



**VIA EMAIL**

April 1, 2020

Pam Clayton  
VP Quality Advancement & Regulatory Affairs  
Georgia Health Care Association  
160 Country Club Drive  
Stockbridge, GA 30281

**Re: GHCA Request for Waiver of State CON and Licensing Requirements Due to COVID-19 Public Health Emergency**

Dear Ms. Clayton:

This letter is written in response to the March 19, 2020 email communication requesting that the Department waive certain state licensing requirements to assist nursing homes in responding to the COVID-19 public health emergency. We greatly appreciate your work on behalf of nursing centers throughout Georgia that are caring for residents under extremely challenging conditions. Accordingly, the Department's decision is as follows:

- **Office of Health Planning (OHP):** Requests for suspension of Certificate of Need (CON) CON requirements related to the COVID-19 public health emergency should be submitted online at <https://dch.georgia.gov/divisionsoffices/office-health-planning/covid-19-code-section-31-6-40-suspension-request-form>. This is a new process developed specifically for requests related to COVID-19.
- **Healthcare Facility Regulation Division (HFRD):** Effective March 20, 2020, under the authority of the March 20, 2020 Executive Order issued by Governor Kemp, any action that is allowable pursuant to a COVID-19 waiver issued by the Centers for Medicare and Medicaid Services (CMS) will not require additional approval of HFRD. Nursing homes should document the steps taken and the reason those steps are necessary to address capacity issues or other challenges resulting from the COVID-19 outbreak. Activity that could violate state licensing rules and does not fall under a CMS COVID-19 waiver will require approval and those requests for waivers or variances of state licensing rules should be submitted to the nursing home program at [HFRD.NH@dch.ga.gov](mailto:HFRD.NH@dch.ga.gov).



**GEORGIA DEPARTMENT  
OF COMMUNITY HEALTH**

Please note that this letter does not alter the Rule Variance for Fingerprint Criminal Background Checks issued by the Department on March 24, 2020.

The Department will make every effort to expedite all waiver requests received. Thank you again for everything you are doing to assist nursing centers during this time. Please let us know if you have any questions about this information.

Sincerely,

Stacey Hillock  
Executive Director  
Office of Health Planning

Melanie Simon  
Executive Director  
Healthcare Facility Regulation Division

Cc: Rachel King  
Joe Hood