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The State Senate Atlanta, Georgia 30334

COMMITTEES:

Health and Human Services, Chairman
Appropriations, Vice Chairman
Appropriations Subcommittee Chairman
(Human Development and Public Health)
Finance, Ex-Officio
Regulated Industries and Utilities, Ex-Officio
Insurance and Labor, Member
Rules, Member
Lake Lanier Caucus Chairman
Chairman's Caucus Chairman
Committee on Assignments

MINORITY REPORT BY SENATOR RENEE UNTERMAN OF THE 45TH

It is very much appreciated that Senator Ben Watson chaired the Senate Study Committee on Certificate of Need Reform, created by SR 1063, to examine the intricacies of the certificate of need (CON) regulatory program that governs our state hospital infrastructure program. We feel it was a cursory beginning of a much warranted need to begin the process of how Georgia can begin deregulation. However, the lack of opportunity to discuss this very complicated issue in open, public hearings curtailed this committee's ability to reach a true consensus. The manner in which these meetings were conducted, including the truncated time for discussion in an open forum and a lack of adherence to Senate rules on committee process, calls into question how the committee could manage to develop any consensus or formal recommendations.

The committee met only on two occasions. The first meeting was hosted on the beautiful Mercer University campus in Macon, Georgia, serving as an introductory hearing for legislative members to become acquainted with the citizen members appointed to serve on the committee with the requisite professions and experience set forth under SR 1063. A few experts from the hospital community provided testimony that was brief, explaining the history of CON in Georgia as well as the general issues associated with this complex issue. At the end of the meeting each appointed representative gave their opinion of where they felt reform should be initiated or if the status quo is sufficient.

The second meeting was held in Atlanta at the Capitol. At this final meeting, a draft piece of legislation was presented by Chairman Watson which offered several reform measures. The potential draft legislation was reviewed in minor detail and discussion. The citizen members on the committee reviewed the draft pieces of legislation; however those appointed to serve as industry experts did not state if they had experience in drafting or reviewing draft legislation, nor were they given any guidance on the process. While some layperson members did express support for the need for this type of legislation, no committee consensus was reached by either the lay members of the committee or the legislators present or on the phone.

Senator Burke attended via teleconference and stated that more study was needed before he would be ready to move forward with voting yes or no. I, too, indicated my intention to abstain from voting on the matter at the second meeting stating that it is unusual for a study committee to vote on a piece of a proposed legislation. The purpose of previous study committees is to make suggested recommendations to the Senate or General Assembly members in a report format that could bring forward written bills for the upcoming legislative session. Recommendations are then vetted and refined before working with legislative counsel to form a basis for legislation. This meeting was streamed by the Senate Press Office and the archived video can be accessed online at the following link:

<https://livestream.com/accounts/25225476/events/8331571/videos/184773470>.

It is our opinion that Senator Watson tried to garner a favorable consensus and, when it became clear this could not be achieved, suggested to move forward to continue an in-depth analysis of how reform can be accomplished with the support of the remaining citizen members on the committee. In the two meetings conducted on this issue, the whole of the committee simply did not make enough progress or have enough opportunity to arrive at a clear decision or consensus necessary to provide the Senate Committee on Health and Human Services with any reasonable, thought out structural changes to our existing rules and regulations governing Georgia's CON program.

While SR 1063 was an excellent first step toward examining possible reform options, the issues surrounding Georgia's CON program are deserving of further study and consideration before a sustainable policy decision can be reached. I looking forward to working on this complex issue with my fellow members of the Senate as well as the House of Representatives during the 2019 legislative session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Renee Unterman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Senator Renee Unterman
District 45