

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2026

The Court of Appeals hereby passes the following order:

**A27D0062. GEORGIA ALLIANCE OF COMMUNITY HOSPITALS, INC v.
GEORGIA DEPARTMENT OF COMMUNITY HEALTH et al.**

In this certificate of need (“CON”) action, the Georgia Alliance of Community Hospitals, Inc. (“GACH”) filed, in the trial court, a petition for review from decisions of the Georgia Department of Community Health (“DCH”) that excluded GACH from the proceedings before DCH on standing grounds. On July 9, 2026, the trial court sent a letter to the parties “find[ing] that the Orders were in error to the extent that [GACH] was prohibited from participating in the proceedings below.” The trial court thus stated that it was “granting [GACH] the relief sought in its Petition for Review as to the issue of being denied the right to participate in the hearing below.” The court requested that GACH prepare a draft order. The July 9 letter was signed by the trial court judge and stamped “filed” by the trial court clerk on July 13, 2026. GACH prepared the order and the trial court issued it on July 22, 2026.

GACH, apparently concerned that DCH’s decision may have been affirmed by operation of law, see OCGA § 31-6-44.1(b), filed this timely application for discretionary review of the trial court’s July 9 letter.¹ A DCH decision may be affirmed by operation of law if “no order of the court disposing of the issues on appeal” is

¹ According to the response to this application, the respondent filed an application from the same letter in the Georgia Supreme Court.

entered within certain time periods. See OCGA § 31-6-44.1(b).² In its application before this Court, GACH argues that the July 9 letter was a timely order, and thus the DCH order was not affirmed by operation of law. Alternatively, in the event this Court were to determine that the DCH order was affirmed by operation of law, GACH argues that it was improperly excluded from the proceedings below.

We agree that the July 9 letter was an order of the trial court such that DCH's decisions were not affirmed by operation of law. In general, an order is final and appealable when "it is reduced to writing, signed by the judge, and filed with the clerk." *Harrington v. State*, 378 Ga. App. 365, 368(2)(a) (926 SE2d 92) (2026) (quotation marks omitted). Appeals in CON cases generally are governed by the Superior and State Court Appellate Practice Act ("SSCAPA"), OCGA § 5-3-1 et seq. See OCGA § 31-6-44.1(b). After a petition for review is filed under the SSCAPA, "the reviewing court shall render a final decision: (A) Entering a judgment upon the petition for review; (B) Ordering dismissal of the petition for review; (C) Remanding a petition for review back to the lower judicatory with instructions; or (D) A combination thereof." OCGA § 5-3-18(a)(1). "If the final decision rendered pursuant to [OCGA § 5-3-18] is a judgment upon the petition for review, it shall be in writing and specify whether the reviewing court is affirming, reversing, or vacating the final judgment of the lower judicatory." OCGA § 5-3-18(a)(2).

The July 9 letter meets all these requirements. The letter was "reduced to writing, signed by the judge, and filed with the clerk." *Harrington*, 378 Ga. App. at 368(2)(a) (quotation marks omitted). The letter also clearly stated that it was granting the petition for review and granting GACH the relief it requested as to the standing issue. The letter was thus an "order of the court disposing of the issues on appeal" such that the rulings by DCH were not affirmed by operation of law. See OCGA § 31-6-44.1(b).

² Based on the application materials, it appears that the trial court held a hearing on June 18, 2026, starting the 30-day clock to issue an order. Thus, the July 9 letter would be timely, while the July 22 order would not.

The July 9 letter granted GACH the relief it requested. Thus, because we agree that the July 9 letter constituted an order of the trial court, there are no issues from GACH to be resolved in this application. Accordingly, this application is DISMISSED AS MOOT. See OCGA § 5-6-48(b)(3) (providing for dismissal of an appeal when the questions presented have become moot).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/09/2026

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Bailey Smith

, Clerk.