

House Bill 214

By: Representatives Channell of the 116th, Parrish of the 156th, England of the 108th, Sheldon of the 105th, Cooper of the 41st, and others

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 establish the Department of Public Health; to reassign functions of the Division of Public
3 Health of the Department of Community Health to the Department of Public Health; to
4 provide for transition to the new agency; to create a Board of Public Health and a
5 commissioner of public health; to amend various titles for purposes of conformity; to provide
6 for related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I

10 Creation of the Department of Public Health.

11 SECTION 1-1.

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
13 a new chapter to read as follows:

14 "CHAPTER 2A

15 31-2A-1.

16 (a) There is created the Board of Public Health which shall establish the general policy to
17 be followed by the Department of Public Health. The powers, functions, and duties of the
18 Board of Community Health as they existed on June 30, 2011, with regard to the Division
19 of Public Health and the Office of Health Improvement, unless otherwise provided in this
20 Act, are transferred to the Board of Public Health effective July 1, 2011. The board shall
21 consist of nine members appointed by the Governor and confirmed by the Senate.

22 (b) The Governor shall designate the initial terms of the members of the board as follows:
23 three members shall be appointed for one year; three members shall be appointed for two

24 years; and three members shall be appointed for three years. Thereafter, all succeeding
25 appointments shall be for three-year terms from the expiration of the previous term.

26 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
27 as the appointment to the position on the board which becomes vacant. An appointment
28 to fill a vacancy other than by expiration of a term of office shall be for the balance of the
29 unexpired term.

30 (d) Members of the board may be removed from office under the same conditions for
31 removal from office of members of professional licensing boards provided in Code Section
32 43-1-17.

33 (e) There shall be a chairperson of the board elected by and from the membership of the
34 board who shall be the presiding officer of the board.

35 (f) The members of the board shall receive a per diem allowance and expenses as shall be
36 set and approved by the Office of Planning and Budget in conformance with rates and
37 allowances set for members of other state boards.

38 31-2A-2.

39 (a) There is created a Department of Public Health. The powers, functions, and duties of
40 the Division of Public Health and the Office of Health Improvement of the Department of
41 Community Health as they existed on June 30, 2011, unless otherwise provided in this Act,
42 are transferred to the Department of Public Health effective July 1, 2011.

43 (b) There is created the position of commissioner of public health. The commissioner
44 shall be the chief administrative officer of the department and be both appointed and
45 removed by the Governor. The commissioner shall be a physician possessing extensive
46 public health knowledge, along with the ability to work effectively with elected and
47 appointed officials and to lead the public health system staff throughout the state. Subject
48 to the general policy established by the board, the commissioner shall supervise, direct,
49 account for, organize, plan, administer, and execute the functions vested in the department.

50 (c) There shall be created in the department such divisions as may be found necessary for
51 its effective operation. The commissioner shall have the power to allocate and reallocate
52 functions among the divisions within the department.

53 31-2A-3.

54 (a) The Department of Public Health shall succeed to all rules, regulations, policies,
55 procedures, and administrative orders of the Department of Community Health that are in
56 effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which
57 relate to the functions transferred to the Department of Public Health pursuant to Code
58 Section 31-2A-2 and shall further succeed to any rights, privileges, entitlements,

59 obligations, and duties of the Department of Community Health that are in effect on June
60 30, 2011, which relate to the functions transferred to the Department of Public Health
61 pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and
62 administrative orders shall remain in effect until amended, repealed, superseded, or
63 nullified by the Department of Public Health by proper authority or as otherwise provided
64 by law.

65 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
66 agreements, and other transactions entered into before July 1, 2011, by the Department of
67 Community Health which relate to the functions transferred to the Department of Public
68 Health pursuant to Code Section 31-2A-2 shall continue to exist; and none of these rights,
69 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of
70 the functions to the Department of Public Health. In all such instances, the Department of
71 Public Health shall be substituted for the Department of Community Health, and the
72 Department of Public Health shall succeed to the rights and duties under such contracts,
73 leases, agreements, and other transactions.

74 (c) All persons employed by the Department of Community Health in capacities which
75 relate to the functions transferred to the Department of Public Health pursuant to Code
76 Section 31-2A-2 on June 30, 2011, shall, on July 1, 2011, become employees of the
77 Department of Public Health in similar capacities, as determined by the commissioner of
78 public health. Such employees shall be subject to the employment practices and policies
79 of the Department of Public Health on and after July 1, 2011, but the compensation and
80 benefits of such transferred employees shall not be reduced as a result of such transfer.
81 Employees who are subject to the rules of the State Personnel Board and thereby under the
82 State Personnel Administration and who are transferred to the department shall retain all
83 existing rights under the State Personnel Administration. Accrued annual and sick leave
84 possessed by the transferred employees on June 30, 2011, shall be retained by such
85 employees as employees of the Department of Public Health.

86 (d) On July 1, 2011, the Department of Public Health shall receive custody of the state
87 owned real property in the custody of the Department of Community Health on June 30,
88 2011, and which pertains to the functions transferred to the Department of Public Health
89 pursuant to Code Section 31-2A-2.

90 31-2A-4.

91 The Department of Public Health shall safeguard and promote the health of the people of
92 this state and is empowered to employ all legal means appropriate to that end. Illustrating,
93 without limiting, the foregoing grant of authority, the department is empowered to:

- 94 (1) Provide epidemiological investigations and laboratory facilities and services in the
95 detection and control of disease, disorders, and disabilities and to provide research,
96 conduct investigations, and disseminate information concerning reduction in the
97 incidence and proper control of disease, disorders, and disabilities;
- 98 (2) Forestall and correct physical, chemical, and biological conditions that, if left to run
99 their course, could be injurious to health;
- 100 (3) Regulate and require the use of sanitary facilities at construction sites and places of
101 public assembly and to regulate persons, firms, and corporations engaged in the rental
102 and service of portable chemical toilets;
- 103 (4) Isolate and treat persons afflicted with a communicable disease who are either unable
104 or unwilling to observe the department's rules and regulations for the suppression of such
105 disease and to establish, to that end, complete or modified quarantine, surveillance, or
106 isolation of persons and animals exposed to a disease communicable to man;
- 107 (5) Procure and distribute drugs and biologicals and purchase services from clinics,
108 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
109 and operate such facilities;
- 110 (6) Cooperate with agencies and departments of the federal government and of the state
111 by supplying consultant services in medical and hospital programs and in the health
112 aspects of civil defense, emergency preparedness, and emergency response;
- 113 (7) Prevent, detect, and relieve physical defects and deformities;
- 114 (8) Promote the prevention, early detection, and control of problems affecting the dental
115 and oral health of the citizens of Georgia;
- 116 (9) Contract with county boards of health to assist in the performance of services
117 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies
118 of more than local peril, to employ whatever means may be at its disposal to overcome
119 such emergencies;
- 120 (10) Contract and execute releases for assistance in the performance of its functions and
121 the exercise of its powers and to supply services which are within its purview to perform;
- 122 (11) Enter into or upon public or private property at reasonable times for the purpose of
123 inspecting same to determine the presence of disease and conditions deleterious to health
124 or to determine compliance with health laws and rules, regulations, and standards
125 thereunder;
- 126 (12) Promulgate and enforce rules and regulations for the licensing of medical facilities
127 wherein abortion procedures under subsections (b) and (c) of Code Section 16-12-141 are
128 to be performed; and, further, to disseminate and distribute educational information and
129 medical supplies and treatment in order to prevent unwanted pregnancy; and

130 (13) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
 131 Administrative Procedure Act,' a schedule of fees for laboratory services provided,
 132 schedules to be determined in a manner so as to help defray the costs incurred by the
 133 department, but in no event to exceed such costs, both direct and indirect, in providing
 134 such laboratory services, provided no person shall be denied services on the basis of his
 135 or her inability to pay. All fees paid thereunder shall be paid into the general funds of the
 136 State of Georgia. The individual who requests the services authorized in this paragraph,
 137 or the individual for whom the laboratory services authorized in this paragraph are
 138 performed, shall be responsible for payment of the service fees. As used in this
 139 paragraph, the term 'individual' means a natural person or his or her responsible health
 140 benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935.

141 31-2A-5.

142 (a) There is created in the department the Office of Women's Health. Attached to the
 143 office shall be an 11 member advisory council. The members of the advisory council shall
 144 be appointed by the Governor and shall be representative of major public and private
 145 agencies and organizations in the state and shall be experienced in or have demonstrated
 146 particular interest in women's health issues. Each member shall be appointed for two years
 147 and until his or her successor is appointed. The members shall be eligible to succeed
 148 themselves. The council shall elect its chairperson from among the councilmembers for
 149 a term of two years. The Governor may name an honorary chairperson of the council.

150 (b) The Office of Women's Health shall serve in an advisory capacity to the Governor, the
 151 General Assembly, the board, the department, and all other state agencies in matters
 152 relating to women's health. In particular, the office shall:

153 (1) Raise awareness of women's nonreproductive health issues;

154 (2) Inform and engage in prevention and education activities relating to women's
 155 nonreproductive health issues;

156 (3) Serve as a clearing-house for women's health information for purposes of planning
 157 and coordination;

158 (4) Issue reports of the office's activities and findings; and

159 (5) Develop and distribute a state comprehensive plan to address women's health issues.

160 (c) The council shall meet upon the call of its chairperson, the board, or the commissioner.

161 31-2A-6.

162 (a) The department is authorized to adopt and promulgate rules and regulations to effect
 163 prevention, abatement, and correction of situations and conditions which, if not promptly
 164 checked, would militate against the health of the people of this state. Such rules and

165 regulations shall be adapted to the purposes intended, within the purview of the powers and
166 duties imposed upon the department by this chapter, and supersede conflicting rules,
167 regulations, and orders adopted pursuant to the authority of Chapter 3 of this title.

168 (b) The department upon application or petition may grant variances and waivers to
169 specific rules and regulations which establish standards for facilities or entities regulated
170 by the department as follows:

171 (1) The department may authorize departure from the literal requirements of a rule or
172 regulation by granting a variance upon a showing by the applicant or petitioner that the
173 particular rule or regulation that is the subject of the variance request should not be
174 applied as written because strict application would cause undue hardship. The applicant
175 or petitioner additionally must show that adequate standards affording protection of
176 health, safety, and care exist and will be met in lieu of the exact requirements of the rule
177 or regulation in question;

178 (2) The department may dispense entirely with the enforcement of a rule or regulation
179 by granting a waiver upon a showing by the applicant or petitioner that the purpose of the
180 rule or regulation is met through equivalent standards affording equivalent protection of
181 health, safety, and care;

182 (3) The department may grant waivers and variances to allow experimentation and
183 demonstration of new and innovative approaches to delivery of services upon a showing
184 by the applicant or petitioner that the intended protections afforded by the rule or
185 regulation which is the subject of the request are met and that the innovative approach has
186 the potential to improve service delivery;

187 (4) Waivers or variances which affect an entire class of facilities may only be approved
188 by the Board of Public Health and shall be for a time certain, as determined by the board.
189 A notice of the proposed variance or waiver affecting an entire class of facilities shall be
190 made in accordance with the requirements for notice of rule making in Chapter 13 of
191 Title 50, the 'Georgia Administrative Procedure Act'; or

192 (5) Variances or waivers which affect only one facility in a class may be approved or
193 denied by the department and shall be for a time certain, as determined by the
194 department. The department shall maintain a record of such action and shall make this
195 information available to the board and all other persons who request it.

196 (c) The department may exempt classes of facilities from regulation when, in the
197 department's judgment, regulation would not permit the purpose intended or the class of
198 facilities is subject to similar requirements under other rules and regulations. Such
199 exemptions shall be provided in rules and regulations promulgated by the board.

200 31-2A-7.

201 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
202 verdict of guilty or a plea of guilty or a plea of nolo contendere with regard to any crime,
203 regardless of whether an appeal of the conviction has been sought.

204 (b) The department may receive from any law enforcement agency conviction data that is
205 relevant to a person whom the department, its contractors, or a district or county health
206 agency is considering as a final selectee for employment in a position the duties of which
207 involve direct care, treatment, custodial responsibilities, or any combination thereof for its
208 clients. The department may also receive conviction data which is relevant to a person
209 whom the department, its contractors, or a district or county health agency is considering
210 as a final selectee for employment in a position if, in the judgment of the department, a
211 final employment decision regarding the selectee can only be made by a review of
212 conviction data in relation to the particular duties of the position and the security and safety
213 of clients, the general public, or other employees.

