

House Bill 214 (COMMITTEE SUBSTITUTE) (AM)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 establish the Department of Public Health; to reassign functions of the Division of Public  
3 Health of the Department of Community Health to the Department of Public Health; to  
4 provide for transition to the new agency; to create a Board of Public Health and a  
5 commissioner of public health; to amend various titles for purposes of conformity; to provide  
6 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I  
10 Creation of the Department of Public Health.

11 SECTION 1-1.

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

14 CHAPTER 2A

15 31-2A-1.

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

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

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

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

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

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

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

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

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

89 31-2A-4.

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

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

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

132 or the individual for whom the laboratory services authorized in this paragraph are  
 133 performed, shall be responsible for payment of the service fees. As used in this  
 134 paragraph, the term 'individual' means a natural person or his or her responsible health  
 135 benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935; and  
 136 (13) Exchange data with the Department of Community Health for purposes of health  
 137 improvement and fraud prevention for programs operated by the Department of  
 138 Community Health pursuant to mutually agreed upon data sharing agreements and in  
 139 accordance with federal confidentiality laws relating to health care.

140 31-2A-5.

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

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

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

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

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

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

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

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

160 31-2A-6.

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

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

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

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

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

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

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

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

199 31-2A-7.

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

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

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

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

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

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

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

## 266 **SECTION 1-2.**

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

275 ~~"31-2-7. 31-2A-8.~~

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

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

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

308 ~~31-2-8. 31-2A-9.~~

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

311 ~~31-2-10.~~ 31-2A-10.

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

316 ~~31-2-12.~~ 31-2A-11.

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

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

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

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

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

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

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

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

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

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

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

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

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

389 ~~31-2-13.~~ 31-2A-12.

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

399 ~~31-2-17.~~ 31-2A-13.

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

408 ~~31-2-17.1.~~ 31-2A-14.

409 (a) There is established within the ~~department's Division~~ Department of Public Health the  
410 Georgia Diabetes Control Grant Program. The purpose of the grant program shall be to  
411 develop, implement, and promote a state-wide effort to combat the proliferation of Type  
412 2 diabetes and pre-diabetes.

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

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

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

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

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

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

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

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

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

462 ~~31-2-18.~~ 31-2A-15.

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

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

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

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

### 478 SECTION 1-3.

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

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

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

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

485 **SECTION 1-4.**

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

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

490 **SECTION 1-5.**

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

493 "31-1-1.

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

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

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

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

498 **SECTION 1-6.**

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

501 "31-1-10.

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

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

510 **PART II**

511 Changes to the Department of Community Health.

512 **SECTION 2-1.**

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

515 "31-2-1.

516 Given the growing concern and complexities of health issues in this state, it is the intent  
517 of the General Assembly to create a Department of Community Health dedicated to health

518 issues. ~~The Department of Community Health shall safeguard and promote the health of~~  
 519 ~~the people of this state and is empowered to employ all legal means appropriate to that end.~~  
 520 Illustrating, without limiting, the foregoing grant of authority, the department is  
 521 empowered to:

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

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

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

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

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

535 ~~(6) Provide epidemiological investigations and laboratory facilities and services in the~~  
 536 ~~detection and control of disease, disorders, and disabilities and to provide research,~~  
 537 ~~conduct investigations, and disseminate information concerning reduction in the~~  
 538 ~~incidence and proper control of disease, disorders, and disabilities;~~

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

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

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

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

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

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

555 ~~(13) Promote the prevention, early detection, and control of problems affecting the dental~~  
 556 ~~and oral health of the citizens of Georgia;~~  
 557 ~~(14) Contract with county boards of health to assist in the performance of services~~  
 558 ~~incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies~~  
 559 ~~of more than local peril, to employ whatever means may be at its disposal to overcome~~  
 560 ~~such emergencies;~~  
 561 ~~(15) Contract and execute releases for assistance in the performance of its functions and~~  
 562 ~~the exercise of its powers and to supply services which are within its purview to perform;~~  
 563 ~~(16)(6) Enter into or upon public or private property at reasonable times for the purpose~~  
 564 ~~of inspecting same to determine the presence of disease and conditions deleterious to~~  
 565 ~~health or to determine compliance with health applicable laws and rules, regulations, and~~  
 566 ~~standards thereunder; and~~  
 567 ~~(17)(7) Promulgate and enforce rules and regulations for the licensing of medical~~  
 568 ~~facilities wherein abortion procedures under subsections (b) and (c) of Code Section~~  
 569 ~~16-12-141 are to be performed; and, further, to disseminate and distribute educational~~  
 570 ~~information and medical supplies and treatment in order to prevent unwanted pregnancy;~~  
 571 ~~and.~~  
 572 ~~(18) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia~~  
 573 ~~Administrative Procedure Act,' a schedule of fees for laboratory services provided,~~  
 574 ~~schedules to be determined in a manner so as to help defray the costs incurred by the~~  
 575 ~~department, but in no event to exceed such costs, both direct and indirect, in providing~~  
 576 ~~such laboratory services, provided no person shall be denied services on the basis of his~~  
 577 ~~or her inability to pay. All fees paid thereunder shall be paid into the general funds of the~~  
 578 ~~State of Georgia. The individual who requests the services authorized in this paragraph,~~  
 579 ~~or the individual for whom the laboratory services authorized in this paragraph are~~  
 580 ~~performed, shall be responsible for payment of the service fees. As used in this~~  
 581 ~~paragraph, the term 'individual' means a natural person or his or her responsible health~~  
 582 ~~benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935."~~

