

House Bill 332

By: Representatives Epps of the 131<sup>st</sup>, Smyre of the 136<sup>th</sup>, Heard of the 89<sup>th</sup>, Jennings of the 63<sup>rd</sup> and Coleman of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so  
2 as to change the provisions relating to definitions; to provide for alternative composition,  
3 powers, duties, and functions of community service boards; to provide for membership,  
4 terms, vacancies, and qualifications; to provide for county participation; to provide for  
5 obligations; to prohibit certain reprisals; to provide for orientation and annual training; to  
6 provide for staff and employees and rights thereof; to provide for resignations, vacancies,  
7 reimbursement, oaths, and conflicts of interest; to provide for boundaries and cessation of  
8 operation; to provide for fees and records; to provide for statutory construction; to provide  
9 for effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
13 striking paragraph (1.1) of Code Section 37-1-1, relating to definitions regarding general  
14 provisions, and inserting the following:

15 "(1.1) 'Community service board' means a public community mental health, mental  
16 retardation, and substance abuse service board established pursuant to Code Section  
17 37-2-6, which governs the provision of certain in accordance with Chapter 2 of this title  
18 to govern the provision of public disability services ~~not provided by other public or~~  
19 ~~private providers under contract with the regional board."~~

20 **SECTION 2.**

21 Said title is further amended by striking paragraph (2.1) of Code Section 37-2-2, relating to  
22 definitions, and inserting the following in the appropriate positions:

23 "(1.1) 'Chief executive officer' means the mayor of the governing authority of a  
24 municipal corporation or the chairperson or chief executive officer of a county governing  
25 authority."

1 "(2.1) 'Community service board' means a public community mental health, mental  
 2 retardation, and substance abuse service board established pursuant to Code Section  
 3 37-2-6, which governs the provision of certain in accordance with Code Section 37-2-5.3  
 4 or 37-2-6 to govern the provision of public disability services ~~not provided by other~~  
 5 ~~public or private providers under contract with the regional board."~~

6 "(2.3) 'CSB' means a community service board constituted and having powers and duties  
 7 as provided by subsection (a) of Code Section 37-2-5.3.

8 (2.4) 'CSB area' means the area in which a CSB governs the provision of public disability  
 9 services."

### 10 SECTION 3.

11 Said title is further amended by adding after Code Section 37-2-5.2, relating to the duties and  
 12 functions of regional boards, a new Code section to read as follows:

13 "37-2-5.3.

14 (a) Except as provided in subsection (b) of this Code section, each community service  
 15 board created pursuant to Code Section 37-2-6 and existing on January 1, 2001, shall  
 16 continue in existence on and after July 1, 2001, but on and after July 1, 2001, shall become  
 17 a CSB and shall:

18 (1) Be constituted as provided in this Code section;

19 (2) Govern the provision of disability services within the same area served by that  
 20 community service board immediately prior to its becoming a CSB, until that CSB area  
 21 is changed pursuant to law;

22 (3) Be a public corporation and an instrumentality of the state and each county within the  
 23 boundaries of its CSB area; and

24 (4) Have the powers and duties provided in the provisions of this Code section other than  
 25 subsection (b).

26 (b) A community service board established under Code Section 37-2-6 may elect to  
 27 continue to be constituted as provided by that Code section and governed by that Code  
 28 section by adopting a resolution to that effect and submitting a copy thereof, prior to May  
 29 1, 2001, to the division and the governing authority of each county within the boundaries  
 30 of the area in which that board governs the provision of disability services. A community  
 31 service board which exercises such election may thereafter elect to become a CSB by  
 32 adopting a resolution to that effect and submitting a copy thereof, no later than March 31  
 33 of any year after 2001, to the division and the governing authority of each county within  
 34 the boundaries of the area in which that board governs the provision of disability services,  
 35 whereupon that board shall become a CSB on and after July 1 of the year of such  
 36 submission.

