

The Senate Health and Human Services Committee offered the following substitute to HB 309:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, Code
2 Section 44-5-150 of the Official Code of Georgia Annotated, relating to the duties of the
3 Advisory Board on Anatomical Gift Procurement, and Title 49 of the Official Code of
4 Georgia Annotated, relating to social services, so as to correct the names of committees of
5 the General Assembly; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8
9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by striking
10 subsections (b) and (d) of Code Section 31-6-21.1, relating to procedures for rule making by
11 Department of Community Health, and inserting in lieu thereof new subsections (b) and (d)
12 to read as follows:

13 "(b) The department shall transmit three copies of the notice provided for in paragraph (1)
14 of subsection (a) of Code Section 50-13-4 to the legislative counsel. The copies shall be
15 transmitted at least 30 days prior to that department's intended action. Within five days
16 after receipt of the copies, if possible, the legislative counsel shall furnish the presiding
17 officer of each house with a copy of the notice and mail a copy of the notice to each
18 member of the Health and Human Services Committee of the Senate and each member of
19 the ~~Health and Ecology~~ Human Services Committee of the House of Representatives. Each
20 such rule and any part thereof shall be subject to the making of an objection by either such
21 committee. Any rule or part thereof to which no objection is made by both such
22 committees may become adopted by the department at the end of such 30 day period. The
23 department may not adopt any such rule or part thereof which has been changed since
24 having been submitted to those committees unless:

25 (1) That change is to correct only typographical errors;

1 (2) That change is approved in writing by both committees and that approval expressly
 2 exempts that change from being subject to the public notice and hearing requirements of
 3 subsection (a) of Code Section 50-13-4;

4 (3) That change is approved in writing by both committees and is again subject to the
 5 public notice and hearing requirements of subsection (a) of Code Section 50-13-4; or

6 (4) That change is again subject to the public notice and hearing requirements of
 7 subsection (a) of Code Section 50-13-4 and the change is submitted and again subject to
 8 committee objection as provided in this subsection.

9 Nothing in this subsection shall prohibit the department from adopting any rule or part
 10 thereof without adopting all of the rules submitted to the committees if the rule or part so
 11 adopted has not been changed since having been submitted to the committees and objection
 12 thereto was not made by both committees."

13 "(d) Any rule or part thereof which is objected to by only one committee under subsection
 14 (b) of this Code section and which is adopted by the department may be considered by the
 15 branch of the General Assembly whose committee objected to its adoption by the
 16 introduction of a resolution for the purpose of overriding the rule at any time within the
 17 first 30 days of the next regular session of the General Assembly. It shall be the duty of
 18 the department in adopting a proposed rule over such objection so to notify the chairmen
 19 of the Health and Human Services Committee of the Senate and the ~~Health and Ecology~~
 20 Human Services Committee of the House within ten days after the adoption of the rule.
 21 In the event the resolution is adopted by such branch of the General Assembly, it shall be
 22 immediately transmitted to the other branch of the General Assembly. It shall be the duty
 23 of the presiding officer of the other branch of the General Assembly to have such branch,
 24 within five days after the receipt of the resolution, consider the resolution for the purpose
 25 of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of
 26 each branch of the General Assembly, the rule shall be void on the day after the adoption
 27 of the resolution by the second branch of the General Assembly. In the event the resolution
 28 is ratified by a majority but by less than two-thirds of the votes of either branch, the
 29 resolution shall be submitted to the Governor for his approval or veto. In the event of his
 30 veto, the rule shall remain in effect. In the event of his approval, the rule shall be void on
 31 the day after the date of his approval."

32 SECTION 2.

33 Said title is further amended by striking Code Section 31-6-46, relating to annual reports by
 34 department, and inserting in lieu thereof a new Code Section 31-6-46 to read as follows:

1 "31-6-46.

