

The Senate Health and Human Services Committee offered the following substitute to SB 378:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to transfer the functions, duties, and employees of the Division of Aging Services of the
3 Department of Human Resources to a newly established Department of Aging; to revise
4 various titles of the Official Code of Georgia Annotated for purposes of conformity; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
8 by adding a new chapter to read as follows:
9

"CHAPTER 6A

10
11 49-6A-1.

12 The Georgia General Assembly finds that Georgia's burgeoning older adult population
13 provides unique opportunities and challenges for the state. Georgia has an unprecedented
14 potential to benefit from the strengths, talents, knowledge, and resources of its growing
15 older adult population. At the same time, the state has a responsibility to address the
16 unique needs and concerns of its older adults and their caregivers and, in keeping with
17 Chapter 6 of this title, to encourage continuous study and research into the needs and
18 problems of older people under present and future economic and social conditions to plan
19 for the prevention of dependency and the conservation of human values. To meet these
20 challenges and capitalize on these opportunities, it is the intent of the General Assembly
21 to create a Department of Aging.

22 49-6A-2.

23 As used in this chapter, the term:

- 1 (1) 'Board' means the Board of Aging.
 2 (2) 'Commissioner' means the commissioner of aging.
 3 (3) 'Department' means the Department of Aging.

4 49-6A-3.

5 (a) There is created the Department of Aging, which shall be the successor entity and
 6 continuation of the Division of Aging Services of the Department of Human Resources.
 7 The department shall have the following responsibilities:

- 8 (1) To serve as the lead planning agency for all aging issues in this state;
 9 (2) To minimize duplication and maximize administrative efficiency by removing
 10 overlapping functions and streamlining and coordinating functions;
 11 (3) To develop an infrastructure that encourages older adults to share their unique
 12 strengths, talents, knowledge, and resources with other community members, whether as
 13 a volunteer or in a paid position, for the benefit of Georgians of all ages;
 14 (4) To identify the opportunities for synergy among the Department of Aging and other
 15 governmental agencies for the mutual benefit of the agencies, their constituencies, and
 16 the citizens of Georgia as a whole; and
 17 (5) To simplify the decision-making process to allow the state to respond effectively,
 18 efficiently, and in a timely manner to the needs and concerns of older adults and to utilize
 19 fully the knowledge and resources they offer.

20 (b) There is created the position of commissioner of aging. The commissioner shall be the
 21 chief administrative officer of the Department of Aging and shall be appointed by and shall
 22 serve at the pleasure of the Governor. The commissioner shall receive a salary to be
 23 determined by the Governor and shall be in the unclassified service of the state merit
 24 system. The commissioner may not serve simultaneously as the commissioner of any other
 25 department. Subject to the general policy and rules and regulations of the board, the
 26 commissioner shall supervise, direct, account for, organize, plan, administer, and execute
 27 the functions of the Department of Aging.

28 49-6A-4.

29 (a)(1) There is created the Board of Aging which shall establish the general policy to be
 30 followed by the Department of Aging. The board shall consist of 15 members, with at
 31 least one from each of the 12 area agency on aging service areas in the state. The
 32 remaining three members shall be selected from the two area agency on aging service
 33 areas with the largest concentration of older adults. All members of the board shall be
 34 appointed by the Governor and confirmed by the Senate. The Governor shall make such

1 appointments with a view toward achieving minority representation, representation of
2 women, and equitable geographic representation on the board.

3 (2) The Governor shall designate the initial terms of the members of the board as
4 follows: five members shall be appointed for two years; five members shall be appointed
5 for three years; and five members shall be appointed for four years. Thereafter, all
6 succeeding appointments shall be for four-year terms from the expiration of the previous
7 term and shall continue until a successor member has been appointed.

8 (3) Vacancies in office shall be filled by appointment by the Governor in the same
9 manner as the appointment to the position on the board which becomes vacant, and the
10 appointment shall be submitted to the Senate for confirmation at the next session of the
11 General Assembly. An appointment to fill a vacancy, other than by expiration of a term
12 of office, shall be for the balance of the unexpired term.

13 (4) There shall be a chairperson of the board, elected by and from the membership of the
14 board, who shall be the presiding officer of the board.

15 (5) The members of the board shall receive per diem and expenses as shall be set and
16 approved by the Office of Planning and Budget and in conformance with rates and
17 allowances set for members of other state boards.