1 (c) CSBs shall govern publicly funded programs for the purpose of providing disability  
2 services within the boundaries of their CSB areas. CSBs are created for nonprofit and  
3 public purposes to exercise essential governmental functions; provided, however, the  
4 liabilities, debts, and obligations of a CSB shall not constitute liabilities, debts, and  
5 obligations of the state or any county or any municipal corporation within the boundaries  
6 of the CSB area, and neither the state or any county or municipal corporation shall be liable  
7 for any liability, debt, or obligation of a CSB. CSBs shall have the same immunity as  
8 provided for community service boards under Code Section 37-2-11.1.

9 (d)(1) Except as provided in paragraph (2) of this subsection, the membership of a CSB  
10 shall consist of three public officials designated in accordance with subsection (e) of this  
11 Code section and eight or more other members not then holding elective public office  
12 appointed by a county governing authority as provided in subsection (f) of this Code  
13 section.

14 (2) A community service board in existence on January 1, 2001, the membership of  
15 which is the membership of a lead county board of health as provided in subsection (e)  
16 of Code Section 37-2-6 may continue to be constituted as provided in that subsection (e)  
17 even though it becomes a CSB pursuant to this Code section if such board adopts a  
18 resolution to that effect and submits a copy thereof, prior to May 1, 2001, to the division  
19 and the governing authority of each county within the boundaries of the area in which  
20 that board governs the provision of disability services. A CSB so constituted as a lead  
21 county board of health may thereafter elect to become constituted as provided in  
22 paragraph (1) of this subsection if such board adopts a resolution to that effect and  
23 submits a copy thereof, no later than March 31 of any year after 2001, to the division and  
24 the governing authority of each county within the boundaries of the area in which that  
25 board governs the provision of disability services, whereupon that board shall become  
26 constituted as provided in paragraph (1) of this subsection on and after July 1 of the year  
27 of such submission.

28 (e) The three CSB members who are public officials shall be determined as follows:

29 (1) The chief executive officer of each county within the CSB area, or a member of the  
30 governing authority of the county designated by said officer, shall serve as a member of  
31 the CSB unless that CSB area:

32 (A) Has four or more counties within its boundaries, in which case the chief executive  
33 officer of each of the three counties that contributed the largest amount of funds and  
34 resources to the community service board during the fiscal year immediately preceding  
35 that community service board's becoming a CSB, or a member of the governing  
36 authority of each such county designated by said officer, shall serve as a member of the  
37 CSB. To the extent there are fewer than three such contributing counties, this

1 subparagraph shall apply to the noncontributing counties with the largest populations  
 2 in descending order according to the United States decennial census of 1990 or any  
 3 future such census to the extent needed to increase to three the number of county  
 4 governing authorities represented on the CSB; or

5 (B) Has fewer than three counties within its boundaries, in which case any remaining  
 6 membership positions required to constitute three public official positions on the CSB  
 7 shall be filled by appointment of a public official designated by the chief executive  
 8 officer of the county which contributed the larger amount of funds and resources to the  
 9 CSB during the fiscal year immediately preceding that community service board's  
 10 becoming a CSB. If no county contributed such funds or resources or both contributed  
 11 equal amounts, any remaining member shall be a public official designated by the chief  
 12 executive officer of the county having the larger population according to the United  
 13 States decennial census of 1990 or any future such census; and

14 (2) If the chief executive officer of a county and all members of the governing authority  
 15 of that county decline to serve on a CSB when authorized and designated to serve thereon  
 16 or if a chief executive officer is authorized to designate any other public official to serve  
 17 on a CSB, that chief executive officer shall only designate from any of the following  
 18 public officials, whose designation as CSB member has been approved by the governing  
 19 authority of the county in which such official holds office:

20 (A) The chief executive officer, or a member of the governing authority designated by  
 21 said officer, of another county within the CSB area;

22 (B) The chief executive officer, or a member of the governing authority designated by  
 23 said officer, of a municipality lying wholly or partially within the CSB area, but only  
 24 if such designated person resides in such area;

25 (C) The superintendent of schools or a member of the board of education of a county  
 26 or independent school system serving a school district lying wholly or partially within  
 27 the CSB area, but only if such designated person resides in such area; or

28 (D) The sheriff of a county within the CSB area.