214 (c) The department shall establish a uniform method of obtaining conviction data under
215 subsection (b) of this Code section which shall be applicable to the department and its
216 contractors. Such uniform method shall require the submission to the Georgia Crime
217 Information Center of fingerprints and the records search fee in accordance with Code
218 Section 35-3-35. Upon receipt thereof, the Georgia Crime Information Center shall
219 promptly transmit fingerprints to the Federal Bureau of Investigation for a search of bureau
220 records and an appropriate report and shall promptly conduct a search of its own records
221 and records to which it has access. After receiving the fingerprints and fee, the Georgia
222 Crime Information Center shall notify the department in writing of any derogatory finding,
223 including, but not limited to, any conviction data regarding the fingerprint records check
224 or if there is no such finding.

225 (d) All conviction data received shall be for the exclusive purpose of making employment
226 decisions or decisions concerning individuals in the care of the department and shall be
227 privileged and shall not be released or otherwise disclosed to any other person or agency.
228 Immediately following the employment decisions or upon receipt of the conviction data,
229 all such conviction data collected by the department or its agent shall be maintained by the
230 department or agent pursuant to laws regarding and the rules or regulations of the Federal
231 Bureau of Investigation and the Georgia Crime Information Center, as is applicable.
232 Penalties for the unauthorized release or disclosure of any conviction data shall be as
233 prescribed pursuant to laws regarding and rules or regulations of the Federal Bureau of
234 Investigation and the Georgia Crime Information Center, as is applicable.

235 (e) The department may promulgate written rules and regulations to implement the
236 provisions of this Code section.

237 (f) The department may receive from any law enforcement agency criminal history
 238 information, including arrest and conviction data, and any and all other information which
 239 it may be provided pursuant to state or federal law which is relevant to any person in the
 240 care of the department. The department shall establish a uniform method of obtaining
 241 criminal history information under this subsection. Such method shall require the
 242 submission to the Georgia Crime Information Center of fingerprints together with any
 243 required records search fee in accordance with Code Section 35-3-35. Upon receipt
 244 thereof, the Georgia Crime Information Center shall promptly transmit the fingerprints
 245 submitted by the department to the Federal Bureau of Investigation for a search of bureau
 246 records and an appropriate report and shall promptly conduct a search of its own records
 247 and records to which it has access. Such method shall also permit the submission of the
 248 names alone of such persons to the proper law enforcement agency for a name based check
 249 of such person's criminal history information as maintained by the Georgia Crime
 250 Information Center and the Federal Bureau of Investigation. In such circumstances, the
 251 department shall submit fingerprints of those persons together with any required records
 252 search fee to the Federal Bureau of Investigation within 15 calendar days of the date of the
 253 name based check on that person. The fingerprints shall be forwarded to the Federal
 254 Bureau of Investigation through the Georgia Crime Information Center in accordance with
 255 Code Section 35-3-35. Following the submission of such fingerprints, the department may
 256 receive the criminal history information, including arrest and conviction data, relevant to
 257 such person.

258 (g) The department shall be authorized to conduct a name or descriptor based check of any
 259 person's criminal history information, including arrest and conviction data, and other
 260 information from the Georgia Crime Information Center regarding any adult person who
 261 provides care or is in contact with persons under the care of the department without the
 262 consent of such person and without fingerprint comparison to the fullest extent permissible
 263 by federal and state law."

264 **SECTION 1-2.**

265 Code Sections 31-2-7, 31-2-8, 31-2-10, 31-2-12, 31-2-13, 31-2-17, 31-2-17.1, and 31-2-18
 266 of the Official Code of Georgia Annotated, relating to the Department of Community Health
 267 as the agency of the state for receipt and administration of federal and other funds, studies
 268 and surveys of programs, venue of actions against the department or board, standards for
 269 sewage management systems, rules and regulations governing operation of land disposal sites
 270 for septic tank waste from one business, a diabetes coordinator, the Georgia Diabetes Control
 271 Grant Program, and the director of the Division of Public Health, respectively, are
 272 redesignated and amended as follows:

273 ~~"31-2-7. 31-2A-8.~~

274 The department is designated and empowered as the agency of this state to apply for,
 275 receive, and administer grants and donations for health purposes from the federal
 276 government and from any of its departments, agencies, and instrumentalities; from
 277 appropriations of the state; and from any other sources in conformity with law, ~~including~~
 278 ~~but not limited to Code Section 49-4-152.~~ The department shall have the authority to
 279 prescribe the purposes for which such funds may be used in order to:

- 280 (1) Provide, extend, and improve maternal and child health services;
- 281 (2) Locate children already disabled or suffering from conditions leading to a disability
 282 and provide for such children medical, surgical, corrective, and other services and to
 283 provide for facilities for diagnosis, hospitalization, and aftercare;
- 284 (3) Advance the prevention and control of cancer and of venereal, tubercular, and other
 285 diseases;
- 286 (4) Forestall and correct conditions that, if left to run their course, could be injurious to
 287 health;
- 288 (5) Conduct programs which lie within the scope and the power of the department
 289 relating to industrial hygiene, control of ionizing radiation, occupational health, water
 290 quality, water pollution control, and planning and development of water resources;
- 291 (6) Administer grants-in-aid to assist in the construction of publicly owned and operated
 292 general and special medical facilities;
- 293 (7) Conduct programs:
 - 294 (A) Relating to chronic illness;
 - 295 (B) Relating to the dental and oral health of the people of this state which are
 296 appropriate to the purpose of the department; and
 - 297 (C) Relating to the physical health of the people of this state which are appropriate to
 298 the purpose of the department; and
- 299 (8) Develop the health aspects of emergency preparedness and emergency response.

300 When a plan is required to be approved by any department, agency, or instrumentality of
 301 the federal government as condition precedent to the making of grants for health purposes,
 302 the department, as agent of this state, is directed to formulate, submit, and secure approval
 303 of that plan and thereafter, upon its approval and the receipt of funds payable thereunder,
 304 to carry the plan into effect in accordance with its terms, applying thereto the funds so
 305 received as well as other applicable amounts from whatever source.

306 ~~31-2-8. 31-2A-9.~~

307 The department, from time to time, shall make or cause to be made studies and surveys to
 308 determine the quality, scope, and reach of its programs.

309 ~~31-2-10.~~ 31-2A-10.

310 Actions at law and in equity against the department, the board, or any of its members
311 predicated upon omissions or acts done in their official capacity or under color thereof shall
312 be brought in the appropriate county; provided, however, that nothing in this Code section
313 shall be construed as waiving the immunity of the state to be sued without its consent.

314 ~~31-2-12.~~ 31-2A-11.

315 (a) As used in this Code section, the term:

316 (1) 'Chamber system' means a system of chambers with each chamber being a molded
317 polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid
318 top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall
319 soil areas. Chambers may be of different sizes and configurations to obtain desired
320 surface areas.

321 (2) 'Conventional system' means a system traditionally used composed of perforated pipe
322 surrounded by gravel or stone masking for the infiltration of effluent into adjoining
323 bottom and side soil areas.

324 (3) 'On-site sewage management system' means a sewage management system other than
325 a public or community sewage treatment system serving one or more buildings, mobile
326 homes, recreational vehicles, residences, or other facilities designed or used for human
327 occupancy or congregation. Such term shall include, without limitation, conventional and
328 chamber septic tank systems, privies, and experimental and alternative on-site sewage
329 management systems which are designed to be physically incapable of a surface
330 discharge of effluent that may be approved by the department.

331 (4) 'Prior approved system' means only a chamber system or conventional system or
332 component of such system which is designed to be physically incapable of a surface
333 discharge of effluent and which was properly approved pursuant to subparagraph
334 (a)(2)(B) of this Code section, as such Code section became law on April 19, 1994, for
335 use according to manufacturers' recommendations, prior to April 14, 1997.

336 (5) 'Unsatisfactory service' means documented substandard performance as compared
337 to other approved systems or components.

338 (b) The department shall have the authority as it deems necessary and proper to adopt
339 state-wide regulations for on-site sewage management systems, including but not limited
340 to experimental and alternative systems. The department is authorized to require that any
341 such on-site sewage management system be examined and approved prior to allowing the
342 use of such system in the state; provided, however, that any prior approved system shall
343 continue to be approved for installation in every county of the state pursuant to the
344 manufacturer's recommendations, including sizing of no less than 50 percent of trench

345 length of a conventional system designed for equal flows in similar soil conditions. Upon
346 written request of one-half or more of the health districts in the state, the department is
347 authorized to require the reexamination of any such system or component thereof, provided
348 that documentation is submitted indicating unsatisfactory service of such system or
349 component thereof. Before any such examination or reexamination, the department may
350 require the person, persons, or organization manufacturing or marketing the system to
351 reimburse the department or its agent for the reasonable expenses of such examination.

352 (c)(1) This subsection shall not be construed to prohibit the governing authority of any
353 county or municipality in the state from adopting and enforcing codes at the local level;
354 provided, however, that no county, municipality, or state agency may require any
355 certified septic tank installer or certified septic tank pumper who has executed and
356 deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or
357 execute any code compliance bond or similar bond for the purpose of ensuring that all
358 construction, installation, or modifications are made or completed in compliance with the
359 county or municipal ordinances or building and construction codes.

360 (2) In order to protect the public from damages arising from any work by a certified
361 septic tank installer or certified septic tank pumper, ~~which work~~ that fails to comply with
362 any state construction codes or with the ordinances or building and construction codes
363 adopted by any county or municipal corporation, any such certified septic tank installer
364 or certified septic tank pumper may execute and deposit with the judge of the probate
365 court in the county of his or her principal place of business a bond in the sum of
366 \$10,000.00. Such bond shall be a cash bond of \$10,000.00 or executed by a surety
367 authorized and qualified to write surety bonds in the State of Georgia and shall be
368 approved by the local county or municipal health department. Such bond shall be
369 conditioned upon all work done or supervised by such certificate holder complying with
370 the provisions of any state construction codes or any ordinances or building and
371 construction codes of any county or municipal corporation wherein the work is
372 performed. Action on such bond may be brought against the principal and surety thereon
373 in the name of and for the benefit of any person who suffers damages as a consequence
374 of said certificate holder's work not conforming to the requirements of any ordinances or
375 building and construction codes; provided, however, that the aggregate liability of the
376 surety to all persons so damaged shall in no event exceed the sum of such bond.

377 (3) In any case where a bond is required under this subsection, the certified septic tank
378 installer or certified septic tank pumper shall file a copy of the bond with the county or
379 municipal health department in the political subdivision wherein the work is being
380 performed.

381 (4) The provisions of this subsection shall not apply to or affect any bonding
382 requirements involving contracts for public works as provided in Chapter 10 of Title 13.

383 (d) This Code section does not restrict the work of a plumber licensed by the State
384 Construction Industry Licensing Board to access any on-site sewage management system
385 for the purpose of servicing or repairing any plumbing system or connection to the on-site
386 sewage management system.

387 ~~31-2-13.~~ 31-2A-12.

388 Until July 1, 2012, the department shall provide by rule or regulation for the regulation of
389 any land disposal site that receives septic tank waste from only one septic tank pumping
390 and hauling business and which as of June 30, 2007, operated under a valid permit for such
391 activity as issued by the department (previously known as the Department of Human
392 Resources for these purposes) under this Code section. No new permit shall be issued by
393 the department under this Code section for such type of site on or after July 1, 2007, but
394 instead any new permit issued for such type of site on or after such date shall be issued by
395 the Department of Natural Resources under Code Section 12-8-41. This Code section shall
396 stand repealed on July 1, 2012.

397 ~~31-2-17.~~ 31-2A-13.

398 The commissioner is authorized to appoint a diabetes coordinator within the ~~Division of~~
399 ~~Public Health~~ department to coordinate with other state departments and agencies to ensure
400 that all programs that impact the prevention and treatment of diabetes are coordinated, that
401 duplication of efforts is minimized, and that the impact of such programs is maximized in
402 an attempt to reduce the health consequences and complications of diabetes in Georgia.
403 The ~~Division of Public Health~~ department shall serve as the central repository for this
404 state's departments and agencies for data related to the prevention and treatment of
405 diabetes.

