

The House Committee on Health and Human Services offers the following substitute to HB 214:

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 the same daily expense allowance and
36 reimbursement of expenses as provided in Code Section 45-7-21 for members of other state
37 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. Subject to the general policy established by the board, the
46 commissioner shall supervise, direct, account for, organize, plan, administer, and execute
47 the functions vested in the department.

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

51 31-2A-3.

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

59 pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and
60 administrative orders shall remain in effect until amended, repealed, superseded, or
61 nullified by the Department of Public Health by proper authority or as otherwise provided
62 by law.

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

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

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

88 31-2A-4.

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

92 (1) Provide epidemiological investigations and laboratory facilities and services in the
93 detection and control of disease, disorders, and disabilities and to provide research,

94 conduct investigations, and disseminate information concerning reduction in the
95 incidence and proper control of disease, disorders, and disabilities;
96 (2) Forestall and correct physical, chemical, and biological conditions that, if left to run
97 their course, could be injurious to health;
98 (3) Regulate and require the use of sanitary facilities at construction sites and places of
99 public assembly and to regulate persons, firms, and corporations engaged in the rental
100 and service of portable chemical toilets;
101 (4) Isolate and treat persons afflicted with a communicable disease who are either unable
102 or unwilling to observe the department's rules and regulations for the suppression of such
103 disease and to establish, to that end, complete or modified quarantine, surveillance, or
104 isolation of persons and animals exposed to a disease communicable to man;
105 (5) Procure and distribute drugs and biologicals and purchase services from clinics,
106 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
107 and operate such facilities;
108 (6) Cooperate with agencies and departments of the federal government and of the state
109 by supplying consultant services in medical and hospital programs and in the health
110 aspects of civil defense, emergency preparedness, and emergency response;
111 (7) Prevent, detect, and relieve physical defects and deformities;
112 (8) Promote the prevention, early detection, and control of problems affecting the dental
113 and oral health of the citizens of Georgia;
114 (9) Contract with county boards of health to assist in the performance of services
115 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies
116 of more than local peril, to employ whatever means may be at its disposal to overcome
117 such emergencies;
118 (10) Contract and execute releases for assistance in the performance of its functions and
119 the exercise of its powers and to supply services which are within its purview to perform;
120 (11) Enter into or upon public or private property at reasonable times for the purpose of
121 inspecting same to determine the presence of disease and conditions deleterious to health
122 or to determine compliance with health laws and rules, regulations, and standards
123 thereunder; and
124 (12) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
125 Administrative Procedure Act,' a schedule of fees for laboratory services provided,
126 schedules to be determined in a manner so as to help defray the costs incurred by the
127 department, but in no event to exceed such costs, both direct and indirect, in providing
128 such laboratory services, provided no person shall be denied services on the basis of his
129 or her inability to pay. All fees paid thereunder shall be paid into the general funds of the
130 State of Georgia. The individual who requests the services authorized in this paragraph,

131 or the individual for whom the laboratory services authorized in this paragraph are
 132 performed, shall be responsible for payment of the service fees. As used in this
 133 paragraph, the term 'individual' means a natural person or his or her responsible health
 134 benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935.

135 31-2A-5.

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

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

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

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

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

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

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

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

155 31-2A-6.

156 (a) The department is authorized to adopt and promulgate rules and regulations to effect
 157 prevention, abatement, and correction of situations and conditions which, if not promptly
 158 checked, would militate against the health of the people of this state. Such rules and
 159 regulations shall be adapted to the purposes intended, within the purview of the powers and
 160 duties imposed upon the department by this chapter, and supersede conflicting rules,
 161 regulations, and orders adopted pursuant to the authority of Chapter 3 of this title.

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

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

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

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

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

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

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

194 31-2A-7.

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

198 (b) The department may receive from any law enforcement agency conviction data that is
199 relevant to a person whom the department, its contractors, or a district or county health
200 agency is considering as a final selectee for employment in a position the duties of which

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

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

219 (d) All conviction data received shall be for the exclusive purpose of making employment
220 decisions or decisions concerning individuals in the care of the department and shall be
221 privileged and shall not be released or otherwise disclosed to any other person or agency.
222 Immediately following the employment decisions or upon receipt of the conviction data,
223 all such conviction data collected by the department or its agent shall be maintained by the
224 department or agent pursuant to laws regarding and the rules or regulations of the Federal
225 Bureau of Investigation and the Georgia Crime Information Center, as is applicable.
226 Penalties for the unauthorized release or disclosure of any conviction data shall be as
227 prescribed pursuant to laws regarding and rules or regulations of the Federal Bureau of
228 Investigation and the Georgia Crime Information Center, as is applicable. Nothing in this
229 Code section shall be construed to allow criminal history information, including arrest and
230 conviction date, to be released or disclosed to any individual, including members of county
231 boards of health, who is not directly involved in the hiring process.

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

234 (f) The department may receive from any law enforcement agency criminal history
235 information, including arrest and conviction data, and any and all other information which
236 it may be provided pursuant to state or federal law which is relevant to any person in the
237 care of the department. The department shall establish a uniform method of obtaining

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

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

261 **SECTION 1-2.**

262 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
 263 of the Official Code of Georgia Annotated, relating to the Department of Community Health
 264 as the agency of the state for receipt and administration of federal and other funds, studies
 265 and surveys of programs, venue of actions against the department or board, standards for
 266 sewage management systems, rules and regulations governing operation of land disposal sites
 267 for septic tank waste from one business, a diabetes coordinator, the Georgia Diabetes Control
 268 Grant Program, and the director of the Division of Public Health, respectively, are
 269 redesignated and amended as follows:

270 "~~31-2-7.~~ 31-2A-8.

271 The department is designated and empowered as the agency of this state to apply for,
 272 receive, and administer grants and donations for health purposes from the federal
 273 government and from any of its departments, agencies, and instrumentalities; from

274 appropriations of the state; and from any other sources in conformity with law, ~~including~~
 275 ~~but not limited to Code Section 49-4-152.~~ The department shall have the authority to
 276 prescribe the purposes for which such funds may be used in order to:

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

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

303 ~~31-2-8:~~ 31-2A-9.

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

306 ~~31-2-10:~~ 31-2A-10.

307 Actions at law and in equity against the department, the board, or any of its members
 308 predicated upon omissions or acts done in their official capacity or under color thereof shall

309 be brought in the appropriate county; provided, however, that nothing in this Code section
310 shall be construed as waiving the immunity of the state to be sued without its consent.

311 ~~31-2-12.~~ 31-2A-11.

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

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

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

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

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

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

335 (b) The department shall have the authority as it deems necessary and proper to adopt
336 state-wide regulations for on-site sewage management systems, including but not limited
337 to experimental and alternative systems. The department is authorized to require that any
338 such on-site sewage management system be examined and approved prior to allowing the
339 use of such system in the state; provided, however, that any prior approved system shall
340 continue to be approved for installation in every county of the state pursuant to the
341 manufacturer's recommendations, including sizing of no less than 50 percent of trench
342 length of a conventional system designed for equal flows in similar soil conditions. Upon
343 written request of one-half or more of the health districts in the state, the department is
344 authorized to require the reexamination of any such system or component thereof, provided

345 that documentation is submitted indicating unsatisfactory service of such system or
346 component thereof. Before any such examination or reexamination, the department may
347 require the person, persons, or organization manufacturing or marketing the system to
348 reimburse the department or its agent for the reasonable expenses of such examination.

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

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

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

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

380 (d) This Code section does not restrict the work of a plumber licensed by the State
381 Construction Industry Licensing Board to access any on-site sewage management system

382 for the purpose of servicing or repairing any plumbing system or connection to the on-site
383 sewage management system.

384 ~~31-2-13.~~ 31-2A-12.

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

394 ~~31-2-17.~~ 31-2A-13.

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

403 ~~31-2-17.1.~~ 31-2A-14.

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

408 (b) The program shall be under the direction of a seven-member advisory committee,
409 appointed by the Governor. The Governor, in making such appointments, shall ensure to
410 the greatest extent possible that the membership of the advisory committee is representative
411 of this state's geographic and demographic composition, with appropriate attention to the
412 representation of women, minorities, and rural Georgia. The appointments made by the
413 Governor shall include one member who is:

- 414 (1) A physician licensed in this state;
415 (2) A registered nurse licensed in this state;

- 416 (3) A dietitian licensed in this state;
417 (4) A diabetes educator;
418 (5) A representative of the business community;
419 (6) A pharmacist licensed in this state; and
420 (7) A consumer who has diabetes.