29 Only one municipal official, one school official, or one sheriff may be appointed to the  
 30 CSB.

31 (f) The remaining members of the CSB shall be persons who do not hold other elective  
 32 public office. An employee of the department or a county board of health may not serve  
 33 as a member of a CSB. The county governing authority of each county within a CSB area  
 34 consisting of eight or more counties shall appoint one member, pursuant to this subsection,  
 35 to the CSB. In a CSB area that consists of fewer than eight counties, there shall be eight  
 36 members appointed to such CSB pursuant to this subsection with the governing authority  
 37 of each county appointing one member, pursuant to this subsection, to the CSB. The

1 distribution of any additional memberships needed to increase to eight the number of  
2 members of the CSB appointed pursuant to this subsection shall be allocated among the  
3 counties in such area by allocating one such membership to each county in descending  
4 order from the county with the largest population to the county with the smallest population  
5 according to the United States decennial census of 1990 or any future such census and  
6 repeating such allocations as are necessary until all membership positions have been so  
7 allocated. In making appointments to the CSB, the various county governing authorities  
8 shall endeavor to ensure that the resulting appointments:

9 (1) Are reflective of the cultural and social characteristics, including gender, race, ethnic,  
10 and age characteristics of the area and county populations;

11 (2) Include at least one person appointed pursuant to this subsection who is able to read  
12 and understand financial audits;

13 (3) Include individuals who are actively engaged in business, professional, and  
14 community activities; and

15 (4) Are reflective of each disability group and that each such group is viably, capably,  
16 and equitably represented on the CSB; provided, however, consumers and members of  
17 the families of consumers shall constitute a majority of the membership of the CSB.

18 (g)(1) The term of office of a member of a CSB who is a chief executive officer pursuant  
19 to paragraph (1) of subsection (e) of this Code section or who is designated by or  
20 authorized to be designated by the elected chief executive officer of a county governing  
21 authority shall run concurrent with the term of office of the chief executive officer so  
22 serving as or designating or authorized to designate said member.

23 (2) After the initial terms of office established in the bylaws of a CSB, regular terms of  
24 office of CSB members, except for those members specified in paragraph (1) of this  
25 subsection, shall be for three years from the expiration of the previous term and until a  
26 successor is appointed and qualified.

27 (3) Vacancies in office in a CSB membership position to which a person has been  
28 appointed, whether occurring by expiration of term or any other reason, shall be filled in  
29 the same manner as the original appointment, unless that position is one which may be  
30 held by a chief executive officer of a county under paragraph (1) of subsection (e) of this  
31 Code section, in which event that chief executive officer shall succeed to such  
32 membership position or appoint another public officer to succeed thereto as authorized  
33 in that subsection. If the chief executive officer or governing authority of a county so  
34 authorized to fill a vacancy in the office of a CSB member does not fill that vacancy  
35 within 90 days after such expiration of term or vacancy occurs, the members of the  
36 General Assembly whose House or Senate districts include any part of that county shall  
37 meet in caucus, no sooner than 91 days and no later than 150 days after the vacancy

1 occurs, to designate, by majority vote, a person to fill such vacancy and who meets the  
2 requirements for CSB membership in the vacated position under this Code section;  
3 otherwise, the Governor shall fill that vacancy by appointing a person who meets those  
4 requirements. Persons appointed to fill a vacancy in office in a CSB, other than one  
5 occurring by expiration of term, shall serve out the remainder of the term of office and  
6 until a successor is appointed, or otherwise authorized to take office, and qualified.

7 (4) The terms of office of the members of a community service board which becomes a  
8 CSB on July 1 of any year shall expire at the end of June 30 of that year. The chief  
9 executive officer or governing authority of a county that is otherwise authorized to  
10 designate CSB members may do so no sooner than May 1 of that year, but any person so  
11 designated shall not take office until July 1 of that year. If a membership position on that  
12 CSB is not filled by July 1 of that year, a vacancy in that position shall be deemed to have  
13 occurred on July 1 of that year.

14 (h) Each county within the boundaries of a CSB area shall be required to participate with  
15 such CSB and the operation of the disability services program through the CSB. Each  
16 community service board in existence and functioning on June 30 of any year that becomes  
17 a CSB on July 1 of that year shall automatically be succeeded by the CSB for the same  
18 CSB area as of July 1 of that year and each such CSB shall be governed from and after  
19 July 1 of that year by this Code section. All contractual obligations, including but not  
20 limited to real estate leases, rentals, and other property agreements, other duties,  
21 obligations, rights, and benefits of such community service board shall automatically  
22 become duties, obligations, rights, and benefits of its respective successor CSB.