406 ~~31-2-17.1.~~ 31-2A-14.

407 (a) There is established within the ~~department's Division~~ Department of Public Health the
408 Georgia Diabetes Control Grant Program. The purpose of the grant program shall be to
409 develop, implement, and promote a state-wide effort to combat the proliferation of Type
410 2 diabetes and pre-diabetes.

411 (b) The program shall be under the direction of a seven-member advisory committee,
412 appointed by the Governor. The Governor, in making such appointments, shall ensure to
413 the greatest extent possible that the membership of the advisory committee is representative
414 of this state's geographic and demographic composition, with appropriate attention to the

415 representation of women, minorities, and rural Georgia. The appointments made by the
416 Governor shall include one member who is:

- 417 (1) A physician licensed in this state;
- 418 (2) A registered nurse licensed in this state;
- 419 (3) A dietitian licensed in this state;
- 420 (4) A diabetes educator;
- 421 (5) A representative of the business community;
- 422 (6) A pharmacist licensed in this state; and
- 423 (7) A consumer who has diabetes.

424 The commissioner of the ~~Department of Community Health~~, or his or her designee, shall
425 serve as an ex officio, nonvoting member of the advisory committee. Appointed advisory
426 committee members shall be named for five-year terms staggered so that one term will
427 expire each year, except for the fourth and fifth year, when two terms will expire. Their
428 successors shall be named for five-year terms.

429 (c) The Georgia Diabetes Control Grant Program shall be authorized to administer two
430 grant programs targeted at new, expanded, or innovative approaches to address diabetes as
431 follows:

- 432 (1) A program to provide grants to middle schools and high schools to promote the
433 understanding and prevention of diabetes may be established by the program. Such
434 grants shall be provided through the appropriate local board of education. Grant requests
435 shall contain specific information regarding requirements as to how the grant should be
436 spent and how such spending promotes the understanding and prevention of diabetes.
437 Grant recipients shall be required to provide the advisory committee with quarterly
438 reports of the results of the grant program; and
- 439 (2) A program to provide grants to health care providers for support of evidence based
440 diabetes programs for education, screening, disease management, and self-management
441 targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of
442 diabetes; and grants may also be awarded to address evidence based activities that focus
443 on policy, systems, and environmental changes that support prevention, early detection,
444 and treatment of diabetes. Eligible entities shall include community and faith based
445 clinics and other organizations, federally qualified health centers, regional and county
446 health departments, hospitals, and other public entities, and other health related service
447 providers which are qualified as exempt from taxation under the provisions of Section
448 501(c)(3) of the Internal Revenue Code of 1986. Such entities shall have been in
449 existence for at least three years, demonstrate financial stability, utilize evidence based
450 practices, and show measurable results in their programs.

451 (d) The advisory committee shall work with the department to establish grant criteria and
 452 make award decisions, with the goal of creating a state-wide set of resources to assist
 453 residents of Georgia in their efforts to prevent or treat diabetes. Grants shall not be used
 454 for funding existing programs.

455 (e) The grant program shall be under the direction of the diabetes coordinator appointed
 456 pursuant to Code Section ~~31-2-17~~ 31-2A-13. The department shall provide sufficient staff,
 457 administrative support, and such other resources as may be necessary for the diabetes
 458 coordinator to carry out the duties required by this Code section.

459 (f) This Code section shall be subject to appropriation from the General Assembly.

460 ~~31-2-18.~~ 31-2A-15.

461 ~~(a) The Division of Public Health shall have a director who shall be appointed by the~~
 462 ~~Governor and serve at the pleasure of the Governor. The director shall report to the Office~~
 463 ~~of the Governor and to the commissioner.~~ In addition to other authority and duties granted
 464 in this title, the ~~director~~ commissioner shall:

465 (1) Provide a written report of expenditures made for public health purposes in the prior
 466 fiscal year to the Governor, the Speaker of the House of Representatives, and the
 467 Lieutenant Governor no later than December 1 of each year beginning December 1, 2010;
 468 and

469 (2) Serve as the chief liaison to county boards of health through their directors on matters
 470 related to the operations and programmatic responsibilities of such county boards of
 471 health; provided, however, the ~~director~~ commissioner may designate a person from within
 472 the ~~division~~ department to serve as such chief liaison.

473 (b) The ~~director~~ commissioner shall be authorized to convene one or more panels of
 474 experts to address various public health issues and may consult with experts on
 475 epidemiological and emergency preparedness issues.

476 SECTION 1-3.

477 The following Code sections of the Official Code of Georgia Annotated are amended by
 478 replacing "Code Section 31-2-12" wherever it occurs with "Code Section 31-2A-11":

479 (1) Code Section 31-3-5, relating to functions of county boards of health;

480 (2) Code Section 31-3-5.1, relating to conformity prerequisite to building permit; and

481 (3) Code Section 50-13-4, relating to procedural requirements for adoption, amendment,
 482 or repeal of rules.

483 **SECTION 1-4.**

484 The following Code section of the Official Code of Georgia Annotated is amended by
485 replacing "Code Section 31-2-13" wherever it occurs with "Code Section 31-2A-12":

486 (1) Code Section 12-8-41, relating to permits issued by the Department of Natural
487 Resources for land disposal sites.

488 **SECTION 1-5.**

489 Code Section 31-1-1 of the Official Code of Georgia Annotated, relating to definitions
490 relative to health generally, is revised as follows:

491 "31-1-1.

492 Except as specifically provided otherwise, as used in this title, the term:

493 (1) 'Board' means the Board of ~~Community~~ Public Health.

494 (2) 'Commissioner' means the commissioner of ~~community~~ public health.

495 (3) 'Department' means the Department of ~~Community~~ Public Health."

496 **SECTION 1-6.**

497 Code Section 31-1-10 of the Official Code of Georgia Annotated, relating to the state health
498 officer, is amended as follows:

499 "31-1-10.

500 (a) The position of ~~State Health Officer~~ state health officer is created. The commissioner
501 of ~~community health~~ or the director of the ~~Division of Public Health of the Department of~~
502 ~~Community Health~~ public health shall be the ~~State Health Officer~~, as designated by the
503 ~~Governor~~ state health officer.

504 (b) The ~~State Health Officer~~ state health officer shall perform such health emergency
505 preparedness and response duties as assigned by the Governor."

506 **PART II**

507 Changes to the Department of Community Health.

508 **SECTION 2-1.**

509 Said title is further amended by revising Code Section 31-2-1, relating to legislative intent
510 and the grant of authority to the Department of Community Health, as follows:

511 "31-2-1.

512 Given the growing concern and complexities of health issues in this state, it is the intent
513 of the General Assembly to create a Department of Community Health dedicated to health
514 issues. ~~The Department of Community Health shall safeguard and promote the health of~~
515 ~~the people of this state and is empowered to employ all legal means appropriate to that end.~~

516 Illustrating, without limiting, the foregoing grant of authority, the department is
517 empowered to:

518 (1) Serve as the lead planning agency for all health issues in the state to remedy the
519 current situation wherein the responsibility for health care policy, purchasing, planning,
520 and regulation is spread among many different agencies;

521 (2) Permit the state to maximize its purchasing power and to administer its operations
522 in a manner so as to receive the maximum amount of federal financial participation
523 available in expenditures of the department;

524 (3) Minimize duplication and maximize administrative efficiency in the state's health
525 care systems by removing overlapping functions and streamlining uncoordinated
526 programs;

527 (4) Allow the state to develop a better health care infrastructure that is more responsive
528 to the consumers it serves while improving access to and coverage for health care; and

529 (5) Focus more attention and departmental procedures on the issue of wellness, including
530 diet, exercise, and personal responsibility;

531 ~~(6) Provide epidemiological investigations and laboratory facilities and services in the
532 detection and control of disease, disorders, and disabilities and to provide research,
533 conduct investigations, and disseminate information concerning reduction in the
534 incidence and proper control of disease, disorders, and disabilities;~~

535 ~~(7) Forestall and correct physical, chemical, and biological conditions that, if left to run
536 their course, could be injurious to health;~~

537 ~~(8) Regulate and require the use of sanitary facilities at construction sites and places of
538 public assembly and to regulate persons, firms, and corporations engaged in the rental
539 and service of portable chemical toilets;~~

540 ~~(9) Isolate and treat persons afflicted with a communicable disease who are either unable
541 or unwilling to observe the department's rules and regulations for the suppression of such
542 disease and to establish, to that end, complete or modified quarantine, surveillance, or
543 isolation of persons and animals exposed to a disease communicable to man;~~

544 ~~(10) Procure and distribute drugs and biologicals and purchase services from clinics,
545 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
546 and operate such facilities;~~

547 ~~(11) Cooperate with agencies and departments of the federal government and of the state
548 by supplying consultant services in medical and hospital programs and in the health
549 aspects of civil defense, emergency preparedness, and emergency response;~~

550 ~~(12) Prevent, detect, and relieve physical defects and deformities;~~

551 ~~(13) Promote the prevention, early detection, and control of problems affecting the dental
552 and oral health of the citizens of Georgia;~~

553 ~~(14) Contract with county boards of health to assist in the performance of services~~
 554 ~~incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies~~
 555 ~~of more than local peril, to employ whatever means may be at its disposal to overcome~~
 556 ~~such emergencies;~~

557 ~~(15) Contract and execute releases for assistance in the performance of its functions and~~
 558 ~~the exercise of its powers and to supply services which are within its purview to perform;~~

559 ~~(16) Enter into or upon public or private property at reasonable times for the purpose of~~
 560 ~~inspecting same to determine the presence of disease and conditions deleterious to health~~
 561 ~~or to determine compliance with health laws and rules, regulations, and standards~~
 562 ~~thereunder;~~

563 ~~(17) Promulgate and enforce rules and regulations for the licensing of medical facilities~~
 564 ~~wherein abortion procedures under subsections (b) and (c) of Code Section 16-12-141 are~~
 565 ~~to be performed; and, further, to disseminate and distribute educational information and~~
 566 ~~medical supplies and treatment in order to prevent unwanted pregnancy; and~~

567 ~~(18) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia~~
 568 ~~Administrative Procedure Act,' a schedule of fees for laboratory services provided;~~
 569 ~~schedules to be determined in a manner so as to help defray the costs incurred by the~~
 570 ~~department, but in no event to exceed such costs, both direct and indirect, in providing~~
 571 ~~such laboratory services, provided no person shall be denied services on the basis of his~~
 572 ~~or her inability to pay. All fees paid thereunder shall be paid into the general funds of the~~
 573 ~~State of Georgia. The individual who requests the services authorized in this paragraph,~~
 574 ~~or the individual for whom the laboratory services authorized in this paragraph are~~
 575 ~~performed, shall be responsible for payment of the service fees. As used in this~~
 576 ~~paragraph, the term 'individual' means a natural person or his or her responsible health~~
 577 ~~benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935."~~

578 **SECTION 2-2.**

579 Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the powers,
 580 duties, functions, and responsibilities of the Department of Community Health, is amended
 581 as follows:

582 "31-2-4.

583 (a)(1) The Department of Community Health is re-created and established to perform the
 584 functions and assume the duties and powers exercised on June 30, 2009, by the
 585 Department of Community Health, the Division of Public Health of the Department of
 586 Human Resources, and the Office of Regulatory Services of the Department of Human
 587 Resources, unless specifically transferred to the Department of Human Services, and such
 588 department, division, and office shall be reconstituted as the Department of Community

589 Health effective July 1, 2009. The department shall retain powers and responsibility with
 590 respect to the expenditure of any funds appropriated to the department including, without
 591 being limited to, funds received by the state pursuant to the settlement of the lawsuit filed
 592 by the state against certain tobacco companies, *State of Georgia, et al. v. Philip Morris,*
 593 *Inc., et al.*, Civil Action #E-61692, V19/246 (Fulton County Superior Court, December
 594 9, 1998). On and after July 1, 2011, the functions, duties, and powers of the Department
 595 of Community Health relating to the former Division of Public Health of the Department
 596 of Human Resources shall be performed and exercised by the Department of Public
 597 Health pursuant to Code Section 31-2A-2.

598 (2) The director of the Division of Public Health in office on June 30, 2009, and the
 599 director of the Office of Regulatory Services in office on June 30, 2009, shall become
 600 directors of the respective division or office which those predecessor agencies or units
 601 have become on and after July 1, 2009, and until such time as the commissioner appoints
 602 other directors of such divisions or units. The position of director of the Division of
 603 Public Health shall be abolished effective July 1, 2011.