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

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

429 (1) A program to provide grants to middle schools and high schools to promote the
430 understanding and prevention of diabetes may be established by the program. Such
431 grants shall be provided through the appropriate local board of education. Grant requests
432 shall contain specific information regarding requirements as to how the grant should be
433 spent and how such spending promotes the understanding and prevention of diabetes.
434 Grant recipients shall be required to provide the advisory committee with quarterly
435 reports of the results of the grant program; and

436 (2) A program to provide grants to health care providers for support of evidence based
437 diabetes programs for education, screening, disease management, and self-management
438 targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of
439 diabetes; and grants may also be awarded to address evidence based activities that focus
440 on policy, systems, and environmental changes that support prevention, early detection,
441 and treatment of diabetes. Eligible entities shall include community and faith based
442 clinics and other organizations, federally qualified health centers, regional and county
443 health departments, hospitals, and other public entities, and other health related service
444 providers which are qualified as exempt from taxation under the provisions of Section
445 501(c)(3) of the Internal Revenue Code of 1986. Such entities shall have been in
446 existence for at least three years, demonstrate financial stability, utilize evidence based
447 practices, and show measurable results in their programs.

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

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

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

457 ~~31-2-18.~~ 31-2A-15.

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

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

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

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

473 SECTION 1-3.

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

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

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

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

480 SECTION 1-4.

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

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

SECTION 1-5.

485

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

488 "31-1-1.

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

490 (1) 'Board' means the Board of ~~C~~ommunity Public Health.

491 (2) 'Commissioner' means the commissioner of ~~c~~ommunity public health.

492 (3) 'Department' means the Department of ~~C~~ommunity Public Health."

SECTION 1-6.

493

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

496 "31-1-10.

497 (a) The position of ~~State Health Officer~~ state health officer is created. ~~The commissioner~~
498 ~~of community health or the director of the Division of Public Health of the Department of~~
499 ~~Community Health shall be the State Health Officer, as designated by the Governor. The~~
500 Governor may appoint the commissioner of public health to serve simultaneously as the
501 state health officer or may appoint another individual to serve as state health officer. Such
502 officer shall serve at the pleasure of the Governor.

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

PART II

505

Changes to the Department of Community Health.

506

SECTION 2-1.

507

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

510 "31-2-1.

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

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

- 517 (1) Serve as the lead planning agency for all health issues in the state to remedy the
 518 current situation wherein the responsibility for health care policy, purchasing, planning,
 519 and regulation is spread among many different agencies;
- 520 (2) Permit the state to maximize its purchasing power and to administer its operations
 521 in a manner so as to receive the maximum amount of federal financial participation
 522 available in expenditures of the department;
- 523 (3) Minimize duplication and maximize administrative efficiency in the state's health
 524 care systems by removing overlapping functions and streamlining uncoordinated
 525 programs;
- 526 (4) Allow the state to develop a better health care infrastructure that is more responsive
 527 to the consumers it serves while improving access to and coverage for health care;
- 528 (5) Focus more attention and departmental procedures on the issue of wellness, including
 529 diet, exercise, and personal responsibility;
- 530 ~~(6) Provide epidemiological investigations and laboratory facilities and services in the
 531 detection and control of disease, disorders, and disabilities and to provide research,
 532 conduct investigations, and disseminate information concerning reduction in the
 533 incidence and proper control of disease, disorders, and disabilities;~~
- 534 ~~(7) Forestall and correct physical, chemical, and biological conditions that, if left to run
 535 their course, could be injurious to health;~~
- 536 ~~(8) Regulate and require the use of sanitary facilities at construction sites and places of
 537 public assembly and to regulate persons, firms, and corporations engaged in the rental
 538 and service of portable chemical toilets;~~
- 539 ~~(9) Isolate and treat persons afflicted with a communicable disease who are either unable
 540 or unwilling to observe the department's rules and regulations for the suppression of such
 541 disease and to establish, to that end, complete or modified quarantine, surveillance, or
 542 isolation of persons and animals exposed to a disease communicable to man;~~
- 543 ~~(10) Procure and distribute drugs and biologicals and purchase services from clinics,
 544 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
 545 and operate such facilities;~~
- 546 ~~(11) Cooperate with agencies and departments of the federal government and of the state
 547 by supplying consultant services in medical and hospital programs and in the health
 548 aspects of civil defense, emergency preparedness, and emergency response;~~
- 549 ~~(12) Prevent, detect, and relieve physical defects and deformities;~~
- 550 (13) Promote the prevention, early detection, and control of problems affecting the dental
 551 and oral health of the citizens of Georgia;
- 552 ~~(14) Contract with county boards of health to assist in the performance of services
 553 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies~~

554 of more than local peril, to employ whatever means may be at its disposal to overcome
 555 such emergencies;

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

558 ~~(16)(6) Enter into or upon public or private property at reasonable times for the purpose~~
 559 ~~of inspecting same to determine the presence of disease and conditions deleterious to~~
 560 ~~health or to determine compliance with health applicable laws and rules, regulations, and~~
 561 ~~standards thereunder; and~~

562 ~~(17)(7) Promulgate and enforce rules and regulations for the licensing of medical~~
 563 ~~facilities wherein abortion procedures under subsections (b) and (c) of Code Section~~
 564 ~~16-12-141 are to be performed; and, further, to disseminate and distribute educational~~
 565 ~~information and medical supplies and treatment in order to prevent unwanted pregnancy;~~
 566 ~~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)(A) The Department of Community Health is re-created and established to
 584 perform the functions and assume the duties and powers exercised on June 30, 2009,
 585 by the Department of Community Health, the Division of Public Health of the
 586 Department of Human Resources, and the Office of Regulatory Services of the
 587 Department of Human Resources, unless specifically transferred to the Department of
 588 Human Services, and such department, division, and office shall be reconstituted as the
 589 Department of Community Health effective July 1, 2009. The department shall retain

590 powers and responsibility with respect to the expenditure of any funds appropriated to
 591 the department including, without being limited to, funds received by the state pursuant
 592 to the settlement of the lawsuit filed by the state against certain tobacco companies,
 593 *State of Georgia, et al. v. Philip Morris, Inc., et al.*, Civil Action #E-61692, V19/246
 594 (Fulton County Superior Court, December 9, 1998).

595 (B) On and after July 1, 2011, the functions, duties, and powers of the Department of
 596 Community Health relating to the former Division of Public Health of the Department
 597 of Human Resources shall be performed and exercised by the Department of Public
 598 Health pursuant to Code Section 31-2A-2. No power, function, responsibility, duty, or
 599 similar authority held by the Department of Community Health as of June 30, 2009,
 600 shall be diminished or lost due to the creation of the Department of Public Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

664 reflecting payments into and out of the hospital care fund shall be maintained for each of
665 the categories of public assistance established under Code Section 49-4-3. The balance
666 of state funds in such trust fund for the payment of hospital costs in an amount not to
667 exceed the amount of federal funds held in the trust fund by the department available for
668 expenditure under this paragraph shall be deemed encumbered and held in trust for the
669 payment of the costs of hospital care and shall be rebudgeted for this purpose on each
670 quarterly budget required under the laws governing the expenditure of state funds. The
671 state auditor shall audit the funds in the trust fund established under this paragraph in the
672 same manner that any other funds disbursed by the department are audited;

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

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

701 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees
 702 imposed pursuant to this paragraph be used to support and improve the quality of
 703 licensing services provided by the department; and

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

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

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

725 **SECTION 2-3.**

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

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

732 **SECTION 2-4.**

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

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

738 **SECTION 2-5.**

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

741 **SECTION 2-6.**

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

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

746 **SECTION 2-7.**

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

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

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

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

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

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

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

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

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

764 **SECTION 2-8.**

765 Code Section 31-8-2 of the Official Code of Georgia Annotated, relating to definitions
766 relative to hospital care for the indigent generally, is amended by adding a new paragraph
767 to read as follows:

768 "(0.5) 'Department' means the Department of Community Health."

769 **SECTION 2-9.**

770 Code Section 31-8-31 of the Official Code of Georgia Annotated, relating to definitions
 771 relative to hospital care for nonresident indigents, is amended by adding a new paragraph to
 772 read as follows:

773 "(2.1) 'Department' means the Department of Community Health."

774 **SECTION 2-10.**

775 Code Section 31-8-41 of the Official Code of Georgia Annotated, relating to definitions
 776 relative to hospital care for pregnant women, is amended by adding a new paragraph to read
 777 as follows:

778 "(1.1) 'Department' means the Department of Community Health."

779 **SECTION 2-11.**

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

783 "(1.1) 'Department' means the Department of Community Health."

784 **SECTION 2-12.**

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

788 "(1.1) 'Department' means the Department of Community Health."

789 **SECTION 2-13.**

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

793 "(2.1) 'Department' means the Department of Community Health."

794 **SECTION 2-14.**

795 Code Section 31-8-180 of the Official Code of Georgia Annotated, relating to definitions
 796 relative to disclosure of treatment of Alzheimer's disease or Alzheimer's related dementia,
 797 is amended by adding a new paragraph to read as follows:

798 "(3) 'Department' means the Department of Community Health."

