

House Bill 909 (AS PASSED HOUSE AND SENATE)

By: Representatives Silcox of the 52nd, Hatchett of the 150th, Cooper of the 43rd, Rynders of the 152nd, and Price of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Public Health, so as to provide for the designation of perinatal facilities; to
3 provide for legislative findings; to provide for definitions; to provide for criteria for levels
4 of care; to provide for applications from perinatal facilities; to require the department to post
5 a list of designated facilities; to provide for a self-assessment tool; to provide for statutory
6 construction; to limit advertisement as a designated facility unless approved by the state; to
7 provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
12 of Public Health, is amended by adding a new article to read as follows:

13 "ARTICLE 3

14 31-2A-50.

15 The General Assembly finds and declares that:

16 (1) Georgia ranks as the forty-ninth worst in the nation for the numbers of maternal
17 deaths occurring during and one year after pregnancy;

18 (2) Georgia ranks as the thirty-second worst in the nation for the number of infant deaths
19 occurring before the first birthday;

20 (3) Georgia ranks as the forty-fifth worst in the nation for the percentage of premature
21 births, a leading cause of infant deaths;

22 (4) Low birth weight or premature infants are more likely to survive if the birth takes
23 place in a facility which is prepared to handle the risks associated with such deliveries;

24 (5) Several states have established programs to inspect and designate facilities that have
 25 developed the capacity to provide expanded levels of neonatal and maternal care; and
 26 (6) Therefore, it is in the best interest of the residents of this state to establish a program
 27 that encourages the improvement of quality of care to create better maternal and neonatal
 28 outcomes.

29 31-2A-51.

30 As used in this article, the term:

31 (1) 'Designated facility' means a perinatal facility that has been inspected and approved
 32 by the department pursuant to this article as meeting its established criteria for a
 33 particular maternal or neonatal level of care.

34 (2) 'Perinatal facility' means a hospital, clinic, or birthing center that provides maternal
 35 or neonatal health care services.

36 31-2A-52.

37 (a) The department shall establish a procedure by which a perinatal facility may request
 38 approval as a designated facility which has achieved a particular maternal or neonatal level
 39 of care.

40 (b)(1) The department shall establish through rulemaking the criteria for levels of
 41 maternal and neonatal care, ranging from basic care to such additional levels of care as
 42 may be deemed appropriate for the protection of mothers and infants at elevated risk.

43 (2) The department shall establish separate criteria for levels of maternal care and
 44 neonatal care. Such criteria may include, without limitation, data collection and
 45 reporting, arrangements for patient transportation, and protocols for coordination with
 46 and referral of patients to and from other health care facilities.

47 (3) In establishing or revising the criteria for maternal and neonatal levels of care, the
 48 department shall conduct public comment hearings; solicit the views of hospitals, birthing
 49 centers, health care providers, and related professional associations; and give due
 50 consideration to the current recommendations of medical and scientific organizations in
 51 the field of perinatal medicine.

52 31-2A-53.

53 (a) A perinatal facility may apply to the department for designation through an application
 54 process to be determined by the department. The facility shall demonstrate to the
 55 satisfaction of the department that it meets the applicable criteria for the requested level of
 56 care. The application process may include an on-site inspection of the facility at the
 57 discretion of the department.

58 (b) The department may establish requirements for the periodic review and redesignation
59 of designated facilities.

60 (c) The department may suspend or revoke the designation of a designated facility, after
61 notice and hearing, if the department determines that the facility is no longer in compliance
62 with the criteria established pursuant to this article.

63 31-2A-54.

64 (a) On or before December 31, 2019, the department shall post and annually update a list
65 of designated facilities on its website.

66 (b) The department shall adopt or develop a self-assessment tool for use by perinatal
67 facilities that includes separate, minimum requirements for neonatal and maternal levels
68 of care. The department shall post this assessment tool on its website no later than July 1,
69 2019.

70 31-2A-55.

71 This article, and any criteria developed by the department pursuant to this article, shall not
72 be construed to be a medical practice guideline or to establish a standard of care for
73 treatment and shall not be used to restrict or expand the authority of a hospital or other
74 health care facility to provide services for which it has received a license under state law.
75 The General Assembly intends that all patients be treated individually based on each
76 patient's needs and circumstances.

77 31-2A-56.

78 No person or facility may advertise to the public, by way of any medium whatsoever, that
79 it is a designated facility or has achieved a particular level of maternal or neonatal care
80 according to the criteria established pursuant to this article, unless it has been designated
81 as such by the department.

82 31-2A-57.

83 The department shall be authorized to promulgate rules and regulations to carry out the
84 purposes of this article."

85 **SECTION 2.**

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