604 ~~(b)(1) There is created in the department the Office of Women's Health. Attached to the~~
 605 ~~office shall be an 11 member advisory council. The members of the advisory council~~
 606 ~~shall be appointed by the Governor and shall be representative of major public and~~
 607 ~~private agencies and organizations in the state and shall be experienced in or have~~
 608 ~~demonstrated particular interest in women's health issues. Each member shall be~~
 609 ~~appointed for two years and until his or her successor is appointed. The members shall~~
 610 ~~be eligible to succeed themselves. The council shall elect its chairperson from among the~~
 611 ~~councilmembers for a term of two years. The Governor may name an honorary~~
 612 ~~chairperson of the council.~~

613 ~~(2) The Office of Women's Health shall serve in an advisory capacity to the Governor,~~
 614 ~~the General Assembly, the board, the department, and all other state agencies in matters~~
 615 ~~relating to women's health. In particular, the office shall:~~

616 ~~(A) Raise awareness of women's nonreproductive health issues;~~

617 ~~(B) Inform and engage in prevention and education activities relating to women's~~
 618 ~~nonreproductive health issues;~~

619 ~~(C) Serve as a clearing-house for women's health information for purposes of planning~~
 620 ~~and coordination;~~

621 ~~(D) Issue reports of the office's activities and findings; and~~

622 ~~(E) Develop and distribute a state comprehensive plan to address women's health~~
 623 ~~issues.~~

624 ~~(3) The council shall meet upon the call of its chairperson, the board, or the~~
 625 ~~commissioner. Reserved.~~

626 (c) The Board of Regents of the University System of Georgia is authorized to contract
627 with the department for health benefits for members, employees, and retirees of the board
628 of regents and the dependents of such members, employees, and retirees and for the
629 administration of such health benefits. The department is also authorized to contract with
630 the board of regents for such purposes.

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

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

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

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

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

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

648 (6) Is authorized to award grants, as funds are available, to hospital authorities and
649 hospitals for public health purposes, pursuant to Code Sections 31-7-94 and 31-7-94.1;

650 (7) Shall make provision for meeting the cost of hospital care of persons eligible for
651 public assistance to the extent that federal matching funds are available for such
652 expenditures for hospital care. To accomplish this purpose, the department is authorized
653 to pay from funds appropriated for such purposes the amount required under this
654 paragraph into a trust fund account which shall be available for disbursement for the cost
655 of hospital care of public assistance recipients. The commissioner, subject to the
656 approval of the Office of Planning and Budget, on the basis of the funds appropriated in
657 any year, shall estimate the scope of hospital care available to public assistance recipients
658 and the approximate per capita cost of such care. Monthly payments into the trust fund
659 for hospital care shall be made on behalf of each public assistance recipient and such
660 payments shall be deemed encumbered for assistance payable. Ledger accounts
661 reflecting payments into and out of the hospital care fund shall be maintained for each of
662 the categories of public assistance established under Code Section 49-4-3. The balance

663 of state funds in such trust fund for the payment of hospital costs in an amount not to
664 exceed the amount of federal funds held in the trust fund by the department available for
665 expenditure under this paragraph shall be deemed encumbered and held in trust for the
666 payment of the costs of hospital care and shall be rebudgeted for this purpose on each
667 quarterly budget required under the laws governing the expenditure of state funds. The
668 state auditor shall audit the funds in the trust fund established under this paragraph in the
669 same manner that any other funds disbursed by the department are audited;

670 (8) Shall classify and license community living arrangements in accordance with the
671 rules and regulations promulgated by the department for the licensing and enforcement
672 of licensing requirements for persons whose services are financially supported, in whole
673 or in part, by funds authorized through the Department of Behavioral Health and
674 Developmental Disabilities. To be eligible for licensing as a community living
675 arrangement, the residence and services provided must be integrated within the local
676 community. All community living arrangements licensed by the department shall be
677 subject to the provisions of Code Sections ~~31-2-11~~ 31-2-8 and 31-7-2.2. No person,
678 business entity, corporation, or association, whether operated for profit or not for profit,
679 may operate a community living arrangement without first obtaining a license or
680 provisional license from the department. A license issued pursuant to this paragraph is
681 not assignable or transferable. As used in this paragraph, the term 'community living
682 arrangement' means any residence, whether operated for profit or not, which undertakes
683 through its ownership or management to provide or arrange for the provision of housing,
684 food, one or more personal services, support, care, or treatment exclusively for two or
685 more persons who are not related to the owner or administrator of the residence by blood
686 or marriage;

687 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
688 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
689 and other health care related entities required to be licensed, permitted, registered, or
690 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter
691 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such
692 schedules shall be determined in a manner so as to help defray the costs incurred by the
693 department, but in no event to exceed such costs, both direct and indirect, in providing
694 such licensure activities. Such fees may be annually adjusted by the department but shall
695 not be increased by more than the annual rate of inflation as measured by the Consumer
696 Price Index, as reported by the Bureau of Labor Statistics of the United States
697 Department of Labor. All fees paid thereunder shall be paid into the general funds of the
698 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees

699 imposed pursuant to this paragraph be used to support and improve the quality of
700 licensing services provided by the department; and

701 (10)(A) ~~The department may~~ May accept the certification or accreditation of an entity
702 or program by a certification or accreditation body, in accordance with specific
703 standards, as evidence of compliance by the entity or program with the substantially
704 equivalent departmental requirements for issuance or renewal of a permit or provisional
705 permit, provided that such certification or accreditation is established prior to the
706 issuance or renewal of such permits. The department may not require an additional
707 departmental inspection of any entity or program whose certification or accreditation
708 has been accepted by the department, except to the extent that such specific standards
709 are less rigorous or less comprehensive than departmental requirements. Nothing in
710 this Code section shall prohibit either departmental inspections for violations of such
711 standards or requirements or the revocation of or refusal to issue or renew permits, as
712 authorized by applicable law, or for violation of any other applicable law or regulation
713 pursuant thereto.

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

715 (i) 'Entity or program' means an agency, center, facility, institution, community living
716 arrangement, drug abuse treatment and education program, or entity subject to
717 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter
718 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.
719 (ii) 'Permit' means any license, permit, registration, or commission issued by the
720 department pursuant to the provisions of the law cited in division (i) of this
721 subparagraph."

722 **SECTION 2-3.**

723 Code Section 31-2-6 of the Official Code of Georgia Annotated, relating to the creation of
724 the commissioner of community health, is amended by revising subsection (b) as follows:

725 "(b) There shall be created in the department such divisions as may be found necessary for
726 its effective operation. ~~Except for the Division of Public Health, the~~ The commissioner
727 shall have the power to allocate and reallocate functions among the divisions within the
728 department."

729 **SECTION 2-4.**

730 Code Sections 31-2-9, 31-2-11, 31-2-14, 31-2-15, and 31-2-16 of the Official Code of
731 Georgia Annotated, relating to rules and regulations, actions against certain applicants or
732 licensees, records check requirements for certain facilities, information and comparisons

733 regarding state-wide cost and quality of health care, and biopharmaceuticals, respectively,
734 are redesignated as Code Sections 31-2-7, 31-2-8, 31-2-9, 31-2-10, and 31-2-11, respectively.

735 **SECTION 2-5.**

736 Code Section 31-2-19 of the Official Code of Georgia Annotated, relating to the Advisory
737 Council for Public Health, is repealed.

738 **SECTION 2-6.**

739 The following Code section of the Official Code of Georgia Annotated is amended by
740 replacing "Code Section 31-2-9" wherever it occurs with "Code Section 31-2-7":

741 (1) Code Section 10-1-393, relating to unfair or deceptive practices in consumer
742 transactions which are unlawful.

743 **SECTION 2-7.**

744 The following Code sections of the Official Code of Georgia Annotated are amended by
745 replacing "Code Section 31-2-11" wherever it occurs with "Code Section 31-2-8":

746 (1) Code Section 25-2-40, relating to smoke detectors required in new dwellings and
747 dwelling units;

748 (2) Code Section 31-7-2.1, relating to rules and regulations relating to hospitals and other
749 health care facilities;

750 (3) Code Section 31-7-302, relating to rules and regulations relating to private home care
751 providers;

752 (4) Code Section 31-8-60, relating to retaliation against a resident and interference with
753 the long-term care ombudsman prohibited;

754 (5) Code Section 31-8-135, relating to hearings for residents of personal care homes;

755 (6) Code Section 31-44-11, relating to the authority of the Department of Community
756 Health to deal with violations relating to renal disease facilities;

757 (7) Code Section 49-4-153, relating to administrative hearings and appeals under
758 Medicaid; and

759 (8) Code Section 49-6-84, relating to the authority of the Department of Community
760 Health relating to adult day centers.

761 **SECTION 2-8.**

762 Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to definitions
763 relative to the "Long-term Care Facility Resident Abuse Reporting Act," is amended by
764 adding a new subsection to read as follows:

765 "(1.1) 'Department' means the Department of Community Health."

766 **SECTION 2-9.**

767 Code Section 31-8-102 of the Official Code of Georgia Annotated, relating to definitions
 768 relative to the "Bill of Rights for Residents of Long-term Care Facilities," is amended by
 769 adding a new subsection to read as follows:

770 "(1.1) 'Department' means the Department of Community Health."

771 **SECTION 2-10.**

772 Code Section 31-8-132 of the Official Code of Georgia Annotated, relating to definitions
 773 relative to the "Remedies for Residents of Personal Care Homes Act," is amended by adding
 774 a new subsection to read as follows:

775 "(2.1) 'Department' means the Department of Community Health."

776 **SECTION 2-11.**

777 Code Section 31-13-3 of the Official Code of Georgia Annotated, relating to definitions
 778 relative to the "Georgia Radiation Control Act," is amended by adding a new subsection to
 779 read as follows:

780 "(1.2) 'Department' means the Department of Community Health."

781 **SECTION 2-12.**

782 Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions
 783 relative to clinical laboratories, is amended by adding new subsections to read as follows:

784 "(2.1) 'Commissioner' means the commissioner of community health.

785 (2.2) 'Department' means the Department of Community Health."

786 **SECTION 2-13.**

787 Code Section 31-23-1 of the Official Code of Georgia Annotated, relating to definitions
 788 relative to eye banks, is amended by redesignating paragraphs (1) and (2) as paragraphs (2)
 789 and (3), respectively, and adding a new subsection to read as follows:

790 "(1) 'Department' means the Department of Community Health."

791 **SECTION 2-14.**

792 Code Section 31-44-1 of the Official Code of Georgia Annotated, relating to definitions
 793 relative to renal disease facilities, is amended by redesignating paragraphs (1) through (6) as
 794 paragraphs (3) and (8), respectively, and adding new subsections to read as follows:

795 "(1) 'Board' means the Board of Community Health.

796 (2) 'Department' means the Department of Community Health."

797

PART III

798

Various Code Sections Affected.

799

SECTION 3-1.

800 Code Section 12-5-4 of the Official Code of Georgia Annotated, relating to programs for
 801 voluntary water conservation and enhancing water supply, is amended by revising subsection
 802 (a) as follows:

803 "(a) As used in this Code section, the term 'agency' or 'agencies' means the ~~Georgia~~
 804 Department of Natural Resources, including its Environmental Protection Division, the
 805 Georgia Environmental Finance Authority, the ~~Georgia~~ Department of Community Affairs,
 806 the ~~Georgia State~~ Forestry Commission, the ~~Georgia~~ Department of Community Health,
 807 ~~including its Division of the Department of~~ Public Health, the ~~Georgia~~ Department of
 808 Agriculture, and the ~~Georgia State~~ Soil and Water Conservation Commission individually
 809 or collectively as the text requires."

810

SECTION 3-2.

811 Code Section 15-21-143 of the Official Code of Georgia Annotated, relating to appointment
 812 of members and personnel of the Brain and Spinal Injury Trust Fund Commission, is
 813 amended by revising subsection (a) as follows:

814 "(a) The Brain and Spinal Injury Trust Fund Commission shall consist of ~~15~~ 16 members
 815 who shall serve for terms of two years, except that with respect to the first members
 816 appointed, five members shall be appointed for a term of three years, five for a term of two
 817 years, and five for a term of one year. The following agencies may each appoint one
 818 member of the commission:

819 (1) The Division of Rehabilitation Services of the Department of Labor;

820 (2) The State Board of Education;

821 (3) The Department of Public Safety;

822 (4) The Department of Community Health;

823 (5) The Department of Public Health; and

824 ~~(5)~~(6) The Department of Human Services.

