

House Resolution 492

By: Representatives Stephenson of the 92nd, Watson of the 91st, Mosby of the 90th, Orrock of the 58th, McClinton of the 84th, and others

A RESOLUTION

- 1 Creating the Community Living Services Joint Study Committee; and for other purposes.
- 2 WHEREAS, it is the policy of this state to promote policies that place individuals in the
3 appropriate level of care based on their individual needs; and
- 4 WHEREAS, it is the policy of this state to promote policies in favor of deinstitutionalization;
5 and
- 6 WHEREAS, the policy of this state to protect the health, safety, and welfare of Georgia's
7 persons and property would be best served by a uniform approach to the delivery of all
8 community living services that fairly balances the needs of individuals with the needs of the
9 community; and
- 10 WHEREAS, community living services are provided in personal care homes, adult
11 community living arrangements, and child care institutions; and
- 12 WHEREAS, the Department of Human Resources contains four divisions (Public Health,
13 Family and Children Services, Aging Services, and Mental Health, Developmental
14 Disabilities, and Addictive Diseases) and three offices (Office of Regulatory Services, Office
15 of Adoptions, and Office of Child Support Enforcement); and
- 16 WHEREAS, community living services are primarily delivered through the Office of Aging,
17 and the Division of Mental Health, Developmental Disabilities, and Addictive Diseases; and
- 18 WHEREAS, the Office of Regulatory Services responsibilities include inspecting,
19 monitoring, licensing, registering, and certifying a variety of health and child care facilities;
20 and

1 WHEREAS, there has emerged a trend in these facilities throughout the state, specifically
2 DeKalb in the southern and eastern portions of the county; and

3 WHEREAS, personal care homes are defined as a health care facility within the Georgia
4 Code; and

5 WHEREAS, community living arrangements and child care institutions are not defined as
6 health care facilities within the Georgia Code; and

7 WHEREAS, the delivery of all community living arrangements would be best served by a
8 plan that includes best practices in delivering such services in the community; and

9 WHEREAS, the current Code and Regulations relating to all community living services have
10 been amended numerous times resulting in some provisions of the Code being confused and
11 inconsistent; and

12 WHEREAS, the Department of Human Resources, the Department of Community Health,
13 child advocates, senior advocates, mental health advocates, community advocates, county
14 governments, and state policymakers recognize that our state would be best served by a
15 comprehensive, research based, best practices model that would govern the delivery of
16 community living services.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
18 GEORGIA that there is created the Community Living Services Joint Study Committee to
19 be composed of the following members:

- 20 (1) Three members of the Senate to be appointed by the Senate Committee on
21 Assignments, one of whom shall be designated as the cochairperson;
- 22 (2) Three members of the House of Representatives to be appointed by the Speaker of
23 the House, one of whom shall be designated as the cochairperson;
- 24 (3) A representative from the Association of County Commissioners;
- 25 (4) A representative from the Georgia Municipal Association;
- 26 (3) The commissioner of the Department of Human Resources or his or her designee;
- 27 (4) The commissioner of the Department of Community Health or his or her designee;
- 28 (5) A representative from the Office of Regulatory Services or his or her designee;
- 29 (6) A representative from the Georgia Council on Aging;
- 30 (7) A representative from the Association of Personal Care Homes;
- 31 (8) A representative from a neighborhood association;

- 1 (9) A representative from a mental health advocacy group;
- 2 (10) A representative from a developmental disabilities advocacy group;
- 3 (11) A representative from an area agency on aging; and
- 4 (12) Three members appointed by the Governor.

5 The Governor shall also appoint two other persons who shall serve in an advisory capacity
6 to the committee. Any vacancy on the committee shall be filled by appointment by the
7 original appointing authority.

8 BE IT FURTHER RESOLVED that the committee shall study the conditions, needs, issues,
9 and problems of community living services in Georgia. In conducting such study, the
10 committee shall study community living arrangements in Georgia and other states and shall
11 elicit views from experts in the field. The committee shall examine recent court decisions
12 affecting the delivery of community living services and shall determine what revisions to the
13 Code, if any, are necessary and desirable. The committee shall review the range of services
14 or sanctions that are needed to best serve the needs of the community, families, and children.
15 The committee may appoint subcommittees composed of members of this committee as well
16 as public officials and citizens who have expertise or particular interest in the various areas
17 of community living services. The committee shall meet for the purpose of organizing and
18 electing such officers as it deems advisable, determining a quorum, adopting procedures for
19 operations, and attending to such other matters as it deems appropriate within 45 days of this
20 resolution becoming law. The date, time, and place of the first meeting shall be determined
21 by the Governor. The Office of Legislative Counsel shall provide staff to the committee. The
22 committee may enter into agreements with other state agencies for such additional staff or
23 support as the committee may determine to be necessary. The committee shall recommend
24 to the Governor and the General Assembly any action or legislation which the committee
25 deems necessary or appropriate and shall oversee the implementation of such
26 recommendations. The legislative members of the committee shall receive the allowances
27 provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen
28 members shall receive a daily expense allowance in the amount specified in subsection (b)
29 of Code Section 45-7-21 of the Official Code of Georgia Annotated as well as the mileage
30 or transportation allowance authorized for state employees. Members of the committee who
31 are state officials, other than legislative members, and state employees shall receive no
32 compensation for their services on the committee, but they shall be reimbursed for expenses
33 incurred by them in the performance of their duties as members of the committee in the same
34 manner as they are reimbursed for expenses in their capacities as state officials or employees.
35 The funds necessary for the reimbursement of the expenses of state officials, other than
36 legislative members, and state employees shall come from funds appropriated to or otherwise

1 available to their respective departments. All other funds necessary to carry out the
2 provisions of this resolution shall come from funds appropriated to the Senate and the House
3 of Representatives. The expenses and allowances authorized by this resolution shall not be
4 received by any member of the committee for more than five days unless additional days are
5 authorized as provided by the rules of the Senate or the House of Representatives. In the
6 event the committee makes a report of its findings and recommendations, with suggestions
7 for proposed legislation, if any, such report shall be made on or before December 31, 2005.
8 This resolution shall be repealed on December 31, 2005, and the committee and all
9 subcommittees of the committee shall stand abolished on December 31, 2005.