

House Bill 909

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"ARTICLE 3

31-2A-50.

The General Assembly finds and declares that:

- (1) Georgia ranks as the forty-ninth worst in the nation for the numbers of maternal deaths occurring during and one year after pregnancy;
- (2) Georgia ranks as the thirty-second worst in the nation for the number of infant deaths occurring before the first birthday;
- (3) Georgia ranks as the forty-fifth worst in the nation for the percentage of premature births, a leading cause of infant deaths;
- (4) Low birth weight or premature infants are more likely to survive if the birth takes place in a facility which is prepared to handle the risks associated with such deliveries;

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

31-2A-51.

As used in this article, the term:

- (1) 'Designated facility' means a perinatal facility that has been inspected and approved by the department pursuant to this article as meeting its established criteria for a particular maternal or neonatal level of care.
(2) 'Perinatal facility' means a hospital, clinic, or birthing center that provides maternal or neonatal health care services.

31-2A-52.

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

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

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

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

31-2A-53.

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

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

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

31-2A-54.

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

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

31-2A-55.

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

31-2A-56.

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

31-2A-57.

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

SECTION 2.

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