

The Senate Health and Human Services Committee offered the following substitute to HB 151:

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state  
2 health planning and development, so as to revise definitions; to establish the Health  
3 Strategies Advisory Council as the successor to the Health Strategies Council; to provide for  
4 its composition and duties; to abolish the Health Strategies Council and transfer pending  
5 matters to the Health Strategies Advisory Council; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

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

8                   **SECTION 1.**

9 Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state health  
10 planning and development, is amended by adding a new paragraph to Code Section 31-6-2,  
11 relating to definitions, to read as follows:

12         "(3.1) 'Board' means the Board of Community Health established under Code Section  
13         31-5A-3."

14                   **SECTION 2.**

15 Said chapter is further amended by revising paragraphs (10) and (23) of Code Section 31-6-2,  
16 relating to definitions, as follows:

17         "(10) 'Health Strategies Advisory Council' or 'council' means the body created by this  
18         chapter to advise the Department of Community Health ~~and adopt the state health plan.~~"

19         "(23) 'State health plan' means a comprehensive program ~~adopted based on~~  
20         recommendations by the Health Strategies Advisory Council and the board, approved by  
21         the Governor, and implemented by the State of Georgia for the purpose of providing  
22         adequate health care services and facilities throughout the state."

**SECTION 3.**

Said chapter is further amended by revising Code Section 31-6-20, relating to the Health Strategies Council generally, as follows:

"31-6-20.

(a) There is created a Health Strategies Advisory Council to be appointed by the Governor, subject to confirmation by the Senate. Any appointment made when the Senate is not in session shall be effective until the appointment is acted upon by the Senate. The Health Strategies Advisory Council shall be the successor to the Health Policy Strategies Council. Those members of the previously existing Health Policy Strategies Council who ~~are~~ were serving as such on January 1, ~~1991~~ 2007, shall continue to serve until ~~July 1, 1991, June 30, 2007,~~ at which time their terms shall expire and that council shall be abolished. On and after that date the council shall be composed of ~~25~~ 15 members. Of those members, at least one shall be appointed from each congressional district. The council shall be composed as follows:

(1) One member representing county governments;

(2) One member representing the private insurance industry;

(3) Ten members representing health care providers as follows:

(A)(1) One member Two members each representing rural hospitals a hospital in a rural county;

(B)(2) One member Two members each representing urban hospitals a hospital in an urban county;

(C)(3) One member who is a board certified primary care physician in active practice;

(D)(4) One member who is a physician in a board certified surgical specialty, including the practice of general surgery;

(E) One member who is a registered professional nurse;

(F) One member who is a registered professional nurse who is certified as a nurse practitioner;

(G)(5) One member representing nursing homes;

(H)(6) One member representing home health agencies;

(7) One member representing a physician owned freestanding ambulatory surgical facility;

(8) One member representing the private insurance industry;

(I) One member representing primary care centers; and

(J) One member who is a primary care dentist;

(4) Ten consumer representatives who are knowledgeable as to health care needs in the fields they represent but who have no financial interest in the health care industry as follows:

- 1       (A)(9) One member representing health care needs of women and children and is a board  
2 certified pediatrician, obstetrician, or obstetrician/gynecologist in active practice;  
3       (B) One member representing health care needs of children;  
4       (C)(10) One member representing health care needs of the disabled and elderly;  
5       (D) One member representing health care needs of the elderly;  
6       (E)(11) One member representing health care needs of low-income persons the indigent;  
7       (12) One member representing mental health care needs; and  
8       (F)(13) One member representing health care needs of small business personnel;  
9       (G) One member representing health care needs of large business personnel;  
10      (H) One member representing health care needs of labor organization members; and  
11      (I) Two members who represent populations with special health care access problems;  
12      and  
13      (5) Three at-large members.

14     (b) If the state obtains an additional member of the United States House of Representatives  
15     as a result of reapportionment, the Governor shall appoint, subject to confirmation by the  
16     Senate, from the new congressional district thus created one ~~health care provider~~ member  
17     who ~~meets the requirements of subparagraph (a)(3)(J) of this Code section and one consumer member who meets the requirements of subparagraph (a)(4)(I) of this Code~~  
18     section as to a population specified in those subparagraphs which is not then represented  
19     on the council. With the addition of these two members, the council shall be composed of  
20     27 members represents local or county government.

21     (c) The members of the council who are appointed to succeed those members whose terms  
22     expire ~~July 1, 1991 June 30, 2007~~, shall take office ~~July 1, 1991 July 1, 2007~~, and ~~12~~ seven  
23     of them shall be designated in such appointment to serve initial terms of office of two years  
24     and ~~13~~ eight of them shall be designated in such appointment to serve initial terms of office  
25     of four years. If ~~two an additional members are member is~~ appointed to the council to  
26     represent a new congressional district as provided in subsection (b) of this Code section,  
27     ~~one said member~~ shall be designated to serve an initial term of office which expires when  
28     the above initial two-year terms of office expire and ~~one shall be designated to serve an~~  
29     initial term of office which expires when the above initial four-year terms of office expire.  
30     After the initial terms provided in this subsection, members of the council shall be  
31     appointed to serve for four-year terms of office. Members of the council shall serve out  
32     their terms of office and until their respective successors are appointed and qualified.