23 (i) Each CSB shall be responsible for adopting bylaws and operational policies and  
24 guidelines. The bylaws shall address board appointment procedures, initial terms of board  
25 members, quorum, the staggering of terms of office, a mechanism for ensuring that  
26 consumers of disability services and family members of such consumers constitute a  
27 majority of the board members, and a mechanism for ensuring equitable representation of  
28 the various disability groups.

29 (j) No officer of a CSB who has authority to take, direct others to take, recommend, or  
30 approve any personnel action shall take or threaten against any employee of a CSB as a  
31 reprisal for making a complaint or disclosing information concerning the possible existence  
32 of any activity constituting fraud, waste, or abuse in or relating to the programs, operations,  
33 or client services of the board to the board or to a member of the General Assembly unless  
34 the complaint was made or the information was disclosed with the knowledge that it was  
35 false or with willful disregard for its truth or falsity. Any action taken in violation of this  
36 subsection shall give the public employee a right to have such action set aside in a  
37 proceeding instituted in the superior court.

1 (k)(1) The department by rule shall prescribe:

2 (A) An initial orientation for members of CSBs, the contents of which can be  
3 administered by a CSB member or a member of its professional staff. Such orientation  
4 shall include, but not be limited to, information related to legislation creating  
5 community service boards, the programs and services of the CSB on which the member  
6 holds membership, liability coverage and indemnification of board members, the  
7 current year operating budget, the results of the most recent financial audit, the  
8 requirements of statutes related to open meetings and open records, confidentiality of  
9 consumer information, the conduct of a board member that would be considered a  
10 conflict of interest, any ethics policies of the CSB, and a review of the bylaws of the  
11 CSB. The CSB shall give notice to the department when a member who is otherwise  
12 qualified to hold office has completed the required initial orientation and has entered  
13 upon the duties of office as a member of the CSB; and

14 (B) An annual training program of at least ten hours for members of CSBs.

15 (2) The department shall appoint an advisory committee that includes, but is not limited  
16 to, CSB members and executive directors, consumers and members of consumers'  
17 families, advocates, and training professionals to develop guidelines for training members  
18 of CSBs.

19 (3) A member of a CSB, who after notice that said member has failed to complete the  
20 required initial orientation prescribed by the department and continues such failure for  
21 30 days, may be removed from office by the remaining members of the CSB. A member  
22 of a CSB, who after notice that said member has failed to complete the required annual  
23 training prescribed by the department and continues such failure for 30 days, may be  
24 removed from office by the remaining members of the CSB.

25 (l) Each CSB shall employ an executive director to serve as its chief executive officer.  
26 Such executive director shall be appointed and removed by the CSB and shall appoint other  
27 necessary staff pursuant to an annual budget adopted by the board, which budget shall  
28 provide for the securing of appropriate facilities, sites, and professionals necessary for the  
29 provision of disability services. The CSB may delegate any power, authority, duty, or  
30 function to its executive director or other staff. The executive director or other staff is  
31 authorized to exercise any power, authority, duty, or function on behalf of the CSB.  
32 Subject to the general policy established by the CSB, the executive director shall supervise,  
33 direct, account for, organize, plan, administer, and execute the powers, duties, authority,  
34 functions, and responsibilities vested in the CSB. The executive director shall delegate  
35 authority for clinical decisions to appropriately licensed clinical professionals.

1 (m) Each CSB, under the jurisdiction of its board members, shall perform duties,  
2 responsibilities, and functions, and may exercise power and authority described in this  
3 subsection. Each CSB may exercise the following power and authority:

4 (1) To adopt bylaws for the conduct of its affairs; provided however, the CSB shall meet  
5 not less than once every two months beginning on July 1 and continuing through the next  
6 June 30, which time shall be the fiscal year of the CSB; provided, further, that all such  
7 meetings and any bylaws shall be open to the public, as otherwise prescribed under  
8 Georgia law;

