

The House Committee on Health and Human Services offers the following substitute to SB 134:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 revise certain provisions relating to health care planning, development, and facility
3 acquisition within the state; to revise definitions; to establish the Health Strategies Advisory
4 Council as the successor to the Health Strategies Council; to provide for its composition and
5 duties; to abolish the Health Strategies Council and transfer pending matters to the Health
6 Strategies Advisory Council; to change certain provisions relating to content and form of
7 notice to the Attorney General concerning hospital acquisitions, fees, and retention of
8 experts; to provide for related matters; to provide an effective date; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
13 a new paragraph to Code Section 31-6-2, relating to definitions, to read as follows:

14 "(3.1) 'Board' means the Board of Community Health established under Code Section
15 31-5A-3."

16 **SECTION 2.**

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

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

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

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~~
 18 ~~consumer member who meets the requirements of subparagraph (a)(4)(I) of this Code~~
 19 ~~section as to a population specified in those subparagraphs which is not then represented~~
 20 ~~on the council. With the addition of these two members, the council shall be composed of~~
 21 ~~27 members~~ represents local or county government.

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

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

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

37 (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;
 4 provided, however, that an absence caused by a medical condition or death of a family
 5 member shall constitute an excused absence and shall not provide grounds for removal.

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.~~

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

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

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

6 ~~(2) 'Department' means the Department of Community Health established under Chapter~~
 7 ~~5A of this title."~~

8 SECTION 4.

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

11 "31-6-48.

12 The State Health Planning and Development Agency, the State-wide Health Coordinating
 13 Council, and the State Health Planning Review Board existing immediately prior to July
 14 1, 1983, are abolished, and their respective successors on and after July 1, 1983, shall be
 15 the Health Planning Agency, the Health Policy Council, and the Health Planning Review
 16 Board, as established in this chapter, except that on and after July 1, 1991, the Health
 17 Strategies Council shall be the successor to the Health Policy Council, and except that on
 18 and after July 1, 1999, the Department of Community Health shall be the successor to the
 19 Health Planning Agency, and except that on and after July 1, 2007, the Health Strategies
 20 Advisory Council shall be the successor to the duties of the Health Strategies Council. For
 21 purposes of any existing contract with the federal government, or federal law referring to
 22 such abolished agency, council, or board, the successor department, council, or board
 23 established in this chapter or in Chapter 5A of this title shall be deemed to be the abolished
 24 agency, council, or board and shall succeed to the abolished agency's, council's, or board's
 25 functions. The State Health Planning and Development Commission is abolished."

26 SECTION 5.

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

29 "31-6-49.

30 ~~All matters transferred to the Health Strategies Council and the Health Planning Review~~
 31 ~~Board by the previously existing provisions of this Code section and that are in effect on~~
 32 ~~June 30, 1999, shall automatically remain in such council or board on and after July 1,~~
 33 ~~1999, until otherwise disposed of.~~ All matters transferred to the Health Planning Agency
 34 by the previously existing provisions of this Code section and that are in effect on June 30,
 35 1999, shall automatically be transferred to the Department of Community Health on July

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

4 SECTION 6.

5 Said title is further amended by revising subsections (c) and (d) of Code Section 31-7-402,
6 relating to content and form of notice to the Attorney General, fees, and retention of experts,
7 as follows:

8 "~~(c) Notice to the Attorney General shall be accompanied by the payment by either the~~
9 ~~seller or lessor, or by the acquiring entity, of a fee in the amount of \$50,000.00.~~

10 ~~(d) The Attorney General shall be authorized to retain financial, economic, health~~
11 ~~planning, or other experts or consultants to assist in addressing each of the criteria set forth~~
12 ~~in Code Section 31-7-406. The Attorney General shall be authorized to retain financial,~~
13 economic, health planning, or other experts or consultants to assist in addressing each of
14 the criteria set forth in Code Section 31-7-406. Within 30 days after notice from the
15 Attorney General, the cost and expense incurred in connection with the retention of such
16 experts or consultants shall be paid directly to each of such experts and consultants by the
17 parties to the proposed transaction in such proportionate amounts as the parties to the
18 proposed transaction may agree or otherwise as determined by the Attorney General;
19 provided, however, that the parties to the proposed transaction shall not be required to pay
20 any portion of such cost and expense that exceeds a total amount of \$60,000.00."

21 SECTION 7.

22 This Act shall become effective upon its approval by the Governor or upon its becoming law
23 without such approval.

24 SECTION 8.

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