825 The remaining ten members of the commission shall be appointed by the Governor, seven
 826 of whom shall be citizens who have sustained brain or spinal cord injury or members of
 827 such persons' immediate families, no more than one of whom shall reside in the same
 828 geographic area of the state which constitutes a health district established by the
 829 Department of Community Health. The Governor is authorized but not required to appoint
 830 the remaining three members from recommendations submitted by the Private
 831 Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury

832 Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical
 833 Association. The Governor shall also establish initial terms of office for all ~~15~~ 16
 834 members of the board within the limitations of this subsection."

835 **SECTION 3-3.**

836 Code Section 17-18-1 of the Official Code of Georgia Annotated, relating to duty of certain
 837 officials to offer written statement of information to victims of rape or forcible sodomy, is
 838 amended as follows:

839 "17-18-1.

840 When any employee of the Department of Human Services, Department of Community
 841 Health, Department of Public Health, Department of Behavioral Health and Developmental
 842 Disabilities, a law enforcement agency, or a court has reason to believe that he or she in the
 843 course of official duties is speaking to an adult who is or has been a victim of a violation
 844 of Code Section 16-6-1, relating to rape, or Code Section 16-6-2, relating to aggravated
 845 sodomy, such employee shall offer or provide such adult a written statement of information
 846 for victims of rape or aggravated sodomy. Such written statement shall, at a minimum,
 847 include the information set out in Code Section 17-18-2 and may include additional
 848 information regarding resources available to victims of sexual assault. Information for
 849 victims of rape or aggravated sodomy may be provided in any language."

850 **SECTION 3-4.**

851 Code Section 19-15-4 of the Official Code of Georgia Annotated, relating to the Georgia
 852 Child Fatality Review Panel, is amended by revising paragraph (15) of subsection (c) as
 853 follows:

854 "(15) ~~The director of the Division of Public Health of the Department of Community~~
 855 Health commissioner of public health; and"

856 **SECTION 3-5.**

857 Code Section 24-9-47 of the Official Code of Georgia Annotated, relating to disclosure of
 858 AIDS confidential information, is amended by revising subsections (h), (t), (x), and (aa) as
 859 follows:

860 "(h)(1) An administrator of an institution licensed as a hospital by the Department of
 861 Community Health or a physician having a patient who has been determined to be
 862 infected with HIV may disclose to the Department of ~~Community Health~~ Public Health:

863 (A) The name and address of that patient;

864 (B) That such patient has been determined to be infected with HIV; and

865 (C) The name and address of any other person whom the disclosing physician or
 866 administrator reasonably believes to be a person at risk of being infected with HIV by
 867 that patient.

868 (2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to
 869 the Department of ~~Community Health~~ Public Health is determined by that department to
 870 be reasonably necessary, that department shall establish by regulation a date on and after
 871 which such reporting shall be required. On and after the date so established, each health
 872 care provider, health care facility, or any other person or legal entity which orders an HIV
 873 test for another person shall report to the Department of ~~Community Health~~ Public Health
 874 the name and address of any person thereby determined to be infected with HIV. No
 875 such report shall be made regarding any confirmed positive HIV test provided at any
 876 anonymous HIV test site operated by or on behalf of the Department of ~~Community~~
 877 Health Public Health.

878 (3) The Department of ~~Community Health~~ Public Health may disclose that a person has
 879 been reported, under paragraph (1) or (2) of this subsection, to have been determined to
 880 be infected with HIV to the board of health of the county in which that person resides or
 881 is located if reasonably necessary to protect the health and safety of that person or other
 882 persons who may have come in contact with the body fluids of the HIV infected person.
 883 The Department of ~~Community Health~~ Public Health or county board of health to which
 884 information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this
 885 subsection:

886 (A) May contact any person named in such disclosure as having been determined to
 887 be an HIV infected person for the purpose of counseling that person and requesting
 888 therefrom the name of any other person who may be a person at risk of being infected
 889 with HIV by that HIV infected person;

890 (B) May contact any other person reasonably believed to be a person at risk of being
 891 infected with HIV by that HIV infected person for the purposes of disclosing that such
 892 infected person has been determined to be infected with HIV and counseling such
 893 person to submit to an HIV test; and

894 (C) Shall contact and provide counseling to the spouse of any HIV infected person
 895 whose name is thus disclosed if both persons are reasonably likely to have engaged in
 896 sexual intercourse or any other act determined by the department likely to have resulted
 897 in the transmission of HIV between such persons within the preceding seven years and
 898 if that spouse may be located and contacted without undue difficulty."

899 "(t)(1) A superior court of this state may order a person or legal entity to disclose AIDS
 900 confidential information in its custody or control to:

901 (A) A prosecutor in connection with a prosecution for the alleged commission of
902 reckless conduct under subsection (c) of Code Section 16-5-60;

903 (B) Any party in a civil cause of action; or

904 (C) A public safety agency or the Department of ~~Community Health~~ Public Health if
905 that agency or department has an employee thereof who has, in the course of that
906 employment, come in contact with the body fluids of the person identified by the AIDS
907 confidential information sought in such a manner reasonably likely to cause that
908 employee to become an HIV infected person and provided the disclosure is necessary
909 for the health and safety of that employee,
910 and for purposes of this subsection the term 'petitioner for disclosure' means any person
911 or legal entity specified in subparagraph (A), (B), or (C) of this paragraph.

912 (2) An order may be issued against a person or legal entity responsible for recording,
913 reporting, or maintaining AIDS confidential information to compel the disclosure of that
914 information if the petitioner for disclosure demonstrates by clear and convincing evidence
915 a compelling need for the information which cannot be accommodated by other means.
916 In assessing compelling need, the court shall weigh the public health, safety, or welfare
917 needs or any other public or private need for the disclosure against the privacy interest
918 of the person identified by the information and the public interest which may be disserved
919 by disclosures which may deter voluntary HIV tests.

920 (3) A petition seeking disclosure of AIDS confidential information under this subsection
921 shall substitute a pseudonym for the true name of the person concerning whom the
922 information is sought. The disclosure to the parties of that person's true name shall be
923 communicated confidentially, in documents not filed with the court.

924 (4) Before granting any order under this subsection, the court shall provide the person
925 concerning whom the information is sought with notice and a reasonable opportunity to
926 participate in the proceedings if that person is not already a party.

927 (5) Court proceedings as to disclosure of AIDS confidential information under this
928 subsection shall be conducted in camera unless the person concerning whom the
929 information is sought agrees to a hearing in open court.

930 (6) Upon the issuance of an order that a person or legal entity be required to disclose
931 AIDS confidential information regarding a person named in that order, that person or
932 entity so ordered shall disclose to the ordering court any such information which is in the
933 control or custody of that person or entity and which relates to the person named in the
934 order for the court to make an in camera inspection thereof. If the court determines from
935 that inspection that the person named in the order is an HIV infected person, the court
936 shall disclose to the petitioner for disclosure that determination and shall impose
937 appropriate safeguards against unauthorized disclosure which shall specify the persons

938 who may have access to the information, the purposes for which the information shall be
939 used, and appropriate prohibitions on future disclosure.

940 (7) The record of the proceedings under this subsection shall be sealed by the court.

941 (8) An order may not be issued under this subsection against the Department of
942 ~~Community Health~~ Public Health, any county board of health, or any anonymous HIV
943 test site operated by or on behalf of that department."

944 "(x) Neither the Department of ~~Community Health~~ Public Health nor any county board of
945 health shall disclose AIDS confidential information contained in its records unless such
946 disclosure is authorized or required by this Code section or any other law, except that such
947 information in those records shall not be a public record and shall not be subject to
948 disclosure through subpoena, court order, or other judicial process."

949 "(aa) In connection with any civil or criminal action in which AIDS confidential
950 information is disclosed as authorized or required by this Code section, the party to whom
951 that information is thereby disclosed may subpoena any person to authenticate such AIDS
952 confidential information, establish a chain of custody relating thereto, or otherwise testify
953 regarding that information, including but not limited to testifying regarding any
954 notifications to the patient regarding results of an HIV test. The provisions of this
955 subsection shall apply as to records, personnel, or both of the Department of ~~Community~~
956 Health Public Health or a county board of health notwithstanding Code Section 50-18-72,
957 but only as to test results obtained by a prosecutor under subsection (q) of this Code section
958 and to be used thereby in a prosecution for reckless conduct under subsection (c) of Code
959 Section 16-5-60."

960 **SECTION 3-6.**

961 Code Section 26-4-85 of the Official Code of Georgia Annotated, relating to patient
962 counseling and optimizing drug therapy, is amended by revising paragraph (3) of subsection
963 (d) as follows:

964 "(3) Patients receiving drugs from the Department of ~~Community Health Division of~~
965 Public Health; provided, however, that pharmacists who provide drugs to patients in
966 accordance with Code Section 43-34-23 shall include in all dispensing procedures a
967 written process whereby the patient or the caregiver of the patient is provided with the
968 information required under this Code section."

969 **SECTION 3-7.**

970 Code Section 26-4-192 of the Official Code of Georgia Annotated, relating to the state-wide
971 program for distribution of unused prescription drugs for the benefit of medically indigent
972 persons, is amended as follows:

973 "26-4-192.

974 (a) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 975 Department of Community Health shall jointly develop and implement a state-wide
 976 program consistent with public health and safety standards through which unused
 977 prescription drugs, other than prescription drugs defined as controlled substances, may be
 978 transferred from health care facilities to pharmacies designated or approved by the
 979 Department of ~~Community Health~~ Public Health for the purpose of distributing such drugs
 980 to residents of this state who are medically indigent persons.

981 (b) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 982 Department of Community Health shall be authorized to develop and implement a pilot
 983 program to determine the safest and most beneficial manner of implementing the program
 984 prior to the state-wide implementation of the program required in subsection (a) of this
 985 Code section.

986 (c) The Georgia State Board of Pharmacy, in consultation with the Department of Public
 987 Health and the Department of Community Health, shall develop and promulgate rules and
 988 regulations to establish procedures necessary to implement the program and pilot program,
 989 if applicable, provided for in this Code section. The rules and regulations shall provide,
 990 at a minimum:

991 (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant
 992 to the program;

993 (2) For the protection of the privacy of the individual for whom a prescription drug was
 994 originally prescribed;

995 (3) For the integrity and safe storage and safe transfer of the prescription drugs, which
 996 may include, but shall not be limited to, limiting the drugs made available through the
 997 program to those that were originally dispensed by unit dose or an individually sealed
 998 dose and that remain in intact packaging; provided, however, that the rules and
 999 regulations shall authorize the use of any remaining prescription drugs;

1000 (4) For the tracking of and accountability for the prescription drugs; and

1001 (5) For other matters necessary for the implementation of the program.

1002 (d) The state-wide program required by this Code section shall be implemented no later
 1003 than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of
 1004 this Code section, in which case state-wide implementation shall occur no later than July
 1005 1, 2008."

1006 **SECTION 3-8.**

1007 Code Section 31-1-3.1 of the Official Code of Georgia Annotated, relating to reporting
 1008 disabled newborn persons, is amended by revising subsections (e) and (g) as follows:

1009 "(e) The ~~Division of Public Health~~ of the department shall:

1010 (1) Maintain records of reports, notifications, and referrals made under this article; and

1011 (2) Maintain and update rosters of public and private departments or agencies which
 1012 provide services to persons who have disabilities like those of disabled newborn persons
 1013 and send copies of such rosters and an annual update thereof to each county board of
 1014 health for those boards of health to make such rosters available to the public."

1015 "(g) Any person or entity with whom the department enters into a contract after June 30,
 1016 1987, for services shall, as a condition of that contract, register with the department
 1017 (formerly the Division of Public Health of the Department of Community Health) the
 1018 various services that person or entity is capable of or is already providing to disabled
 1019 newborn persons and persons having disabilities like those of disabled newborn persons
 1020 for purposes of the roster of services the ~~division~~ department maintains under paragraph
 1021 (2) of subsection (e) of this Code section."