9 (2) To elect a chairperson and vice chairperson from among its membership, and the  
10 bylaws of the CSB shall provide for any other officers of such board and their means of  
11 selection, the terms of office of the officers, and an annual meeting to elect officers;

12 (3) To make and enter into all contracts necessary and incidental to the performance of  
13 its duties and functions, including, but not limited to, contracts to utilize the services of  
14 the Department of Administrative Services, the state auditor, or any other agency of the  
15 state, local, or federal government;

16 (4) To acquire by purchase, gift, lease, or otherwise, and to own, hold, improve, use, and  
17 to sell, convey, exchange, transfer, lease, sublease, and dispose of real and personal  
18 property of every kind and character, or any interest therein, for its corporate purposes;

19 (5) To have a seal and alter the same;

20 (6) To cooperate with all units of local government within the CSB area as well as  
21 neighboring regions and with the programs of other departments, agencies, and regional  
22 commissions and boards;

23 (7) To contract with the State Personnel Board regarding those CSB personnel who  
24 remain in the classified service;

25 (8) To establish fees for the provision of disability services;

26 (9) To receive and administer grants, gifts, contracts, moneys, and donations for  
27 purposes pertaining to the delivery of disability services;

28 (10) To accept appropriations, loans of funds, facilities, equipment, and supplies from  
29 the local governmental entities within its boundaries;

30 (11) To borrow money for any corporate purpose, and to incur debt, liabilities, and  
31 obligations for any corporate purpose. No debt, liability, or obligation incurred by a CSB  
32 shall be considered a debt, liability, or obligation of the state or any county or any  
33 municipality or any political subdivision of the state. A CSB may not borrow money as  
34 permitted by this Code section if the highest aggregate annual debt service requirements  
35 for the then current fiscal year or any subsequent year for outstanding borrowings of the  
36 CSB, including the proposed borrowing, exceed 15 percent of the total revenues of the  
37 CSB in its fiscal year immediately preceding the fiscal year in which such debt is to be

- 1 incurred. Interest paid upon such borrowings shall be exempt from taxation by the state  
2 or its political subdivisions;
- 3 (12) To carry forward without lapse fund balances and to establish reserve accounts from  
4 revenues and grants derived from state, county, and all other sources;
- 5 (13) To establish facilities deemed by the CSB as necessary and convenient for the  
6 administration, operation, or provision of disability services by the CSB. For such  
7 purposes, a CSB may acquire by purchase, lease, or other method of acquisition, personal  
8 and real property and interests therein; construct, reconstruct, improve, alter, repair, and  
9 equip facilities; and, when in the judgment of the CSB such action is appropriate, dispose  
10 of such facilities by sale, lease, or other method of disposition. No such facility of a CSB  
11 used for the administration, operation, or provision of disability services by the CSB shall  
12 be subject to zoning regulations of any county or municipal corporation;
- 13 (14) To establish fees, rates, rents, and charges for the services and the use of facilities  
14 of the CSB;
- 15 (15) To create one or more nonprofit corporations to perform services within the purview  
16 of the CSB as provided in subsection (t) of this Code section;
- 17 (16) To exercise any power usually possessed by private corporations performing similar  
18 functions that is not in conflict with the Constitution and the laws of this state; and
- 19 (17) To do all things necessary and convenient to carry out the powers conferred upon  
20 it.
- 21 (n) Nothing shall prohibit a CSB from contracting with any county or municipal governing  
22 authority, private or public provider, or hospital for the provision of disability services.
- 23 (o) Each CSB exists for nonprofit and public purposes and it is found and declared that the  
24 carrying out of the purposes of each such CSB is exclusively for public benefit and its  
25 property is public property. Thus no CSB shall be required to pay any state or local ad  
26 valorem, sales, use, or income tax.
- 27 (p) A CSB shall not have the power to tax, the power to issue general obligation bonds or  
28 revenue bonds or revenue certificates, or the power to financially obligate the state or any  
29 county or any municipal corporation.
- 30 (q) A CSB shall not operate any facility for profit. Consistent with this limitation, a CSB  
31 shall have authority to fix fees, rents, rates, and charges that are reasonably expected to  
32 produce revenues, which, together with all other funds of the CSB, will be sufficient to  
33 administer, operate, and provide the disability services that such board is required to pay,  
34 or undertakes to provide, the cost of acquiring, constructing, equipping, maintaining,  
35 repairing, and the operating of its facilities; and to create and maintain reserves sufficient  
36 to meet principal and interest payments due on any obligation of the CSB. The CSB may

1 provide reasonable reserves for the improvement, replacement, or expansion of its facilities  
2 and services.