18 (b) The board shall:

19 (1) Develop programs to successfully provide services to Georgia's elderly;

20 (2) Develop initiatives to further the goals of the department's various divisions and
21 offices;

22 (3) Identify opportunities for synergy with other governmental agencies;

23 (4) Promote collaborations with other public and private partners to meet the goals
24 identified by the department for engaging Georgia's older adults;

25 (5) Collaborate with academic institutions to evaluate programs, develop best practices,
26 encourage innovation, and advance further aging research; and

27 (6) Assure accountability among the department staff, providers of services, public
28 policy makers, and consumers to be served.

29 (c) The board shall perform duties required of it by this chapter and Chapter 6 of this title
30 and shall, in addition thereto, be responsible for promulgation of all rules and regulations
31 not in conflict with this chapter or Chapter 6 of this title that may be necessary and
32 appropriate to the administration of the department, to the accomplishment of the purposes
33 of this chapter, and to the performance of the duties and functions of the department as set
34 forth in this chapter and Chapter 6 of this title.

35 (d) The board shall oversee the budget of the department and shall submit an annual
36 request for funding to the Office of Planning and Budget in accordance with Code Section
37 45-12-78.

1 49-6A-5.

2 (a) The Department of Aging shall perform the functions and assume the duties and
3 powers exercised on June 30, 2008, by the Division of Aging Services of the Department
4 of Human Resources. The department shall also assume powers and responsibility with
5 respect to the expenditure of any funds appropriated to the department or the Department
6 of Human Resources as its predecessor including, without being limited to, funds received
7 by the state pursuant to the Older Americans Act of 1965. The divisions of the department
8 shall be:

9 (1) The Community Care Services Program Section of the Division of Aging Services,
10 as it existed on June 30, 2008, is continued in existence on and after July 1, 2008, but
11 shall thereafter be the Division of Community Care Services within the department;

12 (2) The Program Development and Operations Section of the Division of Aging
13 Services, as it existed on June 30, 2008, is continued in existence on and after July 1,
14 2008, but shall thereafter be the Division of Program Development and Operations within
15 the department;

16 (3) The Elder Rights and Advocacy Section of the Division of Aging Services, as it
17 existed on June 30, 2008, is continued in existence on and after July 1, 2008, but shall
18 thereafter be the Division of Elder Rights and Advocacy within the department;

19 (4) The Adult Protective Services Section of the Division of Aging Services, as it existed
20 on June 30, 2008, is continued in existence on and after July 1, 2008, but shall thereafter
21 be the Division of Adult Protective Services within the department;

22 (5) The Planning and Evaluation Section of the Division of Aging Services, as it existed
23 on June 30, 2008, is continued in existence on and after July 1, 2008, but shall thereafter
24 be the Division of Planning and Evaluation within the department;

25 (6) The Fiscal and Administrative Section of the Division of Aging Services, as it existed
26 on June 30, 2008, is continued in existence on and after July 1, 2008, but shall thereafter
27 be the Division of Fiscal and Administrative Services within the department;

28 (7) The department may further create a Division of Communities for a Lifetime which
29 shall come into existence on or after July 1, 2008. This division shall work to support
30 older adults' participation in their communities. Specific functions of this division shall
31 be:

32 (A) To educate Georgia's residents, businesses, and public and private entities about
33 the strengths, talents, knowledge, and resources of Georgia's older adults;

34 (B) To encourage older adults to become involved in their communities, for the benefit
35 of Georgians of all ages, through volunteerism with local schools, hospitals, charitable
36 organizations, and religious organizations, among others;

1 (C) To promote liveable communities through consultation with existing resources at
2 the local, county, and state levels to make crucial civic improvements in such areas as
3 housing, health care, transportation, accessibility, business partnerships, community
4 education, and efficient use of natural resources;

5 (D) To encourage businesses, institutions of higher education, and older Georgians to
6 identify opportunities for intergenerational entrepreneurship collaborations;

7 (E) To promote the adoption of employment initiatives that would allow older adults
8 to remain active in the work force if they so choose;

9 (F) To collaborate with local and state agencies and other public and private entities
10 to encourage older Georgians to remain active and healthy through leisure activities
11 available across the state; and

12 (G) To support and advance aging research initiatives; and

13 (8) Such other divisions as the board may establish within the department.

14 (b) The program administrators of the Community Care Services Program Section, the
15 Program Development and Operations Section, the Elder Rights and Advocacy Section,
16 the Adult Protective Services Section, the Planning and Evaluation Section, and the Fiscal
17 and Administrative Section of the Division of Aging Services in office on June 30, 2008,
18 shall become directors of the respective divisions which those predecessor sections have
19 become on and after July 1, 2008, and until such time as the commissioner appoints other
20 directors of such divisions.