1022 SECTION 3-9.

1023 Code Section 31-8-52 of the Official Code of Georgia Annotated, relating to duties of the
 1024 state long-term care ombudsman, is amended as follows:

1025 "31-8-52.

1026 Pursuant to the Older Americans Act of 1965 (P.L. 89-73, 79 Stat. 219), as amended, and
 1027 as a condition of receiving funds under that act for various programs for older citizens of
 1028 this state, the Department of Human Services has been required to establish and operate a
 1029 long-term care ombudsman program. In order to receive such funds, the department has
 1030 already established a position of state ombudsman within the state Office of Special
 1031 Programs. The state ombudsman shall be under the direct supervision of the commissioner
 1032 of human services or his or her designee and shall be given the powers and duties hereafter
 1033 provided by this article. The state ombudsman shall be a person qualified by training and
 1034 experience in the field of aging or long-term care, or both. The state ombudsman shall
 1035 promote the well-being and quality of life of residents in long-term care facilities and
 1036 encourage the development of community ombudsman activities at the local level. The
 1037 state ombudsman may certify community ombudsmen and such certified ombudsmen shall
 1038 have the powers and duties set forth in Code Sections 31-8-54 and 31-8-55. The state
 1039 ombudsman shall require such community ombudsmen to receive appropriate training as
 1040 determined and approved by the department prior to certification. Such training shall
 1041 include an internship of at least seven working days in a nursing home and at least three
 1042 working days in a personal care home. Upon certification, the state ombudsman shall issue
 1043 an identification card which shall be presented upon request by community ombudsmen
 1044 whenever needed to carry out the purposes of this article. Two years after first being

1045 certified and every two years thereafter, each such community ombudsman, in order to
 1046 carry out his or her duties under this article, shall be recertified by the state ombudsman as
 1047 continuing to meet the department's standards as community ombudsman."

1048 **SECTION 3-10.**

1049 Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions
 1050 relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1)
 1051 as follows:

1052 "(3) 'Ambulance provider' means an agency or company providing ambulance service
 1053 which is operating under a valid license from the Emergency Health Section of the
 1054 ~~Division of Public Health of the~~ Department of ~~Community~~ Public Health."

1055 "(5) 'Cardiac technician' means a person who, having been trained and certified as an
 1056 emergency medical technician and having completed additional training in advanced
 1057 cardiac life support techniques in a training course approved by the department, is so
 1058 certified by the Composite State Board of Medical Examiners, now known as the Georgia
 1059 Composite Medical Board, prior to January 1, 2002, or the Department of Human
 1060 Resources (now known as the Department of ~~Community~~ Public Health for these
 1061 purposes) on and after January 1, 2002."

1062 "(6.1) 'Department' means the Department of ~~Community~~ Public Health."

1063 **SECTION 3-11.**

1064 Code Section 31-11-9 of the Official Code of Georgia Annotated, relating to enforcement
 1065 and inspections relative to emergency medical services, is amended as follows:

1066 "31-11-9.

1067 The department and its duly authorized agents are authorized to enforce compliance with
 1068 this chapter and rules and regulations promulgated under this chapter as provided in Article
 1069 1 of Chapter 5 of this title and, in connection therewith during the reasonable business
 1070 hours of the day, to enter upon and inspect in a reasonable manner the premises of persons
 1071 providing ambulance service. All inspections under this Code section shall be in
 1072 compliance with the provisions of Article 2 of Chapter 5 of this title. The department is
 1073 also authorized to enforce compliance with this chapter, including but not limited to
 1074 compliance with the EMSC Program and furnishing of emergency services within
 1075 designated territories, by imposing fines in the same manner as provided in paragraph (6)
 1076 of subsection (c) of Code Section ~~31-2-11, which 31-2-8; this~~ enforcement action shall be
 1077 a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 3-12.

1078

1079 Code Section 31-11-81 of the Official Code of Georgia Annotated, relating to definitions
1080 relative to emergency services, is amended by revising paragraph (2) as follows:

1081 "(2) 'Emergency medical provider' means any provider of emergency medical
1082 transportation licensed or permitted by the Department of ~~Community Health~~ Public
1083 Health, any hospital licensed or permitted by the Department of Community Health, any
1084 hospital based service, or any physician licensed by the Georgia Composite Medical
1085 Board who provides emergency services."

SECTION 3-13.

1086

1087 Code Section 31-41-12 of the Official Code of Georgia Annotated, relating to definitions
1088 relative to the "Childhood Lead Exposure Control Act" , is amended by revising paragraph
1089 (3) as follows:

1090 "(3) '~~Division~~ Department' means the ~~Division~~ Department of Public Health."

SECTION 3-14.

1091

1092 Code Section 32-12-4 of the Official Code of Georgia Annotated, relating to the State
1093 Advisory Subcommittee for Rural and Human Services Transportation, is amended as
1094 follows:

1095 "32-12-4.

1096 The Georgia Coordinating Committee for Rural and Human Services Transportation shall
1097 establish the State Advisory Subcommittee for Rural and Human Services Transportation
1098 which shall consist of the State School Superintendent and the commissioners of the
1099 Department of Transportation, Department of Human Services, Department of Behavioral
1100 Health and Developmental Disabilities, Department of Community Health, Department of
1101 Public Health, Department of Labor, the Governor's Development Council, and the
1102 Department of Community Affairs or their respective designees. The commissioner of
1103 transportation or his or her designee shall serve as chairperson of the State Advisory
1104 Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating
1105 Committee for Rural and Human Services Transportation may also establish such
1106 additional advisory subcommittees as it deems appropriate to fulfill its mission which shall
1107 consist of a representative of each metropolitan planning organization and representatives
1108 from each regional commission in this state and may include other local government
1109 representatives; private and public sector transportation providers, both for profit and
1110 nonprofit; voluntary transportation programs representatives; public transit system
1111 representatives, both rural and urban; and representatives of the clients served by the
1112 various programs administered by the agencies represented on the State Advisory

1113 Subcommittee for Rural and Human Services Transportation. Members of advisory
 1114 committees shall be responsible for their own expenses and shall receive no compensation
 1115 or reimbursement of expenses from the Georgia Coordinating Committee for Rural and
 1116 Human Services Transportation, the State Advisory Subcommittee for Rural and Human
 1117 Services Transportation, or the state for their services as members of an advisory
 1118 committee."

1119 **SECTION 3-15.**

1120 Code Section 37-1-27 of the Official Code of Georgia Annotated, relating to the Suicide
 1121 Prevention Program, is amended by revising paragraph (1) of subsection (c) and subsection
 1122 (d) as follows:

1123 "(1) Establish a link between state agencies and offices, including but not limited to the
 1124 Division of Aging Services and Division of Family and Children Services of the
 1125 Department of Human Services, the Department of ~~Community Health~~ Public Health,
 1126 local government agencies, health care providers, hospitals, nursing homes, and jails to
 1127 collect data on suicide deaths and attempted suicides;"

1128 "(d) The Suicide Prevention Program shall coordinate with and receive technical assistance
 1129 from epidemiologists and other staff of the ~~Division of Public Health of the Department of~~
 1130 ~~Community Health~~ Department of Public Health to support the research and outreach
 1131 efforts related to this program."

1132 **SECTION 3-16.**

1133 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral
 1134 Health Coordinating Council, is amended by revising subsection (a) as follows:

1135 "(a) There is created the Behavioral Health Coordinating Council. The council shall
 1136 consist of the commissioner of behavioral health and developmental disabilities; the
 1137 commissioner of community health; ~~the commissioner of public health~~; the commissioner
 1138 of human services; the commissioner of juvenile justice; the commissioner of corrections;
 1139 the commissioner of community affairs; the Commissioner of Labor; the State School
 1140 Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman
 1141 appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health
 1142 services, appointed by the Governor; a family member of a consumer of public behavioral
 1143 health services, appointed by the Governor; a parent of a child receiving public behavioral
 1144 health services, appointed by the Governor; a member of the House of Representatives,
 1145 appointed by the Speaker of the House of Representatives; and a member of the Senate,
 1146 appointed by the Lieutenant Governor."

1147 **SECTION 3-17.**

1148 Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to community
 1149 mental health, developmental disabilities, and addictive diseases service boards, is amended
 1150 by revising subsections (a) and (b.1) and subparagraph (b)(4)(A) as follows:

1151 "(a) Community service boards in existence on June 30, 2006, are re-created effective July
 1152 1, 2006, to provide mental health, developmental disabilities, and addictive diseases
 1153 services. Effective July 1, 2009, such community service boards may enroll and contract
 1154 with the department, the Department of Human Services, the Department of Public Health,
 1155 or the Department of Community Health to become a provider of mental health,
 1156 developmental disabilities, and addictive diseases services or health, recovery, housing, or
 1157 other supportive services. Such boards shall be considered public agencies. Each
 1158 community service board shall be a public corporation and an instrumentality of the state;
 1159 provided, however, that the liabilities, debts, and obligations of a community service board
 1160 shall not constitute liabilities, debts, or obligations of the state or any county or municipal
 1161 corporation and neither the state nor any county or municipal corporation shall be liable for
 1162 any liability, debt, or obligation of a community service board. Each community service
 1163 board re-created pursuant to this Code section is created for nonprofit and public purposes
 1164 to exercise essential governmental functions. The re-creation of community service boards
 1165 pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which
 1166 shall apply to those re-created community service boards and their employees covered by
 1167 that Code section and those employees' rights are retained."

1168 "(A) A person shall not be eligible to be appointed to or serve on a community service
 1169 board if such person is:

- 1170 (i) A member of the regional planning board which serves the region in which that
 1171 community service board is located;
- 1172 (ii) An employee or board member of a public or private entity which contracts with
 1173 the department, the Department of Human Services, the Department of Public Health,
 1174 or the Department of Community Health to provide mental health, developmental
 1175 disabilities, and addictive diseases services or health services within the region; or
- 1176 (iii) An employee of that community service board or employee or board member of
 1177 any private or public group, organization, or service provider which contracts with or
 1178 receives funds from that community service board."

1179 "(b.1) A county governing authority may appoint the school superintendent, a member of
 1180 the county board of health, a member of the board of education, or any other elected or
 1181 appointed official to serve on the community service board provided that such person meets
 1182 the qualifications of paragraph (1) of subsection (b) of this Code section and such
 1183 appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office

1184 which begin July 1, 1994, or later, an employee of the Department of Human Resources
 1185 (now known as the Department of Behavioral Health and Developmental Disabilities for
 1186 these purposes) or an employee of a county board of health shall not serve on a community
 1187 service board. For terms of office which begin July 1, 2009, or later, an employee of the
 1188 department, the Department of Human Services, the Department of Public Health, or the
 1189 Department of Community Health or a board member of the respective boards of each
 1190 department shall not serve on a community service board."

1191 SECTION 3-18.

1192 Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program
 1193 director, staff, budget, and facilities of community service boards, is amended by revising
 1194 paragraphs (9) and (15) of subsection (b) as follows:

1195 "(9) Each community service board may establish fees for the provision of disability
 1196 services or health services according to the terms of contracts entered into with the
 1197 department, Department of Human Services, Department of Public Health, or Department
 1198 of Community Health, as appropriate;"

1199 "(15) Each community service board may establish fees, rates, rents, and charges for the
 1200 use of facilities of the community service board for the provision of disability services
 1201 or of health services through the Department of ~~Community Health~~ Public Health, in
 1202 accordance with the terms of contracts entered into with the department, Department of
 1203 Human Services, Department of Public Health, or Department of Community Health, as
 1204 appropriate;"

1205 SECTION 3-19.

1206 Code Section 37-2-11.2 of the Official Code of Georgia Annotated, relating to access by the
 1207 department, Department of Human Services, Department of Community Health, or regional
 1208 office to records of any program receiving public funds, is amended by revising subsections
 1209 (a) and (b) as follows:

1210 "(a) Notwithstanding any other law to the contrary, to ensure the quality and integrity of
 1211 patient and client care, any program receiving any public funds from, or subject to
 1212 licensing, certification, or facility approval by, the department, the Department of Human
 1213 Services, the Department of Public Health, the Department of Community Health, or a
 1214 regional office shall be required to provide the department or the appropriate regional
 1215 office or both, upon request, complete access to, including but not limited to authorization
 1216 to examine and reproduce, any records required to be maintained in accordance with
 1217 contracts, standards, or rules and regulations of the department, the Department of Human

1218 Services, the Department of Public Health, or the Department of Community Health or
 1219 pursuant to the provisions of this title.