799 **SECTION 2-15.**

800 Code Section 31-13-3 of the Official Code of Georgia Annotated, relating to definitions
 801 relative to the "Georgia Radiation Control Act," is amended by adding a new paragraph to
 802 read as follows:

803 "(1.2) 'Department' means the Department of Community Health."

804 **SECTION 2-16.**

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

807 "(2.1) 'Commissioner' means the commissioner of community health.

808 (2.2) 'Department' means the Department of Community Health."

809 **SECTION 2-17.**

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

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

814 **SECTION 2-18.**

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

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

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

820 **PART III**

821 Various Code Sections Affected.

822 **SECTION 3-1.**

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

826 "(a) As used in this Code section, the term 'agency' or 'agencies' means the Georgia
 827 Department of Natural Resources, including its Environmental Protection Division, the
 828 Georgia Environmental Finance Authority, the Georgia Department of Community Affairs,
 829 the Georgia State Forestry Commission, the Georgia Department of Community Health,
 830 ~~including its Division of~~ the Department of Public Health, the Georgia Department of

831 Agriculture, and the ~~Georgia State~~ Soil and Water Conservation Commission individually
 832 or collectively as the text requires."

833 **SECTION 3-2.**

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

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

- 842 (1) The Division of Rehabilitation Services of the Department of Labor;
- 843 (2) The State Board of Education;
- 844 (3) The Department of Public Safety;
- 845 (4) The Department of Community Health;
- 846 (5) The Department of Public Health; and
- 847 ~~(5)~~(6) The Department of Human Services.

848 The remaining ten members of the commission shall be appointed by the Governor, seven
 849 of whom shall be citizens who have sustained brain or spinal cord injury or members of
 850 such persons' immediate families, no more than one of whom shall reside in the same
 851 geographic area of the state which constitutes a health district established by the
 852 Department of Community Health. The Governor is authorized but not required to appoint
 853 the remaining three members from recommendations submitted by the Private
 854 Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury
 855 Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical
 856 Association. The Governor shall also establish initial terms of office for all ~~15~~ 16
 857 members of the board within the limitations of this subsection."

858 **SECTION 3-3.**

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

862 "17-18-1.

863 When any employee of the Department of Human Services, Department of Community
 864 Health, Department of Public Health, Department of Behavioral Health and Developmental
 865 Disabilities, a law enforcement agency, or a court has reason to believe that he or she in the

866 course of official duties is speaking to an adult who is or has been a victim of a violation
 867 of Code Section 16-6-1, relating to rape, or Code Section 16-6-2, relating to aggravated
 868 sodomy, such employee shall offer or provide such adult a written statement of information
 869 for victims of rape or aggravated sodomy. Such written statement shall, at a minimum,
 870 include the information set out in Code Section 17-18-2 and may include additional
 871 information regarding resources available to victims of sexual assault. Information for
 872 victims of rape or aggravated sodomy may be provided in any language."

873 **SECTION 3-4.**

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

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

879 **SECTION 3-5.**

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

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

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

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

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

891 (2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to
 892 the Department of ~~Community Health~~ Public Health is determined by that department to
 893 be reasonably necessary, that department shall establish by regulation a date on and after
 894 which such reporting shall be required. On and after the date so established, each health
 895 care provider, health care facility, or any other person or legal entity which orders an HIV
 896 test for another person shall report to the Department of ~~Community Health~~ Public Health
 897 the name and address of any person thereby determined to be infected with HIV. No
 898 such report shall be made regarding any confirmed positive HIV test provided at any
 899 anonymous HIV test site operated by or on behalf of the Department of ~~Community~~
 900 ~~Health~~ Public Health.

901 (3) The Department of ~~Community Health~~ Public Health may disclose that a person has
 902 been reported, under paragraph (1) or (2) of this subsection, to have been determined to
 903 be infected with HIV to the board of health of the county in which that person resides or
 904 is located if reasonably necessary to protect the health and safety of that person or other
 905 persons who may have come in contact with the body fluids of the HIV infected person.
 906 The Department of ~~Community Health~~ Public Health or county board of health to which
 907 information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this
 908 subsection:

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

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

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

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

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

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

927 (C) A public safety agency or the Department of ~~Community Health~~ Public Health if
 928 that agency or department has an employee thereof who has, in the course of that
 929 employment, come in contact with the body fluids of the person identified by the AIDS
 930 confidential information sought in such a manner reasonably likely to cause that
 931 employee to become an HIV infected person and provided the disclosure is necessary
 932 for the health and safety of that employee,

933 and for purposes of this subsection the term 'petitioner for disclosure' means any person
 934 or legal entity specified in subparagraph (A), (B), or (C) of this paragraph.

935 (2) An order may be issued against a person or legal entity responsible for recording,
 936 reporting, or maintaining AIDS confidential information to compel the disclosure of that
 937 information if the petitioner for disclosure demonstrates by clear and convincing evidence

938 a compelling need for the information which cannot be accommodated by other means.
 939 In assessing compelling need, the court shall weigh the public health, safety, or welfare
 940 needs or any other public or private need for the disclosure against the privacy interest
 941 of the person identified by the information and the public interest which may be disserved
 942 by disclosures which may deter voluntary HIV tests.

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

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

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

953 (6) Upon the issuance of an order that a person or legal entity be required to disclose
 954 AIDS confidential information regarding a person named in that order, that person or
 955 entity so ordered shall disclose to the ordering court any such information which is in the
 956 control or custody of that person or entity and which relates to the person named in the
 957 order for the court to make an in camera inspection thereof. If the court determines from
 958 that inspection that the person named in the order is an HIV infected person, the court
 959 shall disclose to the petitioner for disclosure that determination and shall impose
 960 appropriate safeguards against unauthorized disclosure which shall specify the persons
 961 who may have access to the information, the purposes for which the information shall be
 962 used, and appropriate prohibitions on future disclosure.

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

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

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

972 "(aa) In connection with any civil or criminal action in which AIDS confidential
 973 information is disclosed as authorized or required by this Code section, the party to whom
 974 that information is thereby disclosed may subpoena any person to authenticate such AIDS

975 confidential information, establish a chain of custody relating thereto, or otherwise testify
 976 regarding that information, including but not limited to testifying regarding any
 977 notifications to the patient regarding results of an HIV test. The provisions of this
 978 subsection shall apply as to records, personnel, or both of the Department of ~~Community~~
 979 ~~Health~~ Public Health or a county board of health notwithstanding Code Section 50-18-72,
 980 but only as to test results obtained by a prosecutor under subsection (q) of this Code section
 981 and to be used thereby in a prosecution for reckless conduct under subsection (c) of Code
 982 Section 16-5-60."

983 **SECTION 3-6.**

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

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

992 **SECTION 3-7.**

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

996 "26-4-192.

997 (a) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 998 Department of Community Health shall jointly develop and implement a state-wide
 999 program consistent with public health and safety standards through which unused
 1000 prescription drugs, other than prescription drugs defined as controlled substances, may be
 1001 transferred from health care facilities to pharmacies designated or approved by the
 1002 Department of ~~Community Health~~ Public Health for the purpose of distributing such drugs
 1003 to residents of this state who are medically indigent persons.

1004 (b) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 1005 Department of Community Health shall be authorized to develop and implement a pilot
 1006 program to determine the safest and most beneficial manner of implementing the program
 1007 prior to the state-wide implementation of the program required in subsection (a) of this
 1008 Code section.

1009 (c) The Georgia State Board of Pharmacy, in consultation with the Department of Public
 1010 Health and the Department of Community Health, shall develop and promulgate rules and
 1011 regulations to establish procedures necessary to implement the program and pilot program,
 1012 if applicable, provided for in this Code section. The rules and regulations shall provide,
 1013 at a minimum:

1014 (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant
 1015 to the program;

1016 (2) For the protection of the privacy of the individual for whom a prescription drug was
 1017 originally prescribed;

1018 (3) For the integrity and safe storage and safe transfer of the prescription drugs, which
 1019 may include, but shall not be limited to, limiting the drugs made available through the
 1020 program to those that were originally dispensed by unit dose or an individually sealed
 1021 dose and that remain in intact packaging; provided, however, that the rules and
 1022 regulations shall authorize the use of any remaining prescription drugs;

1023 (4) For the tracking of and accountability for the prescription drugs; and

1024 (5) For other matters necessary for the implementation of the program.

1025 ~~(d) The state-wide program required by this Code section shall be implemented no later~~
 1026 ~~than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of~~
 1027 ~~this Code section, in which case state-wide implementation shall occur no later than July~~
 1028 ~~1, 2008."~~

1029 SECTION 3-8.

1030 Code Section 31-1-3.1 of the Official Code of Georgia Annotated, relating to reporting
 1031 disabled newborn persons, is amended by revising subsections (e) and (g) as follows:

1032 "(e) ~~The Division of Public Health of the~~ department shall:

1033 (1) Maintain records of reports, notifications, and referrals made under this article; and

1034 (2) Maintain and update rosters of public and private departments or agencies which
 1035 provide services to persons who have disabilities like those of disabled newborn persons
 1036 and send copies of such rosters and an annual update thereof to each county board of
 1037 health for those boards of health to make such rosters available to the public."

