RESOLUTION

Resolution: 302C.17

SUBJECT: Certificate of Need (CON)

SUBMITTED BY: Cobb County Medical Society

REFERRED TO: Reference Committee C

Whereas, the State of Georgia’s Certificate of Need (CON) program is intended to achieve three goals: (1) to measure and define need, (2) to control costs, and (3) to guarantee access to healthcare services; and

Whereas, Georgia began reviewing health care projects in 1975 under Section 1122 of the 1972 Social Security Act Amendments and Georgia's CON program was established by the General Assembly in 1979 (O.C.G.A. Title 31, Chapter 6); and

Whereas, major reforms to the statute were enacted during the 2008 Georgia Legislative Session with the passage of Senate Bill 433. This resulted in many improvements in the CON statute, including revised exemptions, new expenditure thresholds, an improved process, and expanded reporting requirements; and

Whereas, a CON is the official determination that a new or expanded health care service or facility is needed in Georgia. The purpose of the CON program is to ensure the availability of adequate health care services to meet the needs of all Georgians, while safeguarding against the unnecessary duplication of services that increase the costs of health care services; and

Whereas, the Medical Association of Georgia (MAG) is a membership organization; and

Whereas, MAG includes many physician members both in support of the CON program and opposed to the CON program; now therefore be it

RESOLVED, that the official policy and position of the Medical Association of Georgia (MAG) is and shall be to remain neutral on issues regarding Certificate of Need; and be it further

RESOLVED, that MAG focus its legislative efforts on issues impacting all physicians and patients such as health insurance reform.

# # #
AMA Policy

None

MAG Policy

**205.989 Certificate of Need - Laws & Regulations**

HD 10/17/2009 “It is the position of the Medical Association of Georgia that Certificate of Need is anti-competitive, restricts the development of physician-owned and operated ambulatory surgical procedure and imaging centers, laboratories, and ancillary services, and limits the ability of physicians’ to deliver high quality, cost-effective care to Georgia’s patients. The Medical Association of Georgia opposes Certificate of Need and supports the repeal of Certificate of Need laws in general and specifically as they apply to physician-owned and operated outpatient diagnostic centers, imaging centers, ambulatory surgical centers, laboratories and ancillary services. The Medical Association of Georgia will endeavor to educate legislators and the business community about the policy benefits of eliminating Certificate of Need. Until Georgia’s Certificate of Need laws are repealed, the Medical Association of Georgia opposes any changes to such laws that would make it more difficult for physicians to establish and operate ambulatory surgical centers, such as making it more difficult to obtain an exemption from Certificate of Need review or decreasing the capital, equipment, single-specialty physician-owned ASC, or joint venture ASC expenditure thresholds. With respect to exemptions from Certificate of Need review (and obtaining a Letter of Non-Reviewability), the Medical Association of Georgia supports expanding the exemption from Certificate of Need review for single-specialty physician-owned ambulatory surgical centers to multi-specialty physician-owned ambulatory surgical centers. In the alternative, the Medical Association of Georgia supports recognition as a “single-specialty”, for purposes of the single-specialty exemption from Certificate of Need review (and obtaining a Letter of Non-Reviewability) for physician-owned ambulatory surgical centers, any specialty or subspecialty recognized by the American Board of Medical Specialties. The Medical Association of Georgia opposes statutory or regulatory provisions that authorize a competitor of an applicant for an exemption from Certificate of Need review (and Letter of Non-Reviewability) to challenge a determination by the Department of Health that the applicant’s proposed project is exempt from Certificate of Need review. The Medical Association of Georgia will support MAG members who seek legal remedies to Certificate of Need provisions that are unfair to physicians.” (Special Report: Appendix III; Reaffirmed 10/2014).

**Additional Resources**

None