

Senate Bill 48

By: Senators Smith of the 52nd, Thomas of the 54th, Mullis of the 53rd, Tolleson of the 20th and Rogers of the 21st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To state a general intent to eliminate the future "sunset" of certain provisions relating to renal
 2 dialysis facilities; to provide that provisions of the Official Code of Georgia Annotated,
 3 relating to renal dialysis facilities which were in effect and applicable on January 1, 2005,
 4 shall remain in effect and applicable until and unless changed by future Act of the General
 5 Assembly; to amend an Act amending Title 31 of the Official Code of Georgia Annotated,
 6 relating to health, which Act was approved April 20, 2000 (Ga. L. 2000, p. 526), so as to
 7 repeal provisions of such Act which provided for a future repeal or sunset of certain
 8 provisions; to amend Code Section 31-44-3 of the Official Code of Georgia Annotated,
 9 relating to adoption of rules, establishment of a council, and terms of councilmembers, so as
 10 to revise certain provisions relating to membership on the Renal Dialysis Advisory Council;
 11 to provide for related matters; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 (a) It is the general intent of this Act to eliminate the future "sunset" of certain provisions
 15 relating to renal dialysis facilities. The following provisions of the Official Code of Georgia
 16 Annotated, which were in effect and applicable on January 1, 2005, shall remain in effect and
 17 applicable until and unless changed by future Act of the General Assembly:

- 18 (1) Code Section 31-44-1, relating to definitions;
 19 (2) Code Section 31-44-2, relating to fees;
 20 (3) Code Section 31-44-3, relating to adoption of rules and the establishment of the
 21 Renal Dialysis Advisory Council;
 22 (4) Code Section 31-44-4, relating to license requirement;
 23 (5) Code Section 31-44-5, relating to exceptions to licensing requirements;
 24 (6) Code Section 31-44-6, relating to application for license; fee; evidence of qualified
 25 staff; temporary provisional license; issuance of license; and renewability of license;
 26 (7) Code Section 31-44-7, relating to minimum standards of rules;
 27 (8) Code Section 31-44-8, relating to qualifications of employees;

- 1 (9) Code Section 31-44-9, relating to minimum standards for curricula, instructors, and
 2 training;
- 3 (10) Code Section 31-44-10, relating to inspections;
- 4 (11) Code Section 31-44-11, relating to authority of department to deal with violations
 5 of Chapter 44 of Title 31 or rules adopted thereunder;
- 6 (12) Code Section 31-44-12, relating to deposit of collected penalties;
- 7 (13) Code Section 31-44-13, relating to temporary management of facilities;
- 8 (14) Code Section 31-44-14, relating to action to enjoin operation of facility; and
- 9 (15) Code Section 31-44-15, relating to fee of temporary manager.

10 (b) The following provision of law is repealed:

11 Section 4 of an Act amending Title 31 of the Official Code of Georgia Annotated,
 12 relating to health, approved April 20, 2000 (Ga. L. 2000, p. 526), which now repealed
 13 section would have provided for a future repeal or sunset of certain provisions relating
 14 to renal dialysis facilities.

15 **SECTION 2.**

16 Code Section 31-44-3 of the Official Code of Georgia Annotated, relating to adoption of
 17 rules, establishment of a council, and terms of councilmembers, is amended by striking
 18 subsection (b) and inserting in its place the following:

19 "(b) The department shall establish a Renal Dialysis Advisory Council to advise the
 20 department regarding licensing and inspection of end stage renal disease facilities. The
 21 council shall be composed of a minimum of 13 persons appointed by the board: one
 22 member recommended by the Dogwood Chapter of the American Nephrology Nurses
 23 Association; one member recommended by the Georgia Chapter of the American
 24 Association of Kidney Patients; two physicians specializing in nephrology recommended
 25 by the Georgia Renal Physicians Association; one member recommended by the National
 26 Kidney Foundation of Georgia; two administrators of facilities certified as outpatient
 27 dialysis facilities in Georgia; three members of the general public, two of whom shall be
 28 dialysis patients or family members of dialysis patients; one member representing
 29 technicians working in renal dialysis facilities; one member representing social workers
 30 working in renal dialysis facilities; and one member representing ~~nutritionists~~ dietitians
 31 working in renal dialysis facilities."

32 **SECTION 3.**

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