1038 "(g) Any person or entity with whom the department enters into a contract after June 30,
 1039 1987, for services shall, as a condition of that contract, register with the department
 1040 (formerly the Division of Public Health of the Department of Community Health) the
 1041 various services that person or entity is capable of or is already providing to disabled
 1042 newborn persons and persons having disabilities like those of disabled newborn persons
 1043 for purposes of the roster of services the ~~division~~ department maintains under paragraph
 1044 (2) of subsection (e) of this Code section."

SECTION 3-9.

1045

1046 Code Section 31-5-9 of the Official Code of Georgia Annotated, relating to injunctions for
 1047 enjoining violations of the provisions of Title 31, is amended as follows:

1048 "31-5-9.

1049 (a) The Department of ~~Community~~ Public Health and all county boards of health and the
 1050 Department of Community Health, as appropriate, are empowered to institute appropriate
 1051 proceedings for injunction in the courts of competent jurisdiction in this state for the
 1052 purpose of enjoining a violation of any provision of this title as now existing or as may be
 1053 hereafter amended or of any regulation or order duly issued by the department, ~~or any~~
 1054 county board of health, or the Department of Community Health provided that this Code
 1055 section shall not apply to violations of the provisions of Chapter 20 of this title. The
 1056 department, ~~and the county boards of health, and the Department of Community Health,~~
 1057 as appropriate, are also empowered to maintain action for injunction to abate any public
 1058 nuisance which is injurious to the public health, safety, or comfort. Such actions may be
 1059 maintained notwithstanding the fact that such violation also constitutes a crime and
 1060 notwithstanding that other adequate remedies at law exist. Such actions may be instituted
 1061 in the name of the department, ~~or any county board, or the Department of Community~~
 1062 Health, as the case may be, in the county in which a violation of any provision of this title
 1063 occurs. For purposes of this Code section, the county boards of health are declared to be
 1064 legal entities capable of maintaining actions in their respective names without naming the
 1065 individuals constituting such board, or acting on behalf of the department, as the case may
 1066 be.

1067 (b) Notwithstanding the provisions of Code Section 5-6-13, an appeal or a notice of intent
 1068 to appeal an adjudication of contempt of court of a party subject to an interlocutory or final
 1069 judgment in a court action for an injunction instituted under authority of this Code section
 1070 for a violation of a licensing requirement of this title shall not operate as a supersedeas
 1071 unless it is so ordered by the court; provided, however, that the court may grant a
 1072 supersedeas in such a case after making a finding that the health, safety, or welfare of the
 1073 recipients of the services will not be substantially harmed by the issuance of the stay.

1074 (c) Unless otherwise ordered by the court pursuant to subsection (b) of this Code section,
 1075 an interlocutory or final judgment in an action granting an injunction under this Code
 1076 section may be enforced by attachment for contempt."

SECTION 3-10.

1077

1078 Code Section 31-5-20 of the Official Code of Georgia Annotated, relating to the definition
 1079 of the term "inspection warrant," is amended as follows:

1080 "31-5-20.

1081 As used in this chapter, the term 'inspection warrant' means a warrant authorizing a search
 1082 or inspection of private property where such a search or inspection is one that is necessary
 1083 for the enforcement of any of the provisions of laws authorizing licensure, inspection, or
 1084 regulation by the Department of ~~Community Public~~ Health or a local agency thereof or by
 1085 the Department of Community Health."

1086 **SECTION 3-11.**

1087 Code Section 31-5-21 of the Official Code of Georgia Annotated, relating to persons who
 1088 may obtain inspection warrants, is amended as follows:

1089 "31-5-21.

1090 The commissioner or the commissioner of community health or his or her delegate or the
 1091 director of any county board of health, in addition to other procedures now or hereafter
 1092 provided, may obtain an inspection warrant under the conditions specified in this chapter.
 1093 Such warrant shall authorize the commissioner or the commissioner of community health
 1094 or the director of any county board of health, or the agents of ~~either any~~, or the Department
 1095 of Agriculture, as appropriate, to conduct a search or inspection of property, either with or
 1096 without the consent of the person whose property is to be searched or inspected, if such
 1097 search or inspection is one that is elsewhere authorized under the rules and regulations duly
 1098 promulgated under this title or any provision of law which authorizes licensure, inspection,
 1099 or regulation by the Department of ~~Community Public~~ Health or a local agency thereof or
 1100 by the Department of Community Health."

1101 **SECTION 3-12.**

1102 Code Section 31-8-52 of the Official Code of Georgia Annotated, relating to duties of the
 1103 state long-term care ombudsman, is amended as follows:

1104 "31-8-52.

1105 Pursuant to the Older Americans Act of 1965 (P.L. 89-73, 79 Stat. 219), as amended, and
 1106 as a condition of receiving funds under that act for various programs for older citizens of
 1107 this state, the Department of Human Services has been required to establish and operate a
 1108 long-term care ombudsman program. In order to receive such funds, the department has
 1109 already established a position of state ombudsman within the state Office of Special
 1110 Programs. The state ombudsman shall be under the direct supervision of the commissioner
 1111 of human services or his or her designee and shall be given the powers and duties hereafter
 1112 provided by this article. The state ombudsman shall be a person qualified by training and
 1113 experience in the field of aging or long-term care, or both. The state ombudsman shall
 1114 promote the well-being and quality of life of residents in long-term care facilities and

1115 encourage the development of community ombudsman activities at the local level. The
 1116 state ombudsman may certify community ombudsmen and such certified ombudsmen shall
 1117 have the powers and duties set forth in Code Sections 31-8-54 and 31-8-55. The state
 1118 ombudsman shall require such community ombudsmen to receive appropriate training as
 1119 determined and approved by the department prior to certification. Such training shall
 1120 include an internship of at least seven working days in a nursing home and at least three
 1121 working days in a personal care home. Upon certification, the state ombudsman shall issue
 1122 an identification card which shall be presented upon request by community ombudsmen
 1123 whenever needed to carry out the purposes of this article. Two years after first being
 1124 certified and every two years thereafter, each such community ombudsman, in order to
 1125 carry out his or her duties under this article, shall be recertified by the state ombudsman as
 1126 continuing to meet the department's standards as community ombudsman."

1127 SECTION 3-13.

1128 Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to reporting
 1129 requirements, is amended as follows:

1130 "31-9A-6.

1131 (a) The Department of ~~Community~~ Public Health shall prepare a reporting form for
 1132 physicians performing abortions in a health facility licensed as an abortion facility by the
 1133 Department of Community Health containing a reprint of this chapter and listing:

1134 (1) The number of females to whom the physician provided the information described
 1135 in paragraph (1) of Code Section 31-9A-3; of that number, the number to whom the
 1136 information was provided by telephone and the number to whom the information was
 1137 provided in person; and of each of those numbers, the number to whom the information
 1138 was provided by a referring physician and the number to whom the information was
 1139 provided by a physician who is to perform the abortion;

1140 (2) The number of females to whom the physician or a qualified agent of the physician
 1141 provided the information described in paragraph (2) of Code Section 31-9A-3; of that
 1142 number, the number to whom the information was provided by telephone and the number
 1143 to whom the information was provided in person; of each of those numbers, the number
 1144 to whom the information was provided by a referring physician and the number to whom
 1145 the information was provided by a physician who is to perform the abortion; and of each
 1146 of those numbers, the number to whom the information was provided by the physician
 1147 and the number to whom the information was provided by a qualified agent of the
 1148 physician;

1149 (3) The number of females who availed themselves of the opportunity to obtain a copy
 1150 of the printed information described in Code Section 31-9A-4, other than on the website,

1151 and the number who did not; and of each of those numbers, the number who, to the best
 1152 of the reporting physician's information and belief, went on to obtain the abortion; and
 1153 (4) The number of females who were provided the opportunity to view the fetal image
 1154 and hear the fetal heartbeat; of that number, the number who elected to view the
 1155 sonogram and the number who elected to listen to the fetal heartbeat, if present.

1156 (b) The Department of ~~Community~~ Public Health shall ensure that copies of the reporting
 1157 forms described in subsection (a) of this Code section are provided:

1158 (1) Not later than September 7, 2005, to all health facilities licensed as an abortion
 1159 facility by the Department of Community Health;

1160 (2) To each physician licensed or who subsequently becomes licensed to practice in this
 1161 state, at the same time as official notification to that physician that the physician is so
 1162 licensed; and

1163 (3) By December 1 of each year, other than the calendar year in which forms are
 1164 distributed in accordance with paragraph (1) of this subsection, to all health facilities
 1165 licensed as an abortion facility by the Department of Community Health.