3 (r) Each county and municipal corporation of this state is authorized to convey or lease  
4 property of such county or municipal corporation to a CSB for its public purposes. Any  
5 property conveyed or leased to a CSB by a county or municipal corporation shall be  
6 operated by the CSB to which the same is conveyed or leased in accordance with this  
7 chapter and the terms of the CSBs agreements with the county or municipal corporation  
8 providing such conveyance or lease.

9 (s) Each CSB shall keep books of account reflecting all funds received, expended, and  
10 administered by the CSB, which shall be independently audited annually.

11 (t) A CSB may create, form, or become a member of a nonprofit corporation, limited  
12 liability company, or other nonprofit entity the voting membership of which is limited to  
13 community service boards, governmental entities, nonprofit corporations, or a combination  
14 thereof, if such entity is created for purposes within the powers of the CSB, for the  
15 cooperative functioning of the members, for the purposes set forth in subsection (u) of this  
16 Code section, or a combination thereof.

17 (u) A CSB may join or form and operate, either directly or indirectly, one or more  
18 networks of community service boards, disability professionals, and other providers of  
19 disability services, and to arrange for the provision of disability services through such  
20 networks; to contract either directly or through such networks with the Department of  
21 Community Health to provide services to Medicaid beneficiaries; to provide disability  
22 services in an efficient and cost-effective manner on a prepaid, capitation, or other  
23 reimbursement basis; and to undertake other disability related managed care activities. For  
24 purposes of this paragraph only and notwithstanding Code Section 33-3-3 or any other  
25 provision of law, a CSB shall be permitted to and shall comply with the requirements of  
26 Chapter 20A of Title 33 to the extent that such requirements apply to the activities  
27 undertaken by the CSB or by a CSB under this subsection or subsection (t) of this Code  
28 section. No CSB, whether or not it exercises the powers authorized by this paragraph, shall  
29 be relieved of compliance with Article 4 of Chapter 18 of Title 50, relating to inspection  
30 of public records, unless otherwise provided by law. Any licensed health care provider  
31 shall be eligible to apply to become a participating provider under such a plan or network  
32 that provides coverage for health care or disability services which are within the lawful  
33 scope of the provider's license, but nothing in this Code section shall be construed to  
34 require any such plan or network to provide coverage for any specific health care or  
35 disability service.

36 (v) Employees of each community service board which becomes constituted as a CSB shall  
37 retain all existing rights under the State Merit System of Personnel Administration and

1 under the Employees' Retirement System of Georgia or other public retirement systems as  
 2 existed immediately prior to that community service board's being constituted as a CSB  
 3 in the same manner as such rights were retained by employees transferred to community  
 4 service boards under subsection (a) of Code Section 37-2-6.2. Only those CSB employees  
 5 who were in a classified position under the State Merit System of Personnel Administration  
 6 immediately prior to their employing community service board's being constituted as CSBs  
 7 shall continue to be classified employees under that system so long as they remain in a  
 8 classified position in the CSB.

9 (w) CSBs shall not be a state public authority for purposes of inclusion under the  
 10 Employees' Retirement System of Georgia pursuant to Code Section 47-2-70.1 except to  
 11 the extent required for CSB employees whose rights in that system are retained pursuant  
 12 to subsection (v) of this Code section."

#### 13 SECTION 4.

14 Said title is further amended by striking subsection (a) of Code Section 37-2-6, relating to  
 15 creation of community service boards, and inserting in its place the following:

16 "(a)(1) As used in this Code section, Code Section 37-2-6.1, and paragraph (1) of  
 17 subsection (c) of Code Section 37-2-11.1, the term 'community service board' means a  
 18 community service board created under paragraph (2) of this subsection, other than a  
 19 CSB.