21 (c) There is transferred to the department the long-term care ombudsman program, which
22 shall be a continuation of the existing long-term care ombudsman program established
23 pursuant to Article 3 of Chapter 8 of Title 31.

24 (d) There is transferred to the department all functions relating to the Georgia Council on
25 Aging created pursuant to Code Section 49-6-20.

26 49-6A-6.

27 (a) To assist in the transition of functions, until July 1, 2009, the State Merit System of
28 Personnel Administration shall perform payroll, accounting, and purchasing services and
29 other general support services.

30 (b) All persons employed in a predecessor section on June 30, 2008, shall, on July 1, 2008,
31 become employees of the department within the division that such predecessor section has
32 become. Such employees shall be subject to the employment practices and policies of the
33 department on and after July 1, 2008, but the compensation and benefits of such transferred
34 employees shall not be reduced as a result of such transfer. Employees who are subject to
35 the rules of the State Personnel Board and thereby under the State Merit System of
36 Personnel Administration and who are transferred to the department shall retain all existing

1 rights under the State Merit System of Personnel Administration. Retirement rights of such
2 transferred employees existing under the Employees' Retirement System of Georgia or
3 other public retirement systems on June 30, 2008, shall not be impaired or interrupted by
4 the transfer of such employees and membership in any such retirement system shall
5 continue in the same status possessed by the transferred employees on June 30, 2008.
6 Accrued annual and sick leave possessed by said employees on June 30, 2008, shall be
7 retained by said employees as employees of the department.

8 (c)(1) The department shall conform to federal standards for a merit system of personnel
9 administration in any respects necessary for receiving federal grants and the board is
10 authorized and empowered to effect such changes as may, from time to time, be
11 necessary in order to comply with such standards.

12 (2) The department is authorized to employ, on a full-time or part-time basis, such
13 medical, supervisory, institutional, and other professional personnel and such clerical and
14 other employees as may be necessary to discharge the duties of the department under this
15 chapter. The department is also authorized to contract for such professional services as
16 may be necessary.

17 (3) Classified employees of the department under this chapter shall in all instances be
18 employed and dismissed in accordance with rules of the State Personnel Board.

19 (4) All personnel of the department are authorized to be members of the Employees'
20 Retirement System of Georgia as provided in Chapter 2 of Title 47. All rights, credits,
21 and funds in that retirement system which are possessed by state personnel transferred
22 by provisions of this chapter to the department, or otherwise had by persons at the time
23 of employment with the department, are continued and preserved, it being the intention
24 of the General Assembly that such persons shall not lose any rights, credits, or funds to
25 which they may be entitled prior to becoming employees of the department.

26 (d) The department shall succeed to all rules, regulations, policies, procedures, and
27 administrative orders of the predecessor agency that were in effect on June 30, 2008, or
28 scheduled to go into effect on or after July 1, 2008, and which relate to the functions
29 transferred to the department by this chapter. Such rules, regulations, policies, procedures,
30 and administrative orders shall remain in effect until amended, repealed, superseded, or
31 nullified by proper authority or as otherwise provided by law. Rules of the department
32 shall be adopted, promulgated, and implemented as provided in Chapter 13 of Title 50, the
33 'Georgia Administrative Procedure Act.'

34 (e) The rights, privileges, entitlements, and duties of parties to contracts, leases,
35 agreements, and other transactions entered into before July 1, 2008, by any predecessor
36 section and which pertain to the functions transferred to the department by this chapter
37 shall continue to exist; and none of these rights, privileges, entitlements, and duties are

1 impaired or diminished by reason of the transfer of the functions to the department. In all
2 such instances, the Department of Aging shall be substituted for the predecessor agency,
3 and the Department of Aging shall succeed to the rights and duties under such contracts,
4 leases, agreements, and other transactions.

5 (f) The commissioner is authorized to transfer department employees from one division
6 to another division within the department.

7 (g) All office equipment, furniture, and other assets in the possession of the Division of
8 Aging Services, the long-term care ombudsman program, and the Georgia Council on
9 Aging which are used or held exclusively or principally by personnel transferred under this
10 subsection shall be transferred to the department on July 1, 2008.

11 (h) Funding for functions and positions transferred to the department under this Code
12 section shall be transferred as provided in Code Section 45-12-90.