1166 (c) By February 28 of each year following a calendar year in any part of which this chapter
 1167 was in effect, each physician who provided, or whose qualified agent provided, information
 1168 to one or more females in accordance with Code Section 31-9A-3 during the previous
 1169 calendar year shall submit to the Department of ~~Community~~ Public Health a copy of the
 1170 form described in subsection (a) of this Code section with the requested data entered
 1171 accurately and completely.

1172 (d) Nothing in this Code section shall be construed to preclude the voluntary or required
 1173 submission of other reports or forms regarding abortions.

1174 (e) Reports that are not submitted within a grace period of 30 days following the due date
 1175 shall be subject to a late fee of \$500.00 for that period and the same fee for each additional
 1176 30 day period or portion of a 30 day period the reports are overdue. Any physician
 1177 required to submit a report in accordance with this Code section who submits an
 1178 incomplete report or fails to submit a report for more than one year following the due date
 1179 may, in an action brought by the Department of ~~Community~~ Public Health, be directed by
 1180 a court of competent jurisdiction to submit a complete report within a period stated by court
 1181 order or may be subject to sanctions for civil contempt.

1182 (f) By June 30 of each year, the Department of ~~Community~~ Public Health shall issue a
 1183 public report providing statistics for the previous calendar year compiled from all of the
 1184 reports covering that year submitted in accordance with this Code section for each of the
 1185 items listed in subsection (a) of this Code section. Each report shall also provide the
 1186 statistics for all previous calendar years adjusted to reflect any additional information from
 1187 late or corrected reports. The Department of ~~Community~~ Public Health shall ensure that

1188 none of the information included in the public reports could reasonably lead to the
 1189 identification of any individual who provided information in accordance with Code Section
 1190 31-9A-3 or 31-9A-4.

1191 (g) The Department of ~~Community~~ Public Health may, by regulation, alter the dates
 1192 established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b)
 1193 of this Code section or may consolidate the forms or reports described in this Code section
 1194 with other forms or reports for reasons including, but not limited to, achieving
 1195 administrative convenience or fiscal savings or reducing the burden of reporting
 1196 requirements, so long as reporting forms are sent to all facilities licensed as an abortion
 1197 facility by the Department of Community Health at least once every year and the report
 1198 described in subsection (f) of this Code section is issued at least once every year.

1199 (h) The Department of ~~Community~~ Public Health shall ensure that the names and identities
 1200 of the physicians filing reports under this chapter shall remain confidential. The names and
 1201 identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50."

1202 **SECTION 3-14.**

1203 Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions
 1204 relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1)
 1205 as follows:

1206 "(3) 'Ambulance provider' means an agency or company providing ambulance service
 1207 which is operating under a valid license from the Emergency Health Section of the
 1208 ~~Division of Public Health of the~~ Department of ~~Community~~ Public Health."

1209 "(5) 'Cardiac technician' means a person who, having been trained and certified as an
 1210 emergency medical technician and having completed additional training in advanced
 1211 cardiac life support techniques in a training course approved by the department, is so
 1212 certified by the Composite State Board of Medical Examiners, now known as the Georgia
 1213 Composite Medical Board, prior to January 1, 2002, or the Department of Human
 1214 Resources (now known as the Department of ~~Community~~ Public Health for these
 1215 purposes) on and after January 1, 2002."

1216 "(6.1) 'Department' means the Department of ~~Community~~ Public Health."

1217 **SECTION 3-15.**

1218 Code Section 31-11-9 of the Official Code of Georgia Annotated, relating to enforcement
 1219 and inspections relative to emergency medical services, is amended as follows:

1220 "31-11-9.

1221 The department and its duly authorized agents are authorized to enforce compliance with
 1222 this chapter and rules and regulations promulgated under this chapter as provided in Article

1223 1 of Chapter 5 of this title and, in connection therewith during the reasonable business
 1224 hours of the day, to enter upon and inspect in a reasonable manner the premises of persons
 1225 providing ambulance service. All inspections under this Code section shall be in
 1226 compliance with the provisions of Article 2 of Chapter 5 of this title. The department is
 1227 also authorized to enforce compliance with this chapter, including but not limited to
 1228 compliance with the EMSC Program and furnishing of emergency services within
 1229 designated territories, by imposing fines in the same manner as provided in paragraph (6)
 1230 of subsection (c) of Code Section ~~31-2-11~~, which 31-2-8; this enforcement action shall be
 1231 a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1232 SECTION 3-16.

1233 Code Section 31-11-81 of the Official Code of Georgia Annotated, relating to definitions
 1234 relative to emergency services, is amended by revising paragraph (2) as follows:

1235 "(2) 'Emergency medical provider' means any provider of emergency medical
 1236 transportation licensed or permitted by the Department of ~~Community Health~~ Public
 1237 Health, any hospital licensed or permitted by the Department of Community Health, any
 1238 hospital based service, or any physician licensed by the Georgia Composite Medical
 1239 Board who provides emergency services."

1240 SECTION 3-17.

1241 Code Section 31-41-12 of the Official Code of Georgia Annotated, relating to definitions
 1242 relative to the "Childhood Lead Exposure Control Act" , is amended by revising paragraph
 1243 (3) as follows:

1244 "(3) '~~Division~~ Department' means the ~~Division~~ Department of Public Health."

1245 SECTION 3-18.

1246 Code Section 32-12-4 of the Official Code of Georgia Annotated, relating to the State
 1247 Advisory Subcommittee for Rural and Human Services Transportation, is amended as
 1248 follows:

1249 "32-12-4.

1250 The Georgia Coordinating Committee for Rural and Human Services Transportation shall
 1251 establish the State Advisory Subcommittee for Rural and Human Services Transportation
 1252 which shall consist of the State School Superintendent and the commissioners of the
 1253 Department of Transportation, Department of Human Services, Department of Behavioral
 1254 Health and Developmental Disabilities, Department of Community Health, Department of
 1255 Public Health, Department of Labor, the Governor's Development Council, and the
 1256 Department of Community Affairs or their respective designees. The commissioner of

1257 transportation or his or her designee shall serve as chairperson of the State Advisory
 1258 Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating
 1259 Committee for Rural and Human Services Transportation may also establish such
 1260 additional advisory subcommittees as it deems appropriate to fulfill its mission which shall
 1261 consist of a representative of each metropolitan planning organization and representatives
 1262 from each regional commission in this state and may include other local government
 1263 representatives; private and public sector transportation providers, both for profit and
 1264 nonprofit; voluntary transportation programs representatives; public transit system
 1265 representatives, both rural and urban; and representatives of the clients served by the
 1266 various programs administered by the agencies represented on the State Advisory
 1267 Subcommittee for Rural and Human Services Transportation. Members of advisory
 1268 committees shall be responsible for their own expenses and shall receive no compensation
 1269 or reimbursement of expenses from the Georgia Coordinating Committee for Rural and
 1270 Human Services Transportation, the State Advisory Subcommittee for Rural and Human
 1271 Services Transportation, or the state for their services as members of an advisory
 1272 committee."

1273 SECTION 3-19.

1274 Code Section 37-1-27 of the Official Code of Georgia Annotated, relating to the Suicide
 1275 Prevention Program, is amended by revising paragraph (1) of subsection (c) and subsection
 1276 (d) as follows:

1277 "(1) Establish a link between state agencies and offices, including but not limited to the
 1278 Division of Aging Services and Division of Family and Children Services of the
 1279 Department of Human Services, the Department of ~~Community Health~~ Public Health,
 1280 local government agencies, health care providers, hospitals, nursing homes, and jails to
 1281 collect data on suicide deaths and attempted suicides;"

1282 "(d) The Suicide Prevention Program shall coordinate with and receive technical assistance
 1283 from epidemiologists and other staff of the ~~Division of Public Health of the Department of~~
 1284 ~~Community Health~~ Department of Public Health to support the research and outreach
 1285 efforts related to this program."

1286 SECTION 3-20.

1287 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral
 1288 Health Coordinating Council, is amended by revising subsection (a) as follows:

1289 "(a) There is created the Behavioral Health Coordinating Council. The council shall
 1290 consist of the commissioner of behavioral health and developmental disabilities; the
 1291 commissioner of community health; the commissioner of public health; the commissioner

1292 of human services; the commissioner of juvenile justice; the commissioner of corrections;
 1293 the commissioner of community affairs; the Commissioner of Labor; the State School
 1294 Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman
 1295 appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health
 1296 services, appointed by the Governor; a family member of a consumer of public behavioral
 1297 health services, appointed by the Governor; a parent of a child receiving public behavioral
 1298 health services, appointed by the Governor; a member of the House of Representatives,
 1299 appointed by the Speaker of the House of Representatives; and a member of the Senate,
 1300 appointed by the Lieutenant Governor."

