



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

- WHEREAS:** The Georgia Alliance of Community Hospitals and Phoebe Putney Memorial Hospital, Inc., have filed a lawsuit against the Georgia Department of Community Health and Albany Surgical, P.C., in a lawsuit styled *Georgia Alliance of Community Hospitals, Inc. v. Georgia Department of Community Health*, Civil Action File No. 07cv3436-3, Superior Court of Dougherty County, Georgia; and
- WHEREAS:** The lawsuit challenges the authority of the Georgia Department of Community Health to promulgate regulations that define the statutory term “single specialty,” as that term relates to ambulatory surgery centers; and
- WHEREAS:** The Attorney General has declined the Department of Community Health’s request for the appointment of a Special Assistant Attorney General to represent the Department in the lawsuit because of unofficial staff contentions that an executive agency is not empowered to amend the very rules promulgated by that agency; and
- WHEREAS:** The State of Georgia must defend the authority of executive agencies to amend their rules; and
- WHEREAS:** Patrick Millsaps of the Millsaps Law Firm and Charles E. Peeler of Flynn & Peeler, LLC, have agreed to represent the Georgia Department of Community Health in the above-described lawsuit; and
- WHEREAS:** The Department of Community Health has agreed to pay for the legal services of appointed counsel at a rate mutually agreed to by appointed counsel and the Department of Community Health.

NOW, THEREFORE, PURSUANT TO O.C.G.A. § 45-15-70
AND THE AUTHORITY VESTED IN ME AS A GOVERNOR OF THE
STATE OF GEORGIA, IT IS HEREBY

ORDERED:

That Patrick Millsaps and Charles E. Peeler are hereby
appointed as Special Counsel to represent the Georgia
Department of Community Health in the lawsuit styled
*Georgia Alliance of Community Hospitals, Inc. v. Georgia
Department of Community Health*, Civil Action File No.
07cv3436-3, Superior Court of Dougherty County.

This 28th day of January, 2008.


GOVERNOR