13 (i) Information technology developed for the use of the Division of Aging Services of the
14 Department of Human Resources as it existed on June 30, 2008, including the Aging
15 Information System and other such technology shall be transferred to the department on
16 July 1, 2008.

17 49-6A-7.

18 (a) Subject to approval by the board, the commissioner shall have the power to make and
19 publish reasonable rules and regulations not inconsistent with this title or other laws or with
20 the Constitution of this state or of the United States for the administration of this chapter
21 or any law which it is his or her duty to administer.

22 (b) The commissioner may prescribe forms as he or she deems necessary for the
23 administration and enforcement of this chapter or any law which it is his or her duty to
24 administer.

25 (c) The authority granted to the commissioner pursuant to this Code section shall be
26 exercised at all times in conformity with Chapter 13 of Title 50, the 'Georgia
27 Administrative Procedure Act.'

28 (d) Rules and regulations previously adopted which relate to functions performed by the
29 Division of Aging Services of the Department of Human Resources as it existed on June
30 30, 2008, shall remain in full force and effect as rules and regulations of the Department
31 of Aging until amended, repealed, or superseded by rules or regulations adopted by the
32 commissioner of aging. The following rules and regulations shall remain in full force and
33 effect as rules and regulations of the referenced department until amended, repealed, or
34 superseded by rules or regulations adopted by the referenced department:

1 (1) All rules and regulations previously adopted by the Community Care Services
 2 Program of the Division of Aging Services of the Department of Human Resources which
 3 relate to functions transferred under this chapter to the Department of Aging;

4 (2) All rules and regulations previously adopted by the Program Development and
 5 Operations Section of the Division of Aging Services of the Department of Human
 6 Resources which relate to functions transferred under this chapter to the Department of
 7 Aging;

8 (3) All rules and regulations previously adopted by the Elderly Rights and Advocacy
 9 Section of the Division of Aging Services of the Department of Human Resources which
 10 relate to functions transferred under this chapter to the Department of Aging;

11 (4) All rules and regulations previously adopted by the Office of the State Long Term
 12 Care Ombudsman of the Division of Aging Services of the Department of Human
 13 Resources which relate to functions transferred under this chapter to the Department of
 14 Aging;

15 (5) All rules and regulations previously adopted by the Adult Protection Services Section
 16 of the Division of Aging Services of the Department of Human Resources which relate
 17 to functions transferred under this chapter to the Department of Aging;

18 (6) All rules and regulations previously adopted by the Planning and Evaluation Section
 19 of the Division of Aging Services of the Department of Human Resources which relate
 20 to functions transferred under this chapter to the Department of Aging;

21 (7) All rules and regulations previously adopted by the Fiscal and Administrative Section
 22 of the Division of Aging Services of the Department of Human Resources which relate
 23 to functions transferred under this chapter to the Department of Aging; and

24 (8) All other rules and regulations previously adopted which relate to functions
 25 transferred under this chapter to the Department of Aging.

26 (e) All valid licenses, permits, certificates, and similar authorizations previously issued by
 27 any department or agency with respect to any function transferred as provided in this
 28 chapter shall continue in effect until the same expire by their terms unless they are
 29 suspended, revoked, or otherwise made ineffective as provided by law."

30 SECTION 2.

31 The following Code sections of the Official Code of Georgia Annotated are amended by
 32 striking "Division of Aging Services", "Division of Aging Services of the Department of
 33 Human Resources", or "Office of Aging within the Department of Human Resources"
 34 wherever such terms occur and inserting in its place "Department of Aging":

35 (1) Code Section 10-1-855, relating to referral procedures to provide intervention and
 36 assistance with respect to unfair or deceptive practices toward the elderly;

- 1 (2) Code Section 29-10-3, relating to qualifications and requirements of public
 2 guardians;
 3 (3) Code Section 29-10-4, relating to registration of public guardians with the probate
 4 court;
 5 (4) Code Section 29-10-10, relating to compensation of public guardians; and
 6 (5) Code Section 29-10-11, relating to appropriation of funds for compensation of public
 7 guardians in certain circumstances.

8 SECTION 3.

9 Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the "Disabled
 10 Adults and Elder Persons Protection Act," is amended by revising Code Section 30-5-3,
 11 relating to definitions, by adding a new paragraph to read as follows:

12 "(2.1) 'Commissioner' means the commissioner of aging."

13 SECTION 4.

14 Said chapter is further amended in Code Section 30-5-3, relating to definitions, by revising
 15 paragraphs (4) and (5) as follows:

16 "(4) 'Department' means the Department of ~~Human Resources~~ Aging.