1301 SECTION 3-21.

1302 Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to community
 1303 mental health, developmental disabilities, and addictive diseases service boards, is amended
 1304 by revising subsections (a) and (b.1) and subparagraph (b)(4)(A) as follows:

1305 "(a) Community service boards in existence on June 30, 2006, are re-created effective July
 1306 1, 2006, to provide mental health, developmental disabilities, and addictive diseases
 1307 services. Effective July 1, 2009, such community service boards may enroll and contract
 1308 with the department, the Department of Human Services, the Department of Public Health,
 1309 or the Department of Community Health to become a provider of mental health,
 1310 developmental disabilities, and addictive diseases services or health, recovery, housing, or
 1311 other supportive services. Such boards shall be considered public agencies. Each
 1312 community service board shall be a public corporation and an instrumentality of the state;
 1313 provided, however, that the liabilities, debts, and obligations of a community service board
 1314 shall not constitute liabilities, debts, or obligations of the state or any county or municipal
 1315 corporation and neither the state nor any county or municipal corporation shall be liable for
 1316 any liability, debt, or obligation of a community service board. Each community service
 1317 board re-created pursuant to this Code section is created for nonprofit and public purposes
 1318 to exercise essential governmental functions. The re-creation of community service boards
 1319 pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which
 1320 shall apply to those re-created community service boards and their employees covered by
 1321 that Code section and those employees' rights are retained."

1322 "(A) A person shall not be eligible to be appointed to or serve on a community service
 1323 board if such person is:

- 1324 (i) A member of the regional planning board which serves the region in which that
 1325 community service board is located;
- 1326 (ii) An employee or board member of a public or private entity which contracts with
 1327 the department, the Department of Human Services, the Department of Public Health,

1328 or the Department of Community Health to provide mental health, developmental
 1329 disabilities, and addictive diseases services or health services within the region; or
 1330 (iii) An employee of that community service board or employee or board member of
 1331 any private or public group, organization, or service provider which contracts with or
 1332 receives funds from that community service board."

1333 "(b.1) A county governing authority may appoint the school superintendent, a member of
 1334 the county board of health, a member of the board of education, or any other elected or
 1335 appointed official to serve on the community service board provided that such person meets
 1336 the qualifications of paragraph (1) of subsection (b) of this Code section and such
 1337 appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office
 1338 which begin July 1, 1994, or later, an employee of the Department of Human Resources
 1339 (now known as the Department of Behavioral Health and Developmental Disabilities for
 1340 these purposes) or an employee of a county board of health shall not serve on a community
 1341 service board. For terms of office which begin July 1, 2009, or later, an employee of the
 1342 department, the Department of Human Services, the Department of Public Health, or the
 1343 Department of Community Health or a board member of the respective boards of each
 1344 department shall not serve on a community service board."

1345 **SECTION 3-22.**

1346 Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program
 1347 director, staff, budget, and facilities of community service boards, is amended by revising
 1348 paragraphs (9) and (15) of subsection (b) as follows:

1349 "(9) Each community service board may establish fees for the provision of disability
 1350 services or health services according to the terms of contracts entered into with the
 1351 department, Department of Human Services, Department of Public Health, or Department
 1352 of Community Health, as appropriate;"

1353 "(15) Each community service board may establish fees, rates, rents, and charges for the
 1354 use of facilities of the community service board for the provision of disability services
 1355 or of health services ~~through the Department of Community Health~~, in accordance with
 1356 the terms of contracts entered into with the department, Department of Human Services,
 1357 Department of Public Health, or Department of Community Health, as appropriate;"

1358 **SECTION 3-23.**

1359 Code Section 37-2-11.2 of the Official Code of Georgia Annotated, relating to access by the
 1360 department, Department of Human Services, Department of Community Health, or regional
 1361 office to records of any program receiving public funds, is amended by revising subsections
 1362 (a) and (b) as follows:

1363 "(a) Notwithstanding any other law to the contrary, to ensure the quality and integrity of
 1364 patient and client care, any program receiving any public funds from, or subject to
 1365 licensing, certification, or facility approval by, the department, the Department of Human
 1366 Services, the Department of Public Health, the Department of Community Health, or a
 1367 regional office shall be required to provide the department or the appropriate regional
 1368 office or both, upon request, complete access to, including but not limited to authorization
 1369 to examine and reproduce, any records required to be maintained in accordance with
 1370 contracts, standards, or rules and regulations of the department, the Department of Human
 1371 Services, the Department of Public Health, or the Department of Community Health or
 1372 pursuant to the provisions of this title.

1373 (b) Records obtained pursuant to subsection (a) of this Code section shall not be
 1374 considered public records and shall not be released by the department, the Department of
 1375 Human Services, the Department of Public Health, the Department of Community Health,
 1376 or any regional office unless otherwise specifically authorized by law."

1377 **SECTION 3-24.**

1378 Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing
 1379 requirements for professional counselors, social workers, and marriage and family therapists,
 1380 is amended by revising subparagraph (b)(3)(C) as follows:

1381 "(C) Persons who engage in the practice of professional counseling as employees of
 1382 privately owned correctional facilities, the Department of Corrections, Department of
 1383 Community Health, Department of Public Health, Department of Behavioral Health and
 1384 Developmental Disabilities, Department of Human Services, any county board of
 1385 health, or any community service board or similar entity created by general law to
 1386 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but
 1387 only when engaged in that practice as employees of such privately owned correctional
 1388 facility, department, board, or entity and persons or entities which contract to provide
 1389 professional counseling services with such department or county board of health, but
 1390 such contracting persons and entities shall only be exempt under this subparagraph
 1391 when engaged in providing professional counseling services pursuant to those contracts
 1392 and shall only be exempt until January 1, 1996;"

1393 **SECTION 3-25.**

1394 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to authority of
 1395 physician assistants, is amended by revising subparagraph (e.1)(7)(B) and subsection (f) as
 1396 follows:

1397 "(B) Except in facilities operated by the ~~Division of Public Health of the Department~~
 1398 ~~of Community Health~~ Department of Public Health, the supervising physician shall
 1399 review the prescription drug or device order copy and medical record entry for
 1400 prescription drug or device orders issued within the past 30 days by the physician
 1401 assistant. Such review may be achieved with a sampling of no less than 50 percent of
 1402 such prescription drug or device order copies and medical record entries."

1403 "(f) A physician employed by the Department of ~~Community Health~~ Public Health or by
 1404 any institution thereof or by a local health department whose duties are administrative in
 1405 nature and who does not normally provide health care to patients as such employee shall
 1406 not be authorized to apply for or utilize the services of any physician assistant employed
 1407 by the Department of ~~Community Health~~ Public Health or by any institution thereof or by
 1408 a local health department."

1409 SECTION 3-26.

1410 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of
 1411 certain medical acts to advanced practice registered nurses, is amended by revising
 1412 subsection (g) as follows:

1413 "(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this
 1414 Code section with more than four advanced practice registered nurses at any one time,
 1415 except this limitation shall not apply to an advanced practice registered nurse that is
 1416 practicing:

- 1417 (1) In a hospital licensed under Title 31;
- 1418 (2) In any college or university as defined in Code Section 20-8-1;
- 1419 (3) In the Department of ~~Community Health~~ Public Health;
- 1420 (4) In any county board of health;
- 1421 (5) In any free health clinic;
- 1422 (6) In a birthing center;
- 1423 (7) In any entity:
 - 1424 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 1425 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
 1426 indigent Medicaid and medicare patients; or
 - 1427 (B) Which has been established under the authority of or is receiving funds pursuant
 1428 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 1429 (8) In any local board of education which has a school nurse program; or
- 1430 (9) In a health maintenance organization that has an exclusive contract with a medical
 1431 group practice and arranges for the provision of substantially all physician services to
 1432 enrollees in health benefits of the health maintenance organization."

SECTION 3-27.

1433
 1434 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to state purchases
 1435 without competitive bidding, is amended in subsection (a) as follows:

1436 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected
 1437 to be acquired for less than \$5,000.00 and is not available on state contracts or through
 1438 statutorily required sources, the purchase may be effectuated without competitive bidding.
 1439 The commissioner of administrative services may by rule and regulation authorize the
 1440 various offices, agencies, departments, boards, bureaus, commissions, institutions,
 1441 authorities, or other entities of the state to make purchases in their own behalf and may
 1442 provide the circumstances and conditions under which such purchases may be effected.
 1443 In order to assist and advise the commissioner of administrative services in making
 1444 determinations to allow offices, agencies, departments, boards, bureaus, commissions,
 1445 institutions, authorities, or other entities of the state to make purchases in their own behalf,
 1446 there is created a Purchasing Advisory Council consisting of the executive director of the
 1447 Georgia Technology Authority or his or her designee; the director of the Office of Planning
 1448 and Budget or his or her designee; the chancellor of the University System of Georgia or
 1449 his or her designee; the commissioner of technical and adult education or his or her
 1450 designee; the commissioner of transportation or his or her designee; the Secretary of State
 1451 or his or her designee; the commissioner of human services or his or her designee; the
 1452 commissioner of community health or his or her designee; the commissioner of public
 1453 health or his or her designee; the commissioner of behavioral health and developmental
 1454 disabilities or his or her designee; and one member to be appointed by the Governor. The
 1455 commissioner of administrative services shall promulgate the necessary rules and
 1456 regulations governing meetings of such council and the method and manner in which such
 1457 council will assist and advise the commissioner of administrative services."

