

House Bill 461

By: Representatives Sheldon of the 105<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, Stephens of the 164<sup>th</sup>, Butler of the 18<sup>th</sup>, and Graves of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated,  
2 relating to powers and duties of the Department of Human Resources with respect to mental  
3 health, so as to require the privatization of one or more state facilities for the treatment of  
4 mental illness; to provide for contracts; to provide for requirements for the operation of the  
5 treatment facility or facilities; to provide for the continued employment for current  
6 employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to  
10 powers and duties of the Department of Human Resources with respect to mental health, is  
11 revised by adding a new Code section to the end of such article to read as follows:

12 "37-1-25.

13 (a) The department shall, through a request for proposals, privatize the West Central  
14 Georgia Regional Hospital or one or more other state facilities for the treatment of mental  
15 illness under the control and supervision of the department. The department shall begin  
16 the implementation of such privatization no later than November 1, 2007.

17 (b) The department may enter into one or more contracts, not to exceed 23 years, with a  
18 private provider or providers to finance, design, and construct a treatment facility having  
19 up to 350 beds and to operate all aspects of daily operations of the facility. Any such  
20 contract or contracts shall be contingent upon appropriations and shall include provisions  
21 to terminate the contract upon determination that sufficient funds have not been  
22 appropriated.

23 (c) The department and the contractor or contractors shall ensure that the treatment facility  
24 or facilities are operated as a part of the total continuum of care for persons who are  
25 mentally ill. Each contractor shall ensure that each treatment facility under its control

1 effectively treats persons who are mentally ill and assists them in returning to the  
2 community as quickly as possible.

3 (d) Current employees of any treatment facility which is privatized pursuant to this Code  
4 section shall be given first preference for continued employment by the contractor. The  
5 department shall make reasonable efforts to find suitable job placements for employees  
6 who wish to remain employed with the state.

7 (e) Any request for proposals issued pursuant to this Code section shall be conducted in  
8 accordance with Article 3 of Chapter 5 of Title 50 and applicable rules and regulations of  
9 the Department of Administrative Services."

10 **SECTION 2.**

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