17 (5) ~~'Director' means the director of the Division of Aging Services of the Department of~~
 18 ~~Human Resources, or the director's designee.~~ Reserved."

19 SECTION 5.

20 Said chapter is further amended by striking "director" and "director's" wherever such terms
 21 occur in the following Code sections and inserting in their respective places "commissioner"
 22 and "commissioner's":

23 (1) Code Section 30-5-4, relating to reporting of need for protective services;

24 (2) Code Section 30-5-5, relating to investigation of reports of need for protective
 25 services;

26 (3) Code Section 30-5-6, relating to cooperation of other public agencies with director;
 27 and

28 (4) Code Section 30-5-7, relating to confidentiality of public records.

29 SECTION 6.

30 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
 31 Section 31-2-9, relating to a suicide prevention program, by revising subsection (c) as
 32 follows:

33 "(c) The injury prevention section, in implementing the Suicide Prevention Program, shall:

- 1 (1) Establish a link between state agencies and offices, including but not limited to the
 2 department's ~~Division of Aging Services~~, Division of Family and Children Services; and
 3 Division of Mental Health, Developmental Disabilities, and Addictive Diseases, the
 4 Department of Aging, local government agencies, health care providers, hospitals,
 5 nursing homes, and jails to collect data on suicide deaths and attempted suicides;
- 6 (2) Work with public officials to improve firearm safety;
- 7 (3) Improve education for nurses, judges, physician assistants, social workers,
 8 psychologists, and other counselors with regard to suicide education and prevention and
 9 expand educational resources for professionals working with those persons most at risk
 10 of suicide;
- 11 (4) Provide training and minimal screening tools for clergy, teachers and other
 12 educational staff, and correctional workers on how to identify and respond to persons at
 13 risk of suicide;
- 14 (5) Provide educational programs for family members of persons at an elevated risk of
 15 suicide;
- 16 (6) Develop standardized protocols to be used by the Department of Human Resources
 17 in reviewing suicide death scene investigations;
- 18 (7) Work to increase the number of follow-back studies of suicides;
- 19 (8) Work to increase the number of hospitals that code for external ~~cause of injuries~~
 20 causes of injury;
- 21 (9) Implement a state-wide reporting system for reporting suicides;
- 22 (10) Support pilot projects to link and analyze information on self-destructive behavior
 23 from various, distinct data systems; and
- 24 (11) Perform such other tasks as deemed appropriate to further suicide education and
 25 prevention in Georgia."

26 SECTION 7.

27 Said title is further amended in Code Section 31-5A-4, relating to the powers, duties,
 28 functions, and responsibilities of the Department of Community Health, by revising
 29 subsection (f) as follows:

30 "(f) In addition to its other powers, duties, and functions, the department:

- 31 (1) Shall be the lead agency in coordinating and purchasing health care benefit plans for
 32 state and public employees, dependents, and retirees and may also coordinate with the
 33 board of regents for the purchase and administration of such health care benefit plans for
 34 its members, employees, dependents, and retirees;
- 35 (2) Is authorized to plan and coordinate medical education and physician workforce
 36 issues;

1 (3) Is authorized to convene at least quarterly a state agency coordinating committee
 2 ~~comprised~~ composed of the commissioners, directors, chairpersons, or their designees,
 3 of the following agencies involved in health related activities: the Department of Human
 4 Resources, including the Division of Public Health; and the Division of Mental Health,
 5 Developmental Disabilities, and Addictive Diseases, ~~and the Division of Aging Services~~
 6 thereof, the Department of Aging, the Department of Juvenile Justice, the Department of
 7 Corrections, the Insurance Department, the State Merit System of Personnel
 8 Administration, the State Board of Workers' Compensation, and the Governor's Office
 9 of Planning and Budget. The board of regents may also designate a person to serve on the
 10 coordinating committee. The committee will convene for the purposes of planning and
 11 coordinating health issues that have interagency considerations. The commissioner of the
 12 department will serve as the chairperson of the state agency coordinating committee and
 13 will report to the Governor the activities, findings, and recommendations of the
 14 committee;

15 (4) Shall investigate the lack of availability of health insurance coverage and the issues
 16 associated with the uninsured population of this state. In particular, the department is
 17 authorized to investigate the feasibility of creating and administering insurance programs
 18 for small businesses and political subdivisions of the state and to propose cost-effective
 19 solutions to reducing the numbers of uninsured in this state;