20 (2) There shall be created community mental health, mental retardation, and substance  
 21 abuse service boards, in conformity with the areas established pursuant to the subsection  
 22 (b) of Code Section 37-2-3, which shall govern publicly funded programs for the purpose  
 23 of providing certain disability services not provided by other public or private providers  
 24 under contract with the regional board except that CSBs shall govern those programs in  
 25 those areas in which CSBs are constituted pursuant to Code Section 37-2-5.3. The  
 26 programs shall be governed by the community service boards, which shall be established  
 27 as public agencies."

#### 28 SECTION 5.

29 Said title is further amended by adding after Code Section 37-2-6.2, relating to community  
 30 service board employees, a new Code section to read as follows:

31 "37-2-6.3.

32 (a) This Code section shall apply to all community service boards whether or not they are  
 33 CSBs.

34 (b) A member of a community service board may resign from office by giving written  
 35 notice of such resignation to the executive director or program director, as applicable, of

1 the community service board. The resignation is irrevocable after delivery to such director  
 2 but shall become effective upon the date on which the notice is received or on the effective  
 3 date given by the member in the notice, whichever date is later. That director, upon receipt  
 4 of the resignation, shall give notice of the resignation to the remaining members of the  
 5 community service board and to the chief executive officer or governing authority of the  
 6 county that appointed the member.

7 (c) The office of a member of a community service board shall be vacated upon the  
 8 member's resignation, death, or inability to serve due to medical infirmity or other  
 9 incapacity, removal by the community service board as authorized in this chapter, or upon  
 10 such other reasonable condition as the CSB may impose under its bylaws.

11 (d) Each member of a community service board may, upon the approval of the community  
 12 service board, receive reimbursement for actual expenses incurred in carrying out the duties  
 13 of such office in conformance with rates and allowances set for state employees by the  
 14 Office of Planning and Budget and the same mileage allowance for use of a personal car  
 15 that is received by all state officials and employees or a travel allowance of actual  
 16 transportation cost if traveling by public carrier.

17 (e) A member of a community service board is a public officer and may not first enter  
 18 upon the duties of office on or after the date this Code section first becomes effective in  
 19 2001 until such member takes the following oath of office before an official qualified to  
 20 administer such oaths:

21 'STATE OF GEORGIA

22 COUNTY OF \_\_\_\_\_

23 I, \_\_\_\_\_, do solemnly swear or affirm that I will truly perform the  
 24 duties of a Member of the \_\_\_\_\_ Community Service Board, to the best of my  
 25 ability.

26 I do further swear or affirm:

27 (1) That I am not the holder of any unaccounted for public money due this state or any  
 28 political subdivision or authority thereof;

29 (2) That I am not the holder of any office of trust under the government of the United  
 30 States, any other state, or any foreign state which I am by the laws of the State of  
 31 Georgia prohibited from holding;

32 (3) That I am otherwise qualified to hold said office according to the Constitution and  
 33 the laws of Georgia; and

34 (4) That I will support the Constitution of the United States and this state.

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\_\_\_\_\_  
(Signature of Member of \_\_\_\_\_ Community Service Board)  
\_\_\_\_\_  
(Typed Name of Member of \_\_\_\_\_ Community Service Board)

Sworn and Subscribed before this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

{SEAL}'

(f) A community service board shall keep the department informed of the names, addresses, and terms of office of its members.

(g) A member of a community service board shall not vote on or seek to influence the outcome of any matter that comes before such board involving:

(1) A contract by the community service board or the department with, or the award of funds by the community service board or the department to, or any action affecting a license or permit of:

(A) Any private individual who is a member of that board, or a spouse, child, spouse of a child, parent, sibling, or spouse of a sibling of that member; or

(B) Any private individual or organization or entity if said member, or the spouse, a child, a spouse of a child, a parent, a sibling, or a spouse of a sibling is a shareholder, director, officer, partner, manager, or member entitled to share in the capital, profits, or distributions, employer or employee, or principal or agent of the private individual or private organization or entity; or

(2) A contract by the community service board or the department with, or the award of funds by the community service board or the department to, any public official or public agency if such member, or the spouse, a child, a spouse of a child, a parent, a sibling, or a spouse of a sibling of the member will personally derive any personal financial benefit from such contract or award of funds.

