

House Bill 73

By: Representatives Day of the 163<sup>rd</sup>, Horne of the 71<sup>st</sup>, and Neal of the 1<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to the  
2 Department of Community Health's powers, duties, functions, and responsibilities and  
3 contracts for health benefits, so as to require the Department of Community Health to  
4 provide emergency transportation services during a declared state of emergency for the  
5 elderly, disabled, and children residing in certain state licensed facilities; to amend Code  
6 Section 31-7-3 of the Official Code of Georgia Annotated, relating to requirements for  
7 permits to operate institutions, so as to require notification to certain departments, local  
8 officials, and utilities; to amend Code Section 31-12-2.1 of the Official Code of Georgia  
9 Annotated, relating to the investigation of potential bioterrorism activity, and regulations and  
10 planning for public health emergencies, so as to require that the State's emergency response  
11 plan include a plan for the evacuation and transportation of persons receiving treatment or  
12 care in certain state licensed facilities; to amend Code Section 38-3-27 of the Official Code  
13 of Georgia Annotated, relating to local organizations for emergency management, so as to  
14 require organizations receiving government assistance for the provision of housing for the  
15 elderly or disabled to provide certain notice to local emergency management organizations;  
16 to provide for related matters; to provide effective dates; to repeal conflicting laws; and for  
17 other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to the Department  
21 of Community Health's powers, duties, functions, and responsibilities and contracts for  
22 health benefits, is amended by adding a new paragraph (9) immediately following paragraph  
23 (8) of subsection (f) to read as follows:

24 "(9) Shall make available by contract emergency transportation services for the elderly,  
25 disabled, and children residing in facilities licensed under Chapter 7 of Title 31 for the  
26 purpose of receiving long term health care, including nursing homes, personal care  
27 homes, or other licensed assisted living homes in the event of a declared state of

1 emergency requiring evacuation of the facility. A copy of the agreement shall be  
 2 provided upon request to the Georgia Emergency Management Agency and to each local  
 3 organization for emergency management established pursuant to Code Section 38-3-27."

#### 4 SECTION 2.

5 Code Section 31-7-3 of the Official Code of Georgia Annotated, relating to requirements for  
 6 permits to operate institutions, is amended by striking subsection (c) thereof and inserting in  
 7 its place the following:

8 "(c) The department shall require a facility licensed under this article and rules and  
 9 regulations adopted pursuant thereto to have a written and regularly rehearsed disaster  
 10 preparedness plan, approved by the department, for staff and residents to follow in case of  
 11 fire, explosion, or other emergency, including interruption of electrical power supply, gas-  
 12 heating supply, and water supply. The plan shall include written procedures for personnel  
 13 to follow in an emergency including care of the resident; notification of attending physician  
 14 and other persons responsible for the resident; and arrangements for transportation,  
 15 evacuation, for hospitalization, for alternate living arrangements, for emergency energy  
 16 sources, or for and other appropriate services. The disaster preparedness plan shall also  
 17 include a provision that the facility notify local fire and police departments and utility  
 18 companies of their existence and resident occupancy capacity. Within 30 days following  
 19 the adoption of the plan or any modification to the plan, a copy shall be provided to the  
 20 department and to the local organization for emergency management having jurisdiction  
 21 over the facility as provided in Code Section 38-3-27."

#### 22 SECTION 3.

23 Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to the  
 24 investigation of potential bioterrorism activity, and regulations and planning for public health  
 25 emergencies, is amended by striking subsection (c) and inserting in its place the following:

26 "(c) The department shall promulgate, prepare, and maintain a public health emergency  
 27 plan and draft executive order for the declaration of a public health emergency pursuant to  
 28 Code Section 38-3-51 and Chapter 13 of Title 50. The plan shall include a provision for  
 29 the emergency transportation and evacuation of persons receiving treatment or care in a  
 30 facility licensed under Chapter 7 of Title 31, including hospitals, nursing homes, personal  
 31 care homes, or other licensed assisted living homes for the care of the elderly, disabled, or  
 32 children with serious medical needs, in the event of a declared state of emergency requiring  
 33 the evacuation of such facility. In preparation of such public health emergency plan and  
 34 draft executive order, the department shall consult and coordinate as appropriate with the  
 35 Georgia Emergency Management Agency, the Federal Emergency Management Agency,

1 the Georgia Department of Public Safety, the Georgia Department of Agriculture, the  
 2 Georgia Department of Community Health, and the federal Centers for Disease Control and  
 3 Prevention. A copy of the public health emergency plan and any modification thereto shall  
 4 be provided to each department specified in this subsection and to each local organization  
 5 for emergency management established pursuant to Code Section 38-3-27."

#### 6 SECTION 4.

7 Code Section 38-3-27 of the Official Code of Georgia Annotated, relating to local  
 8 organizations for emergency management, is amended by adding immediately following  
 9 subsection (f) thereof a new subsection (g) to read as follows:

10 "(g) Any organization receiving assistance from a federal or state agency for the purpose  
 11 of providing housing to the disabled or elderly is required to notify the local organization  
 12 for emergency management having jurisdiction over the residence or facility. Such notice  
 13 shall include the location and the maximum authorized resident occupancy of the residence  
 14 or facility housing disabled or elderly persons. Any organization receiving such  
 15 governmental assistance shall cooperate with local authorities and the local emergency  
 16 management agency in the development and notification of disabled and elderly residents  
 17 of emergency transportation and evacuation plans. The local governing authority may  
 18 establish, by ordinance, fines and penalties for a violation of the reporting requirements  
 19 created in this subsection."

#### 20 SECTION 5.

21 This Act shall become effective only for the purposes of promulgating rules and regulations  
 22 thereunder upon its approval by the Governor or upon its becoming law without such  
 23 approval. This Act shall become effective for all other purposes on January 1, 2008.

#### 24 SECTION 6.

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