

House Bill 994 (COMMITTEE SUBSTITUTE)

By: Representatives Houston of the 170th, Sims of the 119th, Cooper of the 41st, and Meadows of the 5th

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 the regulatory authority of the Department of Community Health with respect to
3 various facilities and entities; to authorize the department to establish a schedule of fees for
4 licensure activities for institutions and other health care related entities required to be
5 licensed, permitted, registered, or commissioned by the department; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
10 Section 31-2-4, relating to the powers, duties, functions, and responsibilities of the
11 Department of Community Health, by revising subsection (d) as follows:

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

13 (1) Shall be the lead agency in coordinating and purchasing health care benefit plans for
14 state and public employees, dependents, and retirees and may also coordinate with the
15 board of regents for the purchase and administration of such health care benefit plans for
16 its members, employees, dependents, and retirees;

17 (2) Is authorized to plan and coordinate medical education and physician work force
18 issues;

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

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

26 (5) 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;

29 (6) 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 (7) Shall make provision for meeting the cost of hospital care of persons eligible for
32 public assistance to the extent that federal matching funds are available for such
33 expenditures for hospital care. To accomplish this purpose, the department is authorized
34 to pay from funds appropriated for such purposes the amount required under this
35 paragraph into a trust fund account which shall be available for disbursement for the cost
36 of hospital care of public assistance recipients. The commissioner, subject to the
37 approval of the Office of Planning and Budget, on the basis of the funds appropriated in
38 any year, shall estimate the scope of hospital care available to public assistance recipients
39 and the approximate per capita cost of such care. Monthly payments into the trust fund
40 for hospital care shall be made on behalf of each public assistance recipient and such
41 payments shall be deemed encumbered for assistance payable. Ledger accounts
42 reflecting payments into and out of the hospital care fund shall be maintained for each of
43 the categories of public assistance established under Code Section 49-4-3. The balance
44 of state funds in such trust fund for the payment of hospital costs in an amount not to
45 exceed the amount of federal funds held in the trust fund by the department available for
46 expenditure under this paragraph shall be deemed encumbered and held in trust for the
47 payment of the costs of hospital care and shall be rebudgeted for this purpose on each
48 quarterly budget required under the laws governing the expenditure of state funds. The
49 state auditor shall audit the funds in the trust fund established under this paragraph in the
50 same manner that any other funds disbursed by the department are audited; and

51 (8) Shall classify and license community living arrangements in accordance with the
52 rules and regulations promulgated by the department for the licensing and enforcement
53 of licensing requirements for persons whose services are financially supported, in whole
54 or in part, by funds authorized through the Department of Behavioral Health and
55 Developmental Disabilities. To be eligible for licensing as a community living
56 arrangement, the residence and services provided must be integrated within the local
57 community. All community living arrangements licensed by the department shall be
58 subject to the provisions of Code Sections 31-2-11 and 31-7-2.2. No person, business
59 entity, corporation, or association, whether operated for profit or not for profit, may
60 operate a community living arrangement without first obtaining a license or provisional
61 license from the department. A license issued pursuant to this paragraph is not assignable
62 or transferable. As used in this paragraph, the term 'community living arrangement'

63 means any residence, whether operated for profit or not, which undertakes through its
 64 ownership or management to provide or arrange for the provision of housing, food, one
 65 or more personal services, ~~supports~~ support, care, or treatment exclusively for two or
 66 more persons who are not related to the owner or administrator of the residence by blood
 67 or marriage;

68 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
 69 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
 70 and other health care related entities required to be licensed, permitted, registered, or
 71 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter
 72 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such
 73 schedules shall be determined in a manner so as to help defray the costs incurred by the
 74 department, but in no event to exceed such costs, both direct and indirect, in providing
 75 such licensure activities. Such fees may be annually adjusted by the department but shall
 76 not be increased by more than the annual rate of inflation as measured by the Consumer
 77 Price Index, as reported by the Bureau of Labor Statistics of the United States
 78 Department of Labor. All fees paid thereunder shall be paid into the general funds of the
 79 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees
 80 imposed pursuant to this paragraph be used to support and improve the quality of
 81 licensing services provided by the department; and

82 (10)(A) The department may accept the certification or accreditation of an entity or
 83 program by a certification or accreditation body, in accordance with specific standards,
 84 as evidence of compliance by the entity or program with the substantially equivalent
 85 departmental requirements for issuance or renewal of a permit or provisional permit,
 86 provided that such certification or accreditation is established prior to the issuance or
 87 renewal of such permits. The department may not require an additional departmental
 88 inspection of any entity or program whose certification or accreditation has been
 89 accepted by the department, except to the extent that such specific standards are less
 90 rigorous or less comprehensive than departmental requirements. Nothing in this Code
 91 section shall prohibit either departmental inspections for violations of such standards
 92 or requirements or the revocation of or refusal to issue or renew permits, as authorized
 93 by applicable law, or for violation of any other applicable law or regulation pursuant
 94 thereto.

95 (B) For purposes of this paragraph, the term:

96 (i) 'Entity or program' means an agency, center, facility, institution, community living
 97 arrangement, drug abuse treatment and education program, or entity subject to
 98 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter
 99 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.

100 (ii) 'Permit' means any license, permit, registration, or commission issued by the
101 department pursuant to the provisions of the law cited in division (i) of this
102 subparagraph."

103 **SECTION 2.**

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