20 (5) Shall study and recommend any additional functions needed to carry out the purposes
 21 of the department, including the creation of a consumer medical advocate. Such
 22 recommendations shall be made to the Governor and General Assembly by December 31,
 23 1999;

24 (6) Is authorized to appoint a health care work force policy advisory committee to
 25 oversee and coordinate work force planning activities;

26 (7) Is authorized to solicit and accept donations, contributions, and gifts and receive,
 27 hold, and use grants, devises, and bequests of real, personal, and mixed property on
 28 behalf of the state to enable the department to carry out its functions and purposes; and

29 (8) Is authorized to award grants, as funds are available, to hospital authorities and
 30 hospitals for public health purposes, pursuant to Code Sections 31-7-94 and 31-7-94.1."

31 **SECTION 8.**

32 Said title is further amended in Code Section 31-8-51, relating to definitions relative to the
 33 long-term care ombudsman program, as follows:

34 "31-8-51.

35 As used in this article, the term:

36 (1) 'Commissioner' means the commissioner of aging.

1 carry out his or her duties under this article, shall be recertified by the state ombudsman as
 2 continuing to meet the department's standards as community ombudsman."

3 SECTION 10.

4 Said title is further amended in Code Section 31-8-53, relating to the duties of the long-term
 5 care ombudsman, as follows:

6 "31-8-53.

7 The state ombudsman shall:

8 (1) Establish policies and procedures, subject to approval by the commissioner of human
 9 resources, for receiving, investigating, referring, and attempting to resolve complaints
 10 made by or on behalf of residents of long-term care facilities concerning any act,
 11 omission to act, practice, policy, or procedure that may adversely affect the health, safety,
 12 or welfare of any resident;

13 (2) Investigate and make reports and recommendations to the department and other
 14 appropriate agencies concerning any act or failure to act by any government agency with
 15 respect to its responsibilities and duties in connection with long-term care or residents of
 16 long-term care facilities;

17 (3) Establish a uniform state-wide reporting system to record data about complaints and
 18 conditions in long-term care facilities and shall collect and analyze such data in order to
 19 identify significant problems affecting the residents of such facilities;

20 (4) Promote the development of community ombudsmen activities and provide technical
 21 assistance as necessary; and

22 (5) Make an annual written report, documenting the types of complaints and problems
 23 reported by residents, to the ~~director of the Office of Special Programs for his~~
 24 ~~recommendations to the~~ commissioner concerning needed policy and regulatory and
 25 legislative changes."

26 SECTION 11.

27 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 28 in Code Section 49-1-9, relating to home delivered meals, transportation, services for the
 29 elderly, and preschool children with special needs fund, by revising subsections (b) and (c)
 30 as follows:

31 "(b) To support programs for home delivered meals, transportation services for the elderly,
 32 and preschool children with special needs ~~which programs that~~ that have been established or
 33 approved by the department or the Department of Aging, the department and the
 34 Department of Aging may, without limitation, promote and solicit voluntary contributions
 35 through the income tax return contribution mechanism established in subsection (f) of this

1 Code section, through offers to match contributions by any person with moneys
 2 appropriated or contributed to the department or the Department of Aging for such
 3 programs, or through any fund raising or other promotional techniques deemed appropriate
 4 by the department or the Department of Aging.

5 (c) There is established a special fund to be known as the 'Home Delivered Meals,
 6 Transportation Services for the Elderly, and Preschool Children with Special Needs Fund.'
 7 This fund shall consist of all moneys contributed under subsection (b) of this Code section,
 8 all moneys transferred to the department under subsection (f) of this Code section, and any
 9 other moneys contributed to this fund or to the home delivered meals, transportation
 10 services for the elderly, or preschool children with special needs programs of the
 11 department or the Department of Aging and all interest thereon. All balances in the fund
 12 shall be deposited in an interest-bearing account identifying the fund and shall be carried
 13 forward each year so that no part thereof may be deposited in the general treasury. The
 14 fund shall be administered and the moneys held in the fund shall be expended by the
 15 ~~department through the Office of Aging~~ Department of Aging in furtherance of home
 16 delivered meals and transportation services to the elderly programs and by the department
 17 in furtherance of preschool children with special needs programs."

