

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

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

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

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

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

38 (b) The department shall provide Medicaid reimbursement at 100 percent of cost for any
39 Medicaid patients treated by a behavioral rehabilitation joint venture in its second year of
40 operation as such behavioral rehabilitation joint venture.

41 (c) Any contributions received by a behavioral rehabilitation joint venture shall not count
42 against the aggregate limit cap of \$4 million for an individual rural hospital organization
43 in any taxable year contained in subparagraph (e)(2)(A) of Code Section 48-7-29.20 or the
44 overall aggregate cap on tax credits allowed of \$60 million per taxable year contained in
45 paragraph (e)(1) of Code Section 48-7-29.20.

46 (d) This Code section shall be conducted as a pilot program in up to three counties
47 identified by the department. The purpose of the pilot program shall be to increase
48 behavioral health providers for indigent and Medicaid patients in rural areas of this state.

49 (e) No later than December 31, 2025, the department shall provide a report to the
50 chairpersons of the House Committee on Health and Human Services and the Senate
51 Health and Human Services Committee. Such report shall include an evaluation on the
52 effectiveness of the pilot program in increasing access to behavioral health services for
53 indigent and Medicaid patients and recommendations as to whether the pilot program
54 should be implemented state wide.

55 (f) The department shall be authorized to establish such rules and regulations as may be
56 necessary to implement the pilot program.

57 (g) This Code section shall become effective on January 1, 2021. This Code section shall
58 stand repealed by operation of law on December 31, 2025."

59

PART II

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SECTION 2-1.

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

63 "(a.1) An ambulatory surgery facility that performs medical procedures only in non-sterile
 64 procedure rooms and not in operating rooms and has a letter of determination from the
 65 department that the performance of certain procedures is not subject to prior review and
 66 approval for certificate of need, shall not be required to have an operating room or an
 67 operating room environment or be subject to any minimum physical plant and operational
 68 standards specified in the rules of the department for purposes of certificate of need,
 69 including, but not limited to, any edition of the *Guidelines for Design and Construction of*
 70 *Health Care Facilities* published by the American Institute of Architects or the *Guidelines*
 71 *for Design and Construction of Outpatient Facilities* published by the Facilities Guidelines
 72 Institute, as such standards and guidelines are applicable to operating rooms, but shall only
 73 be subject to any minimum physical plant and operational standards applicable to
 74 ambulatory surgery facilities that do not perform procedures in an operating room with
 75 general anesthesia that are set forth in the physical plant requirements contained in the
 76 department's rules and regulations for ambulatory surgical treatment centers promulgated
 77 pursuant to this chapter."

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PART III

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SECTION 3-1.

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