

Senate Bill 469

By: Senators Harp of the 29th and Thomas of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-7-12 of the Official Code of Georgia Annotated, relating to
2 personal care homes, so as to revise the definition of "personal care home"; to amend Code
3 Section 37-1-20 of the Official Code of Georgia Annotated, relating to the Division of
4 Mental Health, Developmental Disabilities, and Addictive Diseases, so as to provide
5 guidelines for and oversight of host homes by the Division of Mental Health, Developmental
6 Disabilities, and Addictive Diseases of the Department of Human Resources; to define "host
7 home"; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 31-7-12 of the Official Code of Georgia Annotated, relating to personal care
11 homes, is amended by revising paragraph (1) of subsection (a) as follows:

12 "(1) 'Personal care home' means any dwelling, whether operated for profit or not, which
13 undertakes through its ownership or management to provide or arrange for the provision
14 of housing, food service, and one or more personal services for two or more adults who
15 are not related to the owner or administrator by blood or marriage. This term shall not
16 include host homes, as defined in paragraph (16) of subsection (b) of Code Section
17 37-1-20."

18 style="text-align:center">**SECTION 2.**

19 Code Section 37-1-20 of the Official Code of Georgia Annotated, relating to the Division of
20 Mental Health, Developmental Disabilities, and Addictive Diseases, is amended by revising
21 subsection (b) as follows:

22 "(b) The department, through the division, shall:

23 (1) Establish, administer, and supervise the state programs for mental health,
24 developmental disabilities, and addictive diseases;

- 1 (2) Direct, supervise, and control the medical and physical care, treatment, and
2 rehabilitation provided by the institutions and programs under its control, management,
3 or supervision;
- 4 (3) Have authority to contract for services with: community service boards, private
5 agencies, and other public entities for the provision of services within a service area so
6 as to provide an adequate array of services, choice of providers for consumers, and to
7 comply with the applicable federal laws, rules and regulations related to public or private
8 hospitals; hospital authorities; medical schools; and training and educational institutions;
9 departments and agencies of this state; county or municipal governments; any person,
10 partnership, corporation, or association, whether public or private; and the United States
11 government or the government of any other state;
- 12 (4) Establish and support programs for the training of professional and technical
13 personnel as well as regional planning boards and community service boards;
- 14 (5) Have authority to conduct research into the causes and treatment of disability and
15 into the means of effectively promoting mental health;
- 16 (6) Assign specific responsibility to one or more units of the division for the
17 development of a disability prevention program. The objectives of such program shall
18 include, but are not limited to, monitoring of completed and ongoing research related to
19 the prevention of disability, implementation of programs known to be preventive, and
20 testing, where practical, of those measures having a substantive potential for the
21 prevention of disability;
- 22 (7) Establish a system for regional administration of mental health, developmental
23 disability, and addictive disease services in institutions and in the community under the
24 supervision of a regional coordinator;
- 25 (8) Make and administer budget allocations to regional offices of the division established
26 by the board pursuant to Code Section 37-2-4.1; to fund the operation of mental health,
27 developmental disabilities, and addictive diseases facilities and programs;
- 28 (9) Coordinate in consultation with providers, professionals, and other experts the
29 development of appropriate outcome measures for client centered service delivery
30 systems;
- 31 (10) Establish, operate, supervise, and staff programs and facilities for the treatment of
32 disabilities throughout this state;
- 33 (11) Disseminate information about available services and the facilities through which
34 such services may be obtained;
- 35 (12) Supervise the regional office's exercise of its responsibility and authority
36 concerning funding and delivery of disability services;

1 (13) Supervise the regional offices concerning the receipt and administration of grants,
 2 gifts, moneys, and donations for purposes pertaining to mental health, developmental
 3 disabilities, and addictive diseases;

4 (14) Supervise the regional offices concerning making contracts with any hospital,
 5 community service board, or any public or private providers without regard to regional
 6 or state boundaries for the provision of disability services and in making and entering into
 7 all contracts necessary or incidental to the performance of the duties and functions of the
 8 division and the regional offices;

9 (15) Regulate the delivery of care, including behavioral interventions and medication
 10 administration by licensed staff, or certified staff as determined by the division, within
 11 residential settings serving only persons who are receiving services authorized or
 12 financed, in whole or in part, by the division; ~~and~~

13 (16) ~~Establish~~ Classify 'community living arrangements' and 'host homes' for persons
 14 whose services are financially supported, in whole or in part, by funds authorized through
 15 the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the
 16 Department of Human Resources. As used in this Code section, the term:

17 (A) 'Community living arrangement' means ~~which shall be defined as~~ any residence,
 18 whether operated for profit or not, which undertakes through its ownership or
 19 management to provide or arrange for the provision of housing, food, one or more
 20 personal services, supports, care, or treatment exclusively for two or more persons who
 21 are not related to the owner or administrator of the residence by blood or marriage ~~and~~
 22 ~~whose services are financially supported, in whole or in part, by funds authorized~~
 23 ~~through the Division of Mental Health, Developmental Disabilities, and Addictive~~
 24 ~~Diseases of the Department of Human Resources.~~

25 (B) 'Host home' means a private residence in a residential area in which the occupant
 26 owner or lessee provides housing and provides or arranges for the provision of food,
 27 one or more personal services, supports, care, or treatment exclusively for one or two
 28 persons who are not related to the occupant owner or lessee by blood or marriage. A
 29 host home shall be occupied by the owner or lessee, who shall not be an employee of
 30 the same community provider which provides the host home services by contract with
 31 the division. The division shall approve and enter into agreements with community
 32 providers which, in turn, contract with host homes. The occupant owner or lessee shall
 33 not be the guardian of any person served or of their property nor the agent in such
 34 person's advance directive for health care. The placement determination for each
 35 person placed in a host home shall be made according to such person's choice as well
 36 as the individual needs of such person in accordance with the requirements of Code
 37 Section 37-3-162, 37-4-122, or 37-7-162, as applicable to such person; and

1 (17) Provide guidelines for and oversight of host homes, which may include, but not be
2 limited to, criteria to become a host home, requirements relating to physical plants and
3 supports, placement procedures, and ongoing oversight requirements."

4 **SECTION 3.**

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