33     (d) Members of the council shall be subject to removal; by

- 34       (1) By the Governor after notice and opportunity for hearing for: incompetence, neglect  
35 of duty, or for failing

36       (A) Inability or neglect to perform the duties required of members;

1           (B) Incompetence; or

2           (C) Dishonest conduct; or

3           (2) For failure to attend at least 75 percent of the meetings of the council in any year; provided, however, that an absence caused by a medical condition or death of a family member shall constitute an excused absence and shall not provide grounds for removal.

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6           Vacancies on the council shall be filled by appointment by the Governor, subject to  
7 confirmation by the Senate.

8           (e) The Governor shall appoint the ~~chairman~~ chairperson of the council. A majority of the  
9 members of the council shall constitute a quorum.

10          (f) The members of the council attending meetings of such council, or attending a  
11 subcommittee meeting thereof authorized by such council, shall receive no salary but shall  
12 be reimbursed for their expenses in attending meetings and for transportation costs as  
13 authorized by Code Section 45-7-21, which provides for the compensation and allowances  
14 of certain state officials.

15          (g) The functions of the council shall be to:

16           (1) ~~Adopt Review, comment, and make recommendations to the board on components~~  
17 ~~of the state health plan and submit it to the board for approval which shall include all of~~  
18 ~~the components of the council's functions and be regularly updated;~~

19           (2) ~~Review, Review and comment on, and make recommendations to the department on~~  
20 proposed rules for the administration of this chapter, except emergency rules, ~~prior to~~  
21 ~~their adoption as requested~~ by the department;

22           (3) Conduct an ongoing evaluation of Georgia's existing health care resources for  
23 accessibility, including but not limited to financial, geographic, cultural, and  
24 administrative accessibility, quality, comprehensiveness, and cost;

25           (4) Study long-term comprehensive approaches to providing health insurance coverage  
26 to the entire population; and

27           (5) Perform such other functions as may be specified for the council by the department  
28 or its board.

29           (h) ~~The council shall prepare an annual report to the board and the General Assembly~~  
30 ~~which presents information and updates on the functions outlined in subsection (g) of this~~  
31 ~~Code section. The annual report shall include information for Georgia's congressional~~  
32 ~~delegation which highlights issues regarding federal laws and regulations influencing~~  
33 ~~Medicaid and medicare, insurance and related tax laws, and long-term health care. The~~  
34 ~~council shall not be required to distribute copies of the annual report to the members of the~~  
35 ~~General Assembly but shall notify the members of the availability of the annual report in~~  
36 ~~the manner which it deems to be most effective and efficient.~~

(i) The council at the department's request shall involve and coordinate functions with such state entities as necessary.

(j) As used in subsections (g), (h), and (i) of this Code section, the term:

(1) 'Board' means the Board of Community Health established under Chapter 5A of this title.

(2) 'Department' means the Department of Community Health established under Chapter 5A of this title."

## **SECTION 4.**

Said chapter is further amended by revising Code Section 31-6-48, relating to prior units abolished, as follows:

"31-6-48.

The State Health Planning and Development Agency, the State-wide Health Coordinating Council, and the State Health Planning Review Board existing immediately prior to July 1, 1983, are abolished, and their respective successors on and after July 1, 1983, shall be the Health Planning Agency, the Health Policy Council, and the Health Planning Review Board, as established in this chapter, except that on and after July 1, 1991, the Health Strategies Council shall be the successor to the Health Policy Council, and except that on and after July 1, 1999, the Department of Community Health shall be the successor to the Health Planning Agency, and except that on and after July 1, 2007, the Health Strategies Advisory Council shall be the successor to the duties of the Health Strategies Council. For purposes of any existing contract with the federal government, or federal law referring to such abolished agency, council, or board, the successor department, council, or board established in this chapter or in Chapter 5A of this title shall be deemed to be the abolished agency, council, or board and shall succeed to the abolished agency's, council's, or board's functions. The State Health Planning and Development Commission is abolished."

## SECTION 5.

Said chapter is further amended by revising Code Section 31-6-49, relating to transitional provisions, as follows:

"31-6-49.

All matters transferred to the Health Strategies Council and the Health Planning Review Board by the previously existing provisions of this Code section and that are in effect on June 30, 1999, shall automatically remain in such council or board on and after July 1, 1999, until otherwise disposed of. All matters transferred to the Health Planning Agency by the previously existing provisions of this Code section and that are in effect on June 30, 1999, shall automatically be transferred to the Department of Community Health on July

1, 1999. All matters of the Health Strategies Council that are pending on June 30, 2007, shall automatically be transferred to the Health Strategies Advisory Council for disposition in accordance with this chapter."

## SECTION 6.

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