18 SECTION 12.

19 Said title is further amended in Code Section 49-4-162, relating to the establishment of the
 20 Georgia Qualified Long-term Care Partnership Program, by revising subsection (a) as
 21 follows:

22 "(a) In accordance with Section 6021 of the Federal Deficit Reduction Act of 2005, there
 23 is established the Georgia Qualified Long-term Care Partnership Program which shall be
 24 administered by the Department of Community Health, with the assistance of the
 25 Commissioner of ~~Insurance~~ and the Department of ~~Human Resources~~ Aging, and which
 26 shall be for the following purposes:

- 27 (1) To provide incentives for individuals to insure against the costs of providing for their
 28 long-term care needs;
- 29 (2) To provide a mechanism for individuals to qualify for coverage of the cost of their
 30 long-term care needs under the state Medicaid program without first being required to
 31 substantially exhaust their resources;
- 32 (3) To provide counseling services through the ~~Division~~ Department of Aging ~~Services~~
 33 ~~of the Department of Human Resources~~ to individuals in planning of their long-term care
 34 needs; and
- 35 (4) To alleviate the financial burden on the state's Medicaid program by encouraging the
 36 pursuit of private initiatives."

SECTION 13.

Said title is further amended in Chapter 6, relating to services for the aging, by adding a new Code section to read as follows:

"49-6-1.1.

As used in this chapter, the term:

- (1) 'Board' means the Board of Aging.
- (2) 'Commissioner' means the commissioner of aging.
- (3) 'Department' means the Department of Aging."

SECTION 14.

Said title is further amended in Code Section 49-6-5, relating to the creation of the Office of Aging Section within the Department of Human Resources, as follows:

"49-6-5.

~~The Office of Aging Section, administratively established previously within the department, is statutorily established. The Office of Aging Section established by this Code section shall have those functions, duties, powers, and responsibilities heretofore assigned by the board and the commissioner and as hereafter so assigned or as provided by law.~~
Reserved."

SECTION 15.

Said title is further amended in Code Section 49-6-20, relating to the creation of the Council on Aging, by revising subsection (a) as follows:

"(a) There is created the Council on Aging. The council shall be composed of 20 members, at least ten of whom shall be consumers of services under programs of the ~~Office of Aging Section of the Department of Human Resources~~ Department of Aging or similar state agencies. The ten consumer members shall include low income and minority older persons at least in proportion to their number in the population of the state. The remaining ten members of the council shall be representative of major public and private agencies and organizations in the state and shall be experienced in or have demonstrated particular interest in the needs of the elderly. The members of the council shall be appointed as follows:

- (1) Four consumer members and four members representing public and private agencies and organizations shall be appointed by the Governor;
- (2) Two consumer members and two members representing public and private agencies and organizations shall be appointed by the President of the Senate;
- (3) Two consumer members and two members representing public and private agencies and organizations shall be appointed by the Speaker of the House; and

1 (4) Two consumer members and two members representing public and private agencies
2 and organizations shall be appointed by the commissioner."

3 SECTION 16.

4 Said title is further amended in Code Section 49-6-60, relating to legislative intent with
5 respect to community care and services for the elderly, as follows:

6 "49-6-60.

7 The purpose of this article is to assist functionally impaired elderly persons in living
8 dignified and reasonably independent lives in their own homes or in the homes of relatives
9 or caregivers through the development, expansion, reorganization, and coordination of
10 various ~~community-based~~ community based services. In recognition of the desire of older
11 Georgians to reside at home or with their families as long as possible, the General
12 Assembly intends that a continuum of care be established so that functionally impaired
13 elderly persons age 60 and older may be assured the least restrictive environment suitable
14 to their needs. The General Assembly further intends to maximize the utilization of existing
15 community social and health services in order to prevent unnecessary placement of
16 individuals in long-term care facilities. The development of innovative approaches to
17 program management, staff training, and service delivery that impact on cost avoidance,
18 cost effectiveness, and program efficiency shall be encouraged. It is further the intent of
19 the General Assembly that the Department of ~~Human Resources~~ Aging shall serve as the
20 agency responsible for planning and implementing the provision of ~~community-based~~
21 community based services to the elderly reimbursable under the 'Georgia Medical
22 Assistance Act of 1977.'

23 SECTION 17.

24 Said title is further amended in Code Section 49-6-61, relating to definitions, as follows:

25 "49-6-61.

26 As used in this article, the term:

27 (1) ~~'Aging section' means the single organizational unit within the Department of Human~~
28 ~~Resources responsible for the planning and administration of services under the Older~~
29 ~~Americans Act of 1965.~~

30 (2) 'Department' means the Department of ~~Human Resources~~ Aging.