PART IV**Name Changes.****SECTION 4-1.**

1460
 1461 The following Code sections of the Official Code of Georgia Annotated are amended by
 1462 replacing "Division of Public Health of the Department of Community Health" wherever it
 1463 occurs with "Department of Public Health":

- 1464 (1) Code Section 15-11-154, relating to appointment of plan manager for dependent child
 1465 and development of mental competency plan;
 1466 (2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and
 1467 officers of the State Commission on Family Violence;

- 1468 (3) Code Section 31-3-11, relating to appointments of directors and staff for county
 1469 boards of health;
- 1470 (4) Code Section 31-11-50, relating to medical advisers relative to emergency medical
 1471 services;
- 1472 (5) Code Section 31-15-4, relating to the cancer control officer;
- 1473 (6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;
- 1474 (7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of
 1475 morbidly obese patients;
- 1476 (8) Code Section 43-34-23, relating to delegation of authority to nurse or physician
 1477 assistant; and
- 1478 (9) Code Section 49-5-225, relating to local interagency committees.

1479 **SECTION 4-2.**

1480 The following Code sections of the Official Code of Georgia Annotated are amended by
 1481 replacing "Division of Public Health" wherever it occurs with "Department of Public
 1482 Health":

- 1483 (1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood
 1484 Lead Exposure Control Act"; and
- 1485 (2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood
 1486 Lead Exposure Control Act."

1487 **SECTION 4-3.**

1488 The following Code sections of the Official Code of Georgia Annotated are amended by
 1489 replacing "Department of Community Health" wherever it occurs with "Department of Public
 1490 Health":

- 1491 (1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors
 1492 in livestock;
- 1493 (2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of
 1494 exotic or pet birds;
- 1495 (3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures
 1496 for protection of natural resources, environment, and vital areas of the state;
- 1497 (4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural
 1498 Resources of rules and regulations regarding parks, historic sites, and recreational areas;
- 1499 (5) Code Section 12-5-175, relating to fluoridation of public water systems;
- 1500 (6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal
 1501 permits;

- 1502 (7) Code Section 12-8-41, relating to permits issued by the Department of Natural
1503 Resources for land disposal sites;
- 1504 (8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act
1505 constituting AIDS transmitting crime;
- 1506 (9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury
1507 Trust Fund Commission;
- 1508 (10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;
- 1509 (11) Code Section 17-10-15, relating to AIDS transmitting crimes;
- 1510 (12) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage
1511 license;
- 1512 (13) Code Section 19-3-40, relating to blood tests for sickle cell disease;
- 1513 (14) Code Section 19-3-41, relating to preparation by the Department of Human
1514 Resources of a marriage manual on family planning and other material;
- 1515 (15) Code Section 19-15-1, relating to definitions relative to child abuse;
- 1516 (16) Code Section 20-2-142, relating to prescribed courses in elementary and secondary
1517 schools on alcohol, tobacco, and drug use;
- 1518 (17) Code Section 20-2-143, relating to sex education and AIDS prevention instruction
1519 in elementary and secondary schools;
- 1520 (18) Code Section 20-2-144, relating to mandatory instruction in elementary and
1521 secondary schools concerning alcohol and drug use;
- 1522 (19) Code Section 20-2-260, relating to capital outlay funds generally;
- 1523 (20) Code Section 20-2-770, relating to rules and regulations for nutritional screening
1524 and eye, ear, and dental examinations of students;
- 1525 (21) Code Section 20-2-771, relating to immunization of students in elementary and
1526 secondary education;
- 1527 (22) Code Section 20-2-772, relating to rules and regulations for screening of students
1528 for scoliosis;
- 1529 (23) Code Section 20-2-778, relating to required information to parents of students
1530 regarding meningococcal meningitis;
- 1531 (24) Code Section 24-9-40, relating to when medical information may be released by a
1532 physician, hospital, health care facility, or pharmacist;
- 1533 (25) Code Section 25-3-6, relating to the effect of certain laws relating to local fire
1534 departments on the powers and duties of other officials and departments;
- 1535 (26) Code Section 26-2-371, relating to permits required for food service establishments;
- 1536 (27) Code Section 26-2-372, relating to the issuance of permits for food service
1537 establishments;

- 1538 (28) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards
1539 by the Department of Community Health and county boards of health for food service
1540 establishments;
- 1541 (29) Code Section 26-2-374, relating to contents and posting of notices relating to
1542 assistance to persons choking;
- 1543 (30) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of
1544 food service establishments;
- 1545 (31) Code Section 26-2-376, relating to review of final order or determination by
1546 Department of Community Health regarding regulation of a food service establishment;
- 1547 (32) Code Section 26-2-377, relating to penalties for violation of laws regarding the
1548 regulation of food service establishments;
- 1549 (33) Code Section 26-3-18, relating to assistance in enforcement from Department of
1550 Agriculture or Department of Community Health with respect to standards, labeling, and
1551 adulteration of drugs and cosmetics;
- 1552 (34) Code Section 26-4-116, relating to emergency service providers with respect to
1553 dangerous drugs and controlled substances;
- 1554 (35) Code Section 29-4-18, relating to the appointment of a temporary medical consent
1555 guardian;
- 1556 (36) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1557 (37) Code Section 31-3-4, relating to powers of county boards of health;
- 1558 (38) Code Section 31-5-1, relating to adoption of rules and regulations by the
1559 Department of Community Health and county boards of health;
- 1560 (39) Code Section 31-8-192, relating to definitions relative to the "'Health Share'
1561 Volunteers in Medicine Act';
- 1562 (39.1) Code Section 31-8-193, relating to the establishment of a program to provide
1563 health care services to low-income recipients;
- 1564 (40) Code Section 31-9A-4, relating to information to be made available by the
1565 Department of Community Health under the "Woman's Right to Know Act";
- 1566 (41) Code Section 31-10-1, relating to definitions relative to vital records;
- 1567 (42) Code Section 31-11-1, relating to findings of the General Assembly and declaration
1568 of policy with respect to emergency medical services;
- 1569 (43) Code Section 31-11-3, relating to recommendations by local coordinating entity as
1570 to administration of the Emergency Medical Systems Communication Program;
- 1571 (44) Code Section 31-11-53.1, relating to automated external defibrillator program;
- 1572 (45) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care
1573 Network Commission;

- 1574 (46) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care
1575 Network Commission;
- 1576 (47) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia
1577 Trauma Care Network Commission;
- 1578 (48) Code Section 31-11-110, relating to legislative findings relative to a system of
1579 certified stroke centers;
- 1580 (49) Code Section 31-12-1, relating to the power to conduct research and studies relative
1581 to the control of hazardous conditions, preventable diseases, and metabolic diseases;
- 1582 (50) Code Section 31-12A-9, relating to a continuing education program relative to the
1583 "Georgia Smokefree Air Act of 2005";
- 1584 (51) Code Section 31-12A-10, relating to enforcement by the Department of Community
1585 Health and county boards of health of the "Georgia Smokefree Air Act of 2005";
- 1586 (52) Code Section 31-14-2, relating to petition for commitment of a person who has
1587 active tuberculosis;
- 1588 (53) Code Section 31-14-9, relating to procedure for securing discharge of a person
1589 committed for active tuberculosis;
- 1590 (54) Code Section 31-15-2, relating to the establishment of a program for the prevention,
1591 control, and treatment of cancer;
- 1592 (55) Code Section 31-16-2, relating to the establishment of a program for the prevention,
1593 control, and treatment of kidney disease;
- 1594 (56) Code Section 31-17-2, relating to the report of diagnosis or treatment to health
1595 authorities of a case of venereal disease;
- 1596 (57) Code Section 31-17-3, relating to examination and treatment by health authorities
1597 for venereal disease;
- 1598 (58) Code Section 31-17-4.2, relating to HIV pregnancy screening;
- 1599 (59) Code Section 31-17A-2, relating to examination of persons infected or suspected
1600 of being infected with HIV;
- 1601 (60) Code Section 31-17A-3, relating to refusal to consent to an HIV test;
- 1602 (61) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust
1603 Fund Commission;
- 1604 (62) Code Section 31-22-9.1, relating to who may perform HIV tests;
- 1605 (63) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood
1606 Labeling Act";
- 1607 (64) Code Section 31-26-2, relating to the requirement of a certificate to practice
1608 midwifery;
- 1609 (65) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;
- 1610 (66) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;