(h) The boundaries for the establishment and operation of community service boards existing on January 1, 2001, shall continue as the boundaries of the community service boards constituted under Code Section 37-2-5.3 or Code Section 37-2-6. The boundaries for the area and the operation of each community service board may be reconfigured by the agreement of the governing authorities of each county encompassed within such area and each affected community service board, subject to the approval of such agreement by the

1 division which approval shall not be unreasonably withheld or delayed. Any such  
2 agreement shall:

3 (1) Be effective on the first day of July following approval of the agreement by the  
4 division;

5 (2) Define the manner in which each existing community service board shall be  
6 reconfigured by division or merger of each existing board, the areas of operations of each  
7 such board being defined accordingly; and

8 (3) Allocate to the reconfigured community service boards the assets, liabilities, and other  
9 business and operations of each affected community service board.

10 (i) If a community service board ceases operations, then the governing authority of the  
11 counties lying within the area served by the board or the department may petition the  
12 superior court of the county in which the principal office of that community service board  
13 is located for appointment of a receiver of the assets of the community service board for  
14 the protection of the board's creditors and the public. The receiver shall be authorized to  
15 marshal and sell or transfer assets of the board, and, after payment of the costs, expenses,  
16 and approved fees of the proceeding, to pay the liabilities of the community service board.  
17 The court shall then decree that the board be dissolved. Upon completion of the  
18 liquidation, any surplus remaining after paying all costs of the liquidation shall be  
19 distributed, as shall be determined by the court, to the community service boards, agencies,  
20 or entities providing disability services in the service area formerly served by the  
21 community service board which ceased operations."

## 22 SECTION 6.

23 Said title is further amended by striking subsection (b) of Code Section 37-2-11, relating to  
24 accounting for fees generated by providers, and inserting in its place the following:

25 "(b) Fees generated, if any, by hospitals, community service boards, and other private and  
26 public providers, providing services under contract or purview of the regional board, shall  
27 be reported to the regional board and applied wherever appropriate against the cost of  
28 providing, and increasing the quantity and quality of, disability services; provided,  
29 however, that income to a CSB established pursuant to Code Section 37-2-5.3 derived from  
30 fees may be used to further the purposes of such CSB as found in said Code section. The  
31 regional boards with guidance from the division shall be responsible for developing  
32 procedures to properly account for the collection, remittance, and reporting of generated  
33 fees. The regional boards shall work with the community service boards and other public  
34 or private providers to develop an appropriate mechanism for accounting for the funds and  
35 resources contributed to local disability services by counties and municipalities within the  
36 area. Such contributions are not required to be submitted to either the community service

1 board or the regional board; however, appropriate documentation and accounting entries  
2 shall make certain that the county or municipality is credited, and if necessary  
3 compensated, appropriately for such contribution of funds or resources."

4 **SECTION 7.**

5 Said title is further amended by adding at the end of Code Section 37-2-11.2, relating to  
6 access to and confidentiality of records, a new subsection to read as follows:  
7 "(c) The community service board shall maintain a clinical record for each consumer  
8 receiving treatment or habilitation services from such board. The treatment of clinical  
9 records of consumers in treatment for mental illness shall be governed by the provisions  
10 of Code Section 37-3-166. The treatment of clinical records of consumers receiving  
11 habilitation services for mental retardation shall be governed by the provisions of Code  
12 Section 37-4-125. The treatment of clinical records of consumers in treatment for the  
13 abuse of, or dependency on, alcohol, narcotics, or other drugs shall be governed by the  
14 provisions of Code Section 37-7-166."

15 **SECTION 8.**

16 Nothing in this Act shall be construed to affect or abate any right accrued or vested prior to  
17 July 1, 2001, or any action or proceeding commenced prior to July 1, 2001, under any law  
18 amended or repealed by this Act.

19 **SECTION 9.**

20 This Act shall become effective July 1, 2001, except that those provisions which authorize  
21 community service boards to elect not to become CSBs prior to May 1, 2001, which  
22 authorize appointments to CSBs after April 30, 2001, or which authorize CSBs to elect to  
23 continue to be constituted as lead county boards of health shall become effective upon the  
24 approval of this Act by the Governor or upon its becoming law without such approval.

25 **SECTION 10.**

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