31 (3)(2) 'Functionally impaired elderly person' means any person 60 years of age or older
32 with physical or mental limitations that restrict individual ability to perform the normal
33 activities of daily living and which impede individual capacity to live independently.

34 (4)(3) The 'Georgia Medical Assistance Act of 1977' means Article 7 of Chapter 4 of this
35 title.

1 would have been reimbursable under the 'Georgia Medical Assistance Act of 1977,' as
2 amended.

3 (e) The department shall develop a plan which shall provide for the implementation of a
4 community care system in each of the specified geographic service areas by July 1, 1985.

5 The three-year plan shall be developed concurrent with and integrated into the state plan
6 on aging required under the Older Americans Act of 1965 and shall provide for
7 coordination of all ~~community-based~~ community based services for the elderly. The
8 three-year plan shall include an inventory of existing services and an analysis comparing
9 the cost of institutional long-term care and the cost of community care and other
10 ~~community-based~~ community based services for the elderly. ~~The multiyear plan shall be~~
11 ~~presented to the Board of Human Resources no later than July 31, 1983.~~

12 (f) At the end of the three-year implementation period an annual community care service
13 plan shall be incorporated into the state plan on aging.

14 (g) The department shall submit on January 1 of each year, beginning in 1984, a progress
15 report on the implementation of the plan required by subsection (e) of this Code section to
16 the Speaker of the House of Representatives, the Senate Committee on Assignments, the
17 ~~chairman~~ chairperson of the House Committee on Health and Human Services ~~Committee~~,
18 and the ~~chairman~~ chairperson of the Senate Health and Human Services Committee.

19 (h) In accordance with rules promulgated by the department, lead agencies may collect
20 fees for community care case management and other services. Such fees shall be
21 established on a sliding scale based upon income and economic need. Fees ~~will~~ shall not
22 be charged those individuals for the mandatory assessment described in subsection (e) of
23 Code Section 49-6-63. Lead agencies may accept contributions of money or contributions
24 in kind from functionally impaired elderly persons, members of their families, or other
25 interested persons or organizations. Such contributions may not be a condition of services
26 and shall only be used to further the provision of community care services.

27 (i) Funding for services under this article shall be in addition to and not in lieu of funding
28 for existing community services for the elderly. The department and the lead agency shall
29 ensure that all other funding sources available, including reimbursement under the 'Georgia
30 Medical Assistance Act of 1977' and the Older Americans Act of 1965, have been used
31 prior to utilizing state funds for community care for the elderly."

32 SECTION 19.

33 Said title is further amended in Code Section 49-6-71, relating to the purpose of the "Georgia
34 Family Caregiver Support Act," as follows:

1 "49-6-71.

2 The purpose of this article shall be to establish a comprehensive caregiver program which
3 will marshal and integrate available resources and services to provide support and services
4 to caregivers of chronically dependent adults. This article exists to coordinate assistance
5 and maximize available services while maintaining and supporting existing services for
6 caregivers. Such assistance may include:

- 7 (1) Coordination and integration of information and services to caregivers in Georgia,
8 including, but not limited to, insurance and benefits counseling, respite services available
9 under the community care services program, the state respite or adult day-care program,
10 or the Older Americans Act of 1965, as amended, and coordination with educational and
11 other services offered by the caregiver resource center;
- 12 (2) Assistance to the caregiver to assure that supports to the functionally dependent older
13 adult or adult suffering from dementia are adequate and appropriate to maintain these
14 individuals in the home;
- 15 (3) Intermittent, planned, or emergency relief to the caregiver, either directly or through
16 use of other available resources and services;
- 17 (4) Restoration or maintenance of the caregiver's well-being;
- 18 (5) Preservation of the caregiver's informal supports such as family and friends;
- 19 (6) Supportive social services to the caregiver; and
- 20 (7) Affordable services through a cost-sharing mechanism developed by the ~~Division~~
21 Department of Aging ~~Services of the department~~ for those families whose household
22 incomes do not exceed 400 percent of the federal poverty level."

23 **SECTION 20.**

24 Said title is further amended in Code Section 49-6-72, relating to definitions relative to the
25 "Georgia Family Caregiver Support Act," by revising paragraphs (2) and (4) as follows:

26 "(2) 'Area agency on aging' means the single local agency designated by the ~~Division~~
27 Department of Aging ~~Services of the department~~ within each planning and service area
28 to administer the delivery of a comprehensive and coordinated plan of social and other
29 services and activities in the planning and service area."

30 "(4) 'Department' means the Department of ~~Human Resources~~ Aging."

31 **SECTION 21.**

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