- 1611 (67) Code Section 31-28-5, relating to standards for health, sanitation, and safety of
1612 tourist courts;
- 1613 (68) Code Section 31-28-6, relating to inspection of premises of tourist courts;
- 1614 (69) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans
1615 exposed to agent orange;
- 1616 (70) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for
1617 Rural Areas Assistance Act";
- 1618 (71) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
1619 emergency providers;
- 1620 (72) Code Section 31-40-2, relating to issuance of permits for tattoo studios;
- 1621 (73) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;
- 1622 (74) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;
- 1623 (75) Code Section 31-40-8, relating to a public education program relative to tattoo
1624 studios;
- 1625 (76) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- 1626 (77) Code Section 31-45-8, relating to inspections by the county board of health of
1627 public swimming pools;
- 1628 (78) Code Section 31-45-9, relating to suspension or revocation of permit for a public
1629 swimming pool;
- 1630 (79) Code Section 31-45-10, relating to rules and regulations relative to public
1631 swimming pools;
- 1632 (80) Code Section 31-45-11, relating to enforcement of rules and regulations relative to
1633 public swimming pools;
- 1634 (81) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control
1635 Program;
- 1636 (82) Code Section 33-24-59.2, relating to insurance coverage for equipment and
1637 self-management training for individuals with diabetes;
- 1638 (83) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health
1639 Insurance Plan;
- 1640 (84) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- 1641 (85) Code Section 35-1-8, relating to acquisition, collection, classification, and
1642 preservation of information assisting in identifying deceased persons and locating missing
1643 persons;
- 1644 (86) Code Section 37-2-2, relating to definitions relative to the administration of mental
1645 health, developmental disabilities, addictive diseases, and other disability services;
- 1646 (87) Code Section 37-2-3, relating to designation of boundaries for mental health,
1647 developmental disabilities, and addictive diseases regions;

- 1648 (88) Code Section 37-2-5, relating to regional planning boards establishing policy and
1649 direction for disability services;
- 1650 (89) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions
1651 which became duties or functions of a community service board on July 1, 1994;
- 1652 (90) Code Section 37-2-6.4, relating to reconstituting or converting of organizational
1653 structure of community service boards;
- 1654 (91) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 1655 (92) Code Section 38-3-22, relating to the Governor's emergency management powers
1656 and duties;
- 1657 (93) Code Section 38-3-51, relating to emergency powers of the Governor;
- 1658 (94) Code Section 40-5-25, relating to applications for instruction permits and drivers'
1659 licenses;
- 1660 (95) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood
1661 relating to violations of driving under the influence of alcohol, drugs, or other
1662 intoxicating substances;
- 1663 (96) Code Section 42-1-7, relating to notification to transporting law enforcement agency
1664 of inmate's or patient's infectious or communicable disease;
- 1665 (97) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- 1666 (98) Code Section 42-4-32, relating to sanitation and health requirements for jails;
- 1667 (99) Code Section 42-5-52, relating to classification and separation of inmates generally;
- 1668 (100) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;
- 1669 (101) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements
1670 of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of
1671 hair design, and schools of nail care;
- 1672 (102) Code Section 43-11-74, relating to direct supervision requirement of dental
1673 hygienists by a licensed dentist;
- 1674 (103) Code Section 43-14-2, relating to definitions relative to the regulation of electrical
1675 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
1676 contractors;
- 1677 (104) Code Section 43-18-46, relating to grounds for denial or revocation of license or
1678 registration to operate a funeral establishment or to practice embalming or funeral
1679 directing;
- 1680 (105) Code Section 43-26-12, relating to exceptions to licensure requirements as a
1681 registered professional nurse;
- 1682 (106) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;
- 1683 (107) Code Section 45-9-1, relating to general provisions relative to insuring and
1684 indemnification of state officers and employees;

- 1685 (108) Code Section 45-18-1, relating to definitions relative to the state employees' health
 1686 insurance plan;
- 1687 (109) Code Section 45-18-32, relating to administration of deferred compensation plans
 1688 for employees of the state;
- 1689 (110) Code Section 46-11-4, relating to regulation of transportation of hazardous
 1690 materials on public roads of the state generally;
- 1691 (111) Code Section 50-13-4, relating to procedural requirements for adoption,
 1692 amendment, or repeal of rules by a state agency;
- 1693 (112) Code Section 50-16-3, relating to property of state boards and departments;
- 1694 (113) Code Section 50-18-72, relating to when public disclosure is not required under
 1695 open records laws; and
- 1696 (114) Code Section 50-18-76, relating to written matter exempt from disclosure under
 1697 vital records laws.

1698 **SECTION 4-4.**

1699 The following Code sections of the Official Code of Georgia Annotated are amended by
 1700 replacing "Board of Community Health" wherever it occurs with "Board of Public Health":

- 1701 (1) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1702 (2) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- 1703 (3) Code Section 31-11-3, relating to recommendations by local coordinating entity as
 1704 to administration of the Emergency Medical Systems Communication Program;
- 1705 (4) Code Section 31-11-31.1, relating to license fees on ambulance services;
- 1706 (5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer
 1707 research program fund;
- 1708 (6) Code Section 42-9-12, relating to appointment of replacement for incapacitated
 1709 member on the State Board of Pardons and Paroles; and
- 1710 (7) Code Section 43-7-9, relating to general powers and duties of the State Board of
 1711 Barbers.

1712 **SECTION 4-5.**

1713 The following Code sections of the Official Code of Georgia Annotated are amended by
 1714 replacing "commissioner of community health" and "commissioner of the department of
 1715 community health" wherever either term occurs with "commissioner of public health":

- 1716 (1) Code Section 8-2-24, relating to appointment of advisory committee relating to state
 1717 building, plumbing, and electrical codes;
- 1718 (2) Code Section 12-5-524, relating to the creation of the Water Council;
- 1719 (3) Code Section 16-12-141, relating to when abortion is legal;

- 1720 (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;
- 1721 (5) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons
1722 declared mentally incompetent, and deceased persons provided to Secretary of State with
1723 respect to registration of voters;
- 1724 (6) Code Section 26-2-393, relating to enforcement of article relating to nonprofit food
1725 sales and food service;
- 1726 (7) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know
1727 Act";
- 1728 (8) Code Section 31-10-1, relating to definitions relative to vital records;
- 1729 (9) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- 1730 (10) Code Section 31-11-36, relating to suspension or revocation of licenses for
1731 ambulance services;
- 1732 (11) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory
1733 Committee;
- 1734 (12) Code Section 31-27-7, relating to emergency powers of the Governor regarding
1735 mass gatherings;
- 1736 (13) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
1737 emergency responders;
- 1738 (14) Code Section 31-36A-7, relating to petition for health care placement transfer,
1739 admission, or discharge order by health care facility;
- 1740 (15) Code Section 31-47-2, relating to the role and duties of the commissioner relative
1741 to the arthritis prevention and control program;
- 1742 (16) Code Section 31-47-3, relating to the acceptance of grants for the arthritis prevention
1743 and control program;
- 1744 (17) Code Section 38-2-10, relating to use of National Guard in drug law enforcement,
1745 provision of medical care in medically underserved areas, and for youth opportunity
1746 training programs;
- 1747 (18) Code Section 42-4-32, relating to sanitation and health requirements in jails
1748 generally;
- 1749 (19) Code Section 42-9-12, relating to appointment of replacement for incapacitated
1750 member on the State Board of Pardons and Paroles;
- 1751 (20) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;
- 1752 (21) Code Section 43-45-3, relating to creation of the State Structural Pest Control
1753 Commission;
- 1754 (22) Code Section 45-9-73, relating to the creation of the Georgia Public School
1755 Personnel Indemnification Commission;

- 1756 (23) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification
1757 Commission; and
1758 (24) Code Section 45-9-110, relating to authorization for consolidation of unemployment
1759 compensation claim matters under the commissioner of administrative services.

1760 **SECTION 4-6.**

1761 The following Code sections of the Official Code of Georgia Annotated are amended by
1762 replacing "division" and "division's" with "department" and "department's", respectively:

- 1763 (1) Code Section 31-41-13, relating to notice of lead poisoning hazard;
1764 (2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;
1765 (3) Code Section 31-41-16, relating to certificate evidencing compliance; and
1766 (4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes
1767 occupied by children with elevated blood lead levels.

1768 **PART V**

1769 **Effective Date and Repealer.**

1770 **SECTION 5-1.**

1771 This Act shall become effective on July 1, 2011.

1772 **SECTION 5-2.**

1773 All laws and parts of laws in conflict with this Act are repealed.