2 The department shall prepare and submit an annual report to the Health and Human
3 Services Committee of the Senate and the Health and ~~Ecology~~ Human Services Committee
4 of the House of Representatives about its operations and decisions for the preceding 12
5 month period, not later than 30 days prior to each convening of the General Assembly in
6 regular session. Either committee may request any additional reports or information,
7 including decisions, from the department at any time, including a period in which the
8 General Assembly is not in regular session."

9 SECTION 3.

10 Said title is further amended by striking Code Section 31-43-4, relating to members of the
11 Commission on Men's Health, and inserting in lieu thereof a new Code Section 31-43-4 to
12 read as follows:

13 "31-43-4.

14 The commission shall consist of 11 members: seven members appointed by the Governor;
15 two members of the Senate appointed by the ~~President of the Senate~~ Committee on
16 Assignments, one of whom shall be the chairperson of the Senate Health and Human
17 Services Committee or his or her designee; and two members of the House of
18 Representatives appointed by the Speaker of the House, one of whom shall be the
19 chairperson of the House Committee on Health and ~~Ecology~~ Human Services or his or her
20 designee. The Governor may also appoint an honorary chairperson to serve as a member
21 of the commission."

22 SECTION 4.

23 Code Section 44-5-150 of the Official Code of Georgia Annotated, relating to the duties of
24 the Advisory Board on Anatomical Gift Procurement, is amended by striking paragraph (7)
25 and inserting in lieu thereof a new paragraph (7) to read as follows:

26 "(7) Report biennially to the Governor, the Health and ~~Ecology~~ Human Services
27 Committee of the House of Representatives, and the Health and Human Services
28 Committee of the Senate regarding the progress and actions of the advisory board."

29 SECTION 5.

30 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
31 by striking Code Section 49-4-149.1, relating to submission by department of plan for family
32 supplementation of Medicaid payments upon federal removal of restrictions, and inserting
33 in lieu thereof a new Code Section 49-4-149.1 to read as follows:

1 "49-4-149.1.

2 If the federal government removes restrictions upon family supplementation of Medicaid
3 payments or approves a waiver allowing this supplementation, the Department of
4 Community Health shall submit to the Health and Human Services Committee of the
5 Senate and the Health and ~~Ecology~~ Human Services Committee of the House of
6 Representatives a plan for this supplementation, which submission shall be made within
7 30 days after the earlier of the date the restrictions are removed or the date the waiver is
8 approved."

9 **SECTION 6.**

10 Said title is further amended by striking Code Section 49-5-224, relating to commissioner of
11 human resources to submit annual report, and inserting in lieu thereof a new Code Section
12 49-5-224 to read as follows:

13 "49-5-224.

14 The commissioner of human resources shall submit an annual report to the House and
15 Senate Appropriations Committees, the House and Senate Education Committees, the
16 House Health and ~~Ecology~~ Human Services Committee, the Senate Committee on ~~Youth,~~
17 ~~Aging,~~ Health and Human ~~Ecology~~ Services, the Governor, and the Children and Youth
18 Coordinating Council. The report shall contain a copy of the updated State Plan for the
19 Coordinated System of Care. The report shall also contain the following information on
20 severely and emotionally disturbed children and adolescents receiving services directly or
21 indirectly through the Department of Human Resources, the Department of Education, or
22 any other state agency:

- 23 (1) The number and ages of children in out-of-state residential facilities;
24 (2) The number and ages of children in in-state residential facilities;
25 (3) The number and ages of children in nonresidential treatment;
26 (4) Annual public funds expended for out-of-state placements, the sources of such funds,
27 and the average cost per child of such out-of-state placement;
28 (5) Annual public funds expended for in-state residential placements, the sources of such
29 funds, and their average cost per child of such in-state residential placement;
30 (6) Annual public funds expended for nonresidential treatment, the sources of such
31 funds, and the average cost per child of such nonresidential treatment;
32 (7) The average length of stay in out-of-state and in-state placements; and
33 (8) The number and ages of children placed in out-of-home treatment compared to the
34 total number of children in each county of the state."