1220 (b) Records obtained pursuant to subsection (a) of this Code section shall not be
 1221 considered public records and shall not be released by the department, the Department of
 1222 Human Services, the Department of Public Health, the Department of Community Health,
 1223 or any regional office unless otherwise specifically authorized by law."

1224 **SECTION 3-20.**

1225 Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing
 1226 requirements for professional counselors, social workers, and marriage and family therapists,
 1227 is amended by revising subparagraph (b)(3)(C) as follows:

1228 "(C) Persons who engage in the practice of professional counseling as employees of
 1229 privately owned correctional facilities, the Department of Corrections, Department of
 1230 Community Health, Department of Public Health, Department of Behavioral Health and
 1231 Developmental Disabilities, Department of Human Services, any county board of
 1232 health, or any community service board or similar entity created by general law to
 1233 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but
 1234 only when engaged in that practice as employees of such privately owned correctional
 1235 facility, department, board, or entity and persons or entities which contract to provide
 1236 professional counseling services with such department or county board of health, but
 1237 such contracting persons and entities shall only be exempt under this subparagraph
 1238 when engaged in providing professional counseling services pursuant to those contracts
 1239 and shall only be exempt until January 1, 1996;"

1240 **SECTION 3-21.**

1241 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to authority of
 1242 physician assistants, is amended by revising subparagraph (e.1)(7)(B) and subsection (f) as
 1243 follows:

1244 "(B) Except in facilities operated by the ~~Division of Public Health of the Department~~
 1245 ~~of Community Health~~ Department of Public Health, the supervising physician shall
 1246 review the prescription drug or device order copy and medical record entry for
 1247 prescription drug or device orders issued within the past 30 days by the physician
 1248 assistant. Such review may be achieved with a sampling of no less than 50 percent of
 1249 such prescription drug or device order copies and medical record entries."

1250 "(f) A physician employed by the Department of ~~Community Health~~ Public Health or by
 1251 any institution thereof or by a local health department whose duties are administrative in
 1252 nature and who does not normally provide health care to patients as such employee shall

1253 not be authorized to apply for or utilize the services of any physician assistant employed
 1254 by the Department of ~~Community Health~~ Public Health or by any institution thereof or by
 1255 a local health department."

1256 **SECTION 3-22.**

1257 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of
 1258 certain medical acts to advanced practice registered nurses, is amended by revising
 1259 subsection (g) as follows:

1260 "(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this
 1261 Code section with more than four advanced practice registered nurses at any one time,
 1262 except this limitation shall not apply to an advanced practice registered nurse that is
 1263 practicing:

- 1264 (1) In a hospital licensed under Title 31;
 1265 (2) In any college or university as defined in Code Section 20-8-1;
 1266 (3) In the Department of ~~Community Health~~ Public Health;
 1267 (4) In any county board of health;
 1268 (5) In any free health clinic;
 1269 (6) In a birthing center;
 1270 (7) In any entity:
 1271 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 1272 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
 1273 indigent Medicaid and medicare patients; or
 1274 (B) Which has been established under the authority of or is receiving funds pursuant
 1275 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
 1276 (8) In any local board of education which has a school nurse program; or
 1277 (9) In a health maintenance organization that has an exclusive contract with a medical
 1278 group practice and arranges for the provision of substantially all physician services to
 1279 enrollees in health benefits of the health maintenance organization."

1280 **SECTION 3-23.**

1281 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to state purchases
 1282 without competitive bidding, is amended in subsection (a) as follows:

1283 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected
 1284 to be acquired for less than \$5,000.00 and is not available on state contracts or through
 1285 statutorily required sources, the purchase may be effectuated without competitive bidding.
 1286 The commissioner of administrative services may by rule and regulation authorize the
 1287 various offices, agencies, departments, boards, bureaus, commissions, institutions,

1288 authorities, or other entities of the state to make purchases in their own behalf and may
 1289 provide the circumstances and conditions under which such purchases may be effected.
 1290 In order to assist and advise the commissioner of administrative services in making
 1291 determinations to allow offices, agencies, departments, boards, bureaus, commissions,
 1292 institutions, authorities, or other entities of the state to make purchases in their own behalf,
 1293 there is created a Purchasing Advisory Council consisting of the executive director of the
 1294 Georgia Technology Authority or his or her designee; the director of the Office of Planning
 1295 and Budget or his or her designee; the chancellor of the University System of Georgia or
 1296 his or her designee; the commissioner of technical and adult education or his or her
 1297 designee; the commissioner of transportation or his or her designee; the Secretary of State
 1298 or his or her designee; the commissioner of human services or his or her designee; the
 1299 commissioner of community health or his or her designee; the commissioner of public
 1300 health or his or her designee; the commissioner of behavioral health and developmental
 1301 disabilities or his or her designee; and one member to be appointed by the Governor. The
 1302 commissioner of administrative services shall promulgate the necessary rules and
 1303 regulations governing meetings of such council and the method and manner in which such
 1304 council will assist and advise the commissioner of administrative services."

1305 **PART IV**

1306 **Name Changes.**

1307 **SECTION 4-1.**

1308 The following Code sections of the Official Code of Georgia Annotated are amended by
 1309 replacing "Division of Public Health of the Department of Community Health" wherever it
 1310 occurs with "Department of Public Health":

- 1311 (1) Code Section 15-11-154, relating to appointment of plan manager for dependent child
 1312 and development of mental competency plan;
- 1313 (2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and
 1314 officers of the State Commission on Family Violence;
- 1315 (3) Code Section 31-3-11, relating to appointments of directors and staff for county
 1316 boards of health;
- 1317 (4) Code Section 31-11-50, relating to medical advisers relative to emergency medical
 1318 services;
- 1319 (5) Code Section 31-15-4, relating to the cancer control officer;
- 1320 (6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;
- 1321 (7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of
 1322 morbidly obese patients;

- 1323 (8) Code Section 43-34-23, relating to delegation of authority to nurse or physician
 1324 assistant; and
 1325 (9) Code Section 49-5-225, relating to local interagency committees.

1326 **SECTION 4-2.**

1327 The following Code sections of the Official Code of Georgia Annotated are amended by
 1328 replacing "Division of Public Health" wherever it occurs with "Department of Public
 1329 Health":

- 1330 (1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood
 1331 Lead Exposure Control Act"; and
 1332 (2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood
 1333 Lead Exposure Control Act."

1334 **SECTION 4-3.**

1335 The following Code sections of the Official Code of Georgia Annotated are amended by
 1336 replacing "Department of Community Health" wherever it occurs with "Department of Public
 1337 Health":

- 1338 (1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors
 1339 in livestock;
 1340 (2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of
 1341 exotic or pet birds;
 1342 (3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures
 1343 for protection of natural resources, environment, and vital areas of the state;
 1344 (4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural
 1345 Resources of rules and regulations regarding parks, historic sites, and recreational areas;
 1346 (5) Code Section 12-5-175, relating to fluoridation of public water systems;
 1347 (6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal
 1348 permits;
 1349 (7) Code Section 12-8-41, relating to permits issued by the Department of Natural
 1350 Resources for land disposal sites;
 1351 (8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act
 1352 constituting AIDS transmitting crime;
 1353 (9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury
 1354 Trust Fund Commission;
 1355 (10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;
 1356 (11) Code Section 16-12-141, relating to when abortion is legal;
 1357 (12) Code Section 16-12-141.1, relating to disposal of aborted fetuses;

- 1358 (13) Code Section 17-10-15, relating to AIDS transmitting crimes;
- 1359 (14) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage
1360 license;
- 1361 (15) Code Section 19-3-40, relating to blood tests for sickle cell disease;
- 1362 (16) Code Section 19-3-41, relating to preparation by the Department of Human
1363 Resources of a marriage manual on family planning and other material;
- 1364 (17) Code Section 19-15-1, relating to definitions relative to child abuse;
- 1365 (18) Code Section 20-2-142, relating to prescribed courses in elementary and secondary
1366 schools on alcohol, tobacco, and drug use;
- 1367 (19) Code Section 20-2-143, relating to sex education and AIDS prevention instruction
1368 in elementary and secondary schools;
- 1369 (20) Code Section 20-2-144, relating to mandatory instruction in elementary and
1370 secondary schools concerning alcohol and drug use;
- 1371 (21) Code Section 20-2-260, relating to capital outlay funds generally;
- 1372 (22) Code Section 20-2-770, relating to rules and regulations for nutritional screening
1373 and eye, ear, and dental examinations of students;
- 1374 (23) Code Section 20-2-771, relating to immunization of students in elementary and
1375 secondary education;
- 1376 (24) Code Section 20-2-772, relating to rules and regulations for screening of students
1377 for scoliosis;
- 1378 (25) Code Section 20-2-778, relating to required information to parents of students
1379 regarding meningococcal meningitis;
- 1380 (26) Code Section 24-9-40, relating to when medical information may be released by a
1381 physician, hospital, health care facility, or pharmacist;
- 1382 (27) Code Section 25-3-6, relating to the effect of certain laws relating to local fire
1383 departments on the powers and duties of other officials and departments;
- 1384 (28) Code Section 26-2-371, relating to permits required for food service establishments;
- 1385 (29) Code Section 26-2-372, relating to the issuance of permits for food service
1386 establishments;
- 1387 (30) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards
1388 by the Department of Community Health and county boards of health for food service
1389 establishments;
- 1390 (31) Code Section 26-2-374, relating to contents and posting of notices relating to
1391 assistance to persons choking;
- 1392 (32) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of
1393 food service establishments;

- 1394 (33) Code Section 26-2-376, relating to review of final order or determination by
1395 Department of Community Health regarding regulation of a food service establishment;
1396 (34) Code Section 26-2-377, relating to penalties for violation of laws regarding the
1397 regulation of food service establishments;
- 1398 (35) Code Section 26-3-18, relating to assistance in enforcement from Department of
1399 Agriculture or Department of Community Health with respect to standards, labeling, and
1400 adulteration of drugs and cosmetics;
- 1401 (36) Code Section 26-4-116, relating to emergency service providers with respect to
1402 dangerous drugs and controlled substances;
- 1403 (37) Code Section 29-4-18, relating to the appointment of a temporary medical consent
1404 guardian;
- 1405 (38) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1406 (39) Code Section 31-3-4, relating to powers of county boards of health;
- 1407 (40) Code Section 31-5-1, relating to adoption of rules and regulations by the
1408 Department of Community Health and county boards of health;
- 1409 (41) Code Section 31-5-9, relating to injunctions for enjoining violations of the
1410 provisions of Title 31;
- 1411 (42) Code Section 31-5-20, relating to the definition of the term "inspection warrant"
1412 with respect to enforcement of certain public health laws;
- 1413 (43) Code Section 31-5-21, relating to persons who may obtain inspection warrants;
- 1414 (44) Code Section 31-8-1, relating to the establishment and purpose of the Hospital Care
1415 for the Indigent Program;
- 1416 (45) Code Section 31-8-36, relating to state appropriations to the Nonresident Indigent
1417 Health Care Fund;
- 1418 (46) Code Section 31-8-46, relating to investigations, penalties, and rules and regulations
1419 relative to hospital care for pregnant women;
- 1420 (47) Code Section 31-8-133, relating to personal care home residents' rights;
- 1421 (48) Code Section 31-8-192, relating to definitions relative to the "'Health Share'
1422 Volunteers in Medicine Act";
- 1423 (49) Code Section 31-8-193, relating to the establishment of a program to provide health
1424 care services to low-income recipients;
- 1425 (50) Code Section 31-9A-4, relating to information to be made available by the
1426 Department of Community Health under the "Woman's Right to Know Act";
- 1427 (51) Code Section 31-9A-6, relating to reporting requirements under the "Woman's Right
1428 to Know Act";
- 1429 (52) Code Section 31-10-1, relating to definitions relative to vital records;

