

House Bill 1032

By: Representatives Hatchett of the 150th and England of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-7-3 of the Official Code of Georgia Annotated, relating to
2 requirements for permits to operate certain health care related institutions, so as to provide
3 that certain facilities that perform medical procedures only in non-sterile procedure rooms
4 that are exempt from certificate of need requirements or are not required to obtain a
5 certificate of need are not subject to certain requirements relating to their physical plant
6 under certificate of need laws; to provide that such facilities cannot be denied a permit based
7 on not meeting a certificate of need requirement; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Code Section 31-7-3 of the Official Code of Georgia Annotated, relating to requirements for
12 permits to operate certain health care related institutions, is amended by adding a new
13 subsection to read as follows:

14 "(a.1) An ambulatory surgery facility that performs medical procedures only in non-sterile
15 procedure rooms and not in operating rooms and has a letter of determination from the
16 department that the performance of certain procedures is not subject to prior review and
17 approval for certificate of need, shall not be required to have an operating room or an
18 operating room environment or be subject to any minimum physical plant and operational
19 standards specified in the rules of the department for purposes of certificate of need,
20 including but not limited to, any edition of the *Guidelines for Design and Construction of*
21 *Health Care Facilities* published by the American Institute of Architects or the *Guidelines*
22 *for Design and Construction of Outpatient Facilities* published by the Facilities Guidelines
23 Institute, as such standards and guidelines are applicable to operating rooms, but shall only
24 be subject to any minimum physical plant and operational standards applicable to
25 ambulatory surgery facilities that do not perform procedures in an operating room with
26 general anesthesia that are set forth in the physical plant requirements contained in the

27 department's rules and regulations for ambulatory surgical treatment centers promulgated
28 pursuant to this chapter. Any facility that is exempt from obtaining a certificate of need
29 or does not require a certificate of need shall not be denied a permit under this chapter for
30 not having an operating room environment as defined in paragraph (27) of Code Section
31 31-6-2."

32 **SECTION 2.**

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