- 1430 (53) Code Section 31-11-1, relating to findings of the General Assembly and declaration
1431 of policy with respect to emergency medical services;
- 1432 (54) Code Section 31-11-3, relating to recommendations by local coordinating entity as
1433 to administration of the Emergency Medical Systems Communication Program;
- 1434 (55) Code Section 31-11-53.1, relating to automated external defibrillator program;
- 1435 (56) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care
1436 Network Commission;
- 1437 (57) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care
1438 Network Commission;
- 1439 (58) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia
1440 Trauma Care Network Commission;
- 1441 (59) Code Section 31-11-110, relating to legislative findings relative to a system of
1442 certified stroke centers;
- 1443 (60) Code Section 31-12-1, relating to the power to conduct research and studies relative
1444 to the control of hazardous conditions, preventable diseases, and metabolic diseases;
- 1445 (61) Code Section 31-12A-9, relating to a continuing education program relative to the
1446 "Georgia Smokefree Air Act of 2005";
- 1447 (62) Code Section 31-12A-10, relating to enforcement by the Department of Community
1448 Health and county boards of health of the "Georgia Smokefree Air Act of 2005";
- 1449 (63) Code Section 31-14-2, relating to petition for commitment of a person who has
1450 active tuberculosis;
- 1451 (64) Code Section 31-14-9, relating to procedure for securing discharge of a person
1452 committed for active tuberculosis;
- 1453 (65) Code Section 31-15-2, relating to the establishment of a program for the prevention,
1454 control, and treatment of cancer;
- 1455 (66) Code Section 31-16-2, relating to the establishment of a program for the prevention,
1456 control, and treatment of kidney disease;
- 1457 (67) Code Section 31-17-2, relating to the report of diagnosis or treatment to health
1458 authorities of a case of venereal disease;
- 1459 (68) Code Section 31-17-3, relating to examination and treatment by health authorities
1460 for venereal disease;
- 1461 (69) Code Section 31-17-4.2, relating to HIV pregnancy screening;
- 1462 (70) Code Section 31-17A-2, relating to examination of persons infected or suspected
1463 of being infected with HIV;
- 1464 (71) Code Section 31-17A-3, relating to refusal to consent to an HIV test;
- 1465 (72) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust
1466 Fund Commission;

- 1467 (73) Code Section 31-22-9.1, relating to who may perform HIV tests;
- 1468 (74) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood
1469 Labeling Act";
- 1470 (75) Code Section 31-26-2, relating to the requirement of a certificate to practice
1471 midwifery;
- 1472 (76) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;
- 1473 (77) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;
- 1474 (78) Code Section 31-28-5, relating to standards for health, sanitation, and safety of
1475 tourist courts;
- 1476 (79) Code Section 31-28-6, relating to inspection of premises of tourist courts;
- 1477 (80) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans
1478 exposed to agent orange;
- 1479 (81) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for
1480 Rural Areas Assistance Act";
- 1481 (82) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
1482 emergency providers;
- 1483 (83) Code Section 31-40-2, relating to issuance of permits for tattoo studios;
- 1484 (84) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;
- 1485 (85) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;
- 1486 (86) Code Section 31-40-8, relating to a public education program relative to tattoo
1487 studios;
- 1488 (87) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- 1489 (88) Code Section 31-45-8, relating to inspections by the county board of health of
1490 public swimming pools;
- 1491 (89) Code Section 31-45-9, relating to suspension or revocation of permit for a public
1492 swimming pool;
- 1493 (90) Code Section 31-45-10, relating to rules and regulations relative to public
1494 swimming pools;
- 1495 (91) Code Section 31-45-11, relating to enforcement of rules and regulations relative to
1496 public swimming pools;
- 1497 (92) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control
1498 Program;
- 1499 (93) Code Section 33-24-59.2, relating to insurance coverage for equipment and
1500 self-management training for individuals with diabetes;
- 1501 (94) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health
1502 Insurance Plan;
- 1503 (95) Code Section 34-9-1, relating to definitions relative to workers' compensation;

- 1504 (96) Code Section 35-1-8, relating to acquisition, collection, classification, and
1505 preservation of information assisting in identifying deceased persons and locating missing
1506 persons;
- 1507 (97) Code Section 37-2-2, relating to definitions relative to the administration of mental
1508 health, developmental disabilities, addictive diseases, and other disability services;
- 1509 (98) Code Section 37-2-3, relating to designation of boundaries for mental health,
1510 developmental disabilities, and addictive diseases regions;
- 1511 (99) Code Section 37-2-5, relating to regional planning boards establishing policy and
1512 direction for disability services;
- 1513 (100) Code Section 37-2-6.2, relating to employees whose jobs include duties or
1514 functions which became duties or functions of a community service board on July 1,
1515 1994;
- 1516 (101) Code Section 37-2-6.4, relating to reconstituting or converting of organizational
1517 structure of community service boards;
- 1518 (102) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 1519 (103) Code Section 38-3-22, relating to the Governor's emergency management powers
1520 and duties;
- 1521 (104) Code Section 38-3-51, relating to emergency powers of the Governor;
- 1522 (105) Code Section 40-5-25, relating to applications for instruction permits and drivers'
1523 licenses;
- 1524 (106) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood
1525 relating to violations of driving under the influence of alcohol, drugs, or other
1526 intoxicating substances;
- 1527 (107) Code Section 42-1-7, relating to notification to transporting law enforcement
1528 agency of inmate's or patient's infectious or communicable disease;
- 1529 (108) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- 1530 (109) Code Section 42-4-32, relating to sanitation and health requirements for jails;
- 1531 (110) Code Section 42-5-52, relating to classification and separation of inmates generally;
- 1532 (111) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;
- 1533 (112) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements
1534 of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of
1535 hair design, and schools of nail care;
- 1536 (113) Code Section 43-11-74, relating to direct supervision requirement of dental
1537 hygienists by a licensed dentist;
- 1538 (114) Code Section 43-14-2, relating to definitions relative to the regulation of electrical
1539 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
1540 contractors;

- 1541 (115) Code Section 43-18-46, relating to grounds for denial or revocation of license or
 1542 registration to operate a funeral establishment or to practice embalming or funeral
 1543 directing;
- 1544 (116) Code Section 43-26-12, relating to exceptions to licensure requirements as a
 1545 registered professional nurse;
- 1546 (117) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;
- 1547 (118) Code Section 45-9-1, relating to general provisions relative to insuring and
 1548 indemnification of state officers and employees;
- 1549 (119) Code Section 45-18-1, relating to definitions relative to the state employees' health
 1550 insurance plan;
- 1551 (120) Code Section 45-18-32, relating to administration of deferred compensation plans
 1552 for employees of the state;
- 1553 (121) Code Section 46-11-4, relating to regulation of transportation of hazardous
 1554 materials on public roads of the state generally;
- 1555 (122) Code Section 50-13-4, relating to procedural requirements for adoption,
 1556 amendment, or repeal of rules by a state agency;
- 1557 (123) Code Section 50-16-3, relating to property of state boards and departments;
- 1558 (124) Code Section 50-18-72, relating to when public disclosure is not required under
 1559 open records laws; and
- 1560 (125) Code Section 50-18-76, relating to written matter exempt from disclosure under
 1561 vital records laws.

1562 **SECTION 4-4.**

- 1563 The following Code sections of the Official Code of Georgia Annotated are amended by
 1564 replacing "Board of Community Health" wherever it occurs with "Board of Public Health":
- 1565 (1) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1566 (2) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- 1567 (3) Code Section 31-11-3, relating to recommendations by local coordinating entity as
 1568 to administration of the Emergency Medical Systems Communication Program;
- 1569 (4) Code Section 31-11-31.1, relating to license fees on ambulance services;
- 1570 (5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer
 1571 research program fund;
- 1572 (6) Code Section 42-9-12, relating to appointment of replacement for incapacitated
 1573 member on the State Board of Pardons and Paroles; and
- 1574 (7) Code Section 43-7-9, relating to general powers and duties of the State Board of
 1575 Barbers.

SECTION 4-5.

1576

1577 The following Code sections of the Official Code of Georgia Annotated are amended by
 1578 replacing "commissioner of community health" and "commissioner of the department of
 1579 community health" wherever either term occurs with "commissioner of public health":

1580 (1) Code Section 8-2-24, relating to appointment of advisory committee relating to state
 1581 building, plumbing, and electrical codes;

1582 (2) Code Section 12-5-524, relating to the creation of the Water Council;

1583 (3) Code Section 16-12-141, relating to when abortion is legal;

1584 (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;

1585 (5) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons
 1586 declared mentally incompetent, and deceased persons provided to Secretary of State with
 1587 respect to registration of voters;

1588 (6) Code Section 26-2-393, relating to enforcement of article relating to nonprofit food
 1589 sales and food service;

1590 (7) Code Section 31-8-32, relating to determination of indigency relative to hospital care
 1591 for nonresident indigents;

1592 (8) Code Section 31-8-43, relating to determination of indigency relative to pregnant
 1593 women;

1594 (9) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know
 1595 Act";

1596 (10) Code Section 31-10-1, relating to definitions relative to vital records;

1597 (11) Code Section 31-11-2, relating to definitions relative to emergency medical
 1598 services;

1599 (12) Code Section 31-11-36, relating to suspension or revocation of licenses for
 1600 ambulance services;

1601 (13) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory
 1602 Committee;

1603 (14) Code Section 31-27-7, relating to emergency powers of the Governor regarding
 1604 mass gatherings;

1605 (15) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
 1606 emergency responders;

1607 (16) Code Section 31-36A-7, relating to petition for health care placement transfer,
 1608 admission, or discharge order by health care facility;

1609 (17) Code Section 31-47-2, relating to the role and duties of the commissioner relative
 1610 to the arthritis prevention and control program;

1611 (18) Code Section 31-47-3, relating to the acceptance of grants for the arthritis prevention
 1612 and control program;

- 1613 (19) Code Section 33-20B-3.1, relating to health maintenance organizations' expansion
1614 into rural areas;
- 1615 (20) Code Section 33-21-3, relating to grounds and procedure for issuance or denial of
1616 certificate of authority for a health maintenance organization;
- 1617 (21) Code Section 33-21-5, relating to suspension or revocation of certificate of authority
1618 for a health maintenance organization;
- 1619 (22) Code Section 33-21-15, relating to filing of annual reports by health maintenance
1620 organizations;
- 1621 (23) Code Section 33-21-17, relating to examinations of health maintenance
1622 organizations and providers;
- 1623 (24) Code Section 33-21-18, relating to adoption of rules and regulations generally
1624 relative to health maintenance organizations;
- 1625 (25) Code Section 33-21-20, relating to conduct of hearings generally relative to health
1626 maintenance organizations;
- 1627 (26) Code Section 33-21-20.1, relating to regulation of HMOs by the commissioner of
1628 community health;
- 1629 (27) Code Section 33-21-21, relating to authority of commissioner of community health
1630 to contract for making of recommendations required by health maintenance organizations
1631 laws;
- 1632 (28) Code Section 33-21-27, relating to enforcement of health maintenance organizations
1633 laws;
- 1634 (29) Code Section 38-2-10, relating to use of National Guard in drug law enforcement,
1635 provision of medical care in medically underserved areas, and for youth opportunity
1636 training programs;
- 1637 (30) Code Section 42-4-32, relating to sanitation and health requirements in jails
1638 generally;
- 1639 (31) Code Section 42-9-12, relating to appointment of replacement for incapacitated
1640 member on the State Board of Pardons and Paroles;
- 1641 (32) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;
- 1642 (33) Code Section 43-45-3, relating to creation of the State Structural Pest Control
1643 Commission;
- 1644 (34) Code Section 45-9-73, relating to the creation of the Georgia Public School
1645 Personnel Indemnification Commission;
- 1646 (35) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification
1647 Commission; and
- 1648 (36) Code Section 45-9-110, relating to authorization for consolidation of unemployment
1649 compensation claim matters under the commissioner of administrative services.

1650 **SECTION 4-6.**

1651 The following Code sections of the Official Code of Georgia Annotated are amended by
1652 replacing "division" and "division's" with "department" and "department's", respectively:

- 1653 (1) Code Section 31-41-13, relating to notice of lead poisoning hazard;
1654 (2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;
1655 (3) Code Section 31-41-16, relating to certificate evidencing compliance; and
1656 (4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes
1657 occupied by children with elevated blood lead levels.

1658 **PART V**

1659 **Effective Date and Repealer.**

1660 **SECTION 5-1.**

1661 This Act shall become effective on July 1, 2011.

1662 **SECTION 5-2.**

1663 All laws and parts of laws in conflict with this Act are repealed.