583 **SECTION 2-2.**

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

587 "31-2-4.

588 (a)(1)(A) The Department of Community Health is re-created and established to  
 589 perform the functions and assume the duties and powers exercised on June 30, 2009,  
 590 by the Department of Community Health, the Division of Public Health of the

591 Department of Human Resources, and the Office of Regulatory Services of the  
 592 Department of Human Resources, unless specifically transferred to the Department of  
 593 Human Services, and such department, division, and office shall be reconstituted as the  
 594 Department of Community Health effective July 1, 2009. The department shall retain  
 595 powers and responsibility with respect to the expenditure of any funds appropriated to  
 596 the department including, without being limited to, funds received by the state pursuant  
 597 to the settlement of the lawsuit filed by the state against certain tobacco companies,  
 598 *State of Georgia, et al. v. Philip Morris, Inc., et al.*, Civil Action #E-61692, V19/246  
 599 (Fulton County Superior Court, December 9, 1998).

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

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

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

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

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

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

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

629 ~~(D) Issue reports of the office's activities and findings, and~~

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

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

634 (c) The Board of Regents of the University System of Georgia is authorized to contract  
 635 with the department for health benefits for members, employees, and retirees of the board  
 636 of regents and the dependents of such members, employees, and retirees and for the  
 637 administration of such health benefits. The department is also authorized to contract with  
 638 the board of regents for such purposes.

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

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

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

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

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

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

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

658 (7) Shall make provision for meeting the cost of hospital care of persons eligible for  
 659 public assistance to the extent that federal matching funds are available for such  
 660 expenditures for hospital care. To accomplish this purpose, the department is authorized  
 661 to pay from funds appropriated for such purposes the amount required under this  
 662 paragraph into a trust fund account which shall be available for disbursement for the cost  
 663 of hospital care of public assistance recipients. The commissioner, subject to the

664 approval of the Office of Planning and Budget, on the basis of the funds appropriated in  
 665 any year, shall estimate the scope of hospital care available to public assistance recipients  
 666 and the approximate per capita cost of such care. Monthly payments into the trust fund  
 667 for hospital care shall be made on behalf of each public assistance recipient and such  
 668 payments shall be deemed encumbered for assistance payable. Ledger accounts  
 669 reflecting payments into and out of the hospital care fund shall be maintained for each of  
 670 the categories of public assistance established under Code Section 49-4-3. The balance  
 671 of state funds in such trust fund for the payment of hospital costs in an amount not to  
 672 exceed the amount of federal funds held in the trust fund by the department available for  
 673 expenditure under this paragraph shall be deemed encumbered and held in trust for the  
 674 payment of the costs of hospital care and shall be rebudgeted for this purpose on each  
 675 quarterly budget required under the laws governing the expenditure of state funds. The  
 676 state auditor shall audit the funds in the trust fund established under this paragraph in the  
 677 same manner that any other funds disbursed by the department are audited;

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

695 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia  
 696 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions  
 697 and other health care related entities required to be licensed, permitted, registered, or  
 698 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter  
 699 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such  
 700 schedules shall be determined in a manner so as to help defray the costs incurred by the

701 department, but in no event to exceed such costs, both direct and indirect, in providing  
 702 such licensure activities. Such fees may be annually adjusted by the department but shall  
 703 not be increased by more than the annual rate of inflation as measured by the Consumer  
 704 Price Index, as reported by the Bureau of Labor Statistics of the United States  
 705 Department of Labor. All fees paid thereunder shall be paid into the general funds of the  
 706 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees  
 707 imposed pursuant to this paragraph be used to support and improve the quality of  
 708 licensing services provided by the department; and

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

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

723 (i) 'Entity or program' means an agency, center, facility, institution, community living  
 724 arrangement, drug abuse treatment and education program, or entity subject to  
 725 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter  
 726 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.  
 727 (ii) 'Permit' means any license, permit, registration, or commission issued by the  
 728 department pursuant to the provisions of the law cited in division (i) of this  
 729 subparagraph."

730 **SECTION 2-3.**

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

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

737 **SECTION 2-4.**

738 Code Sections 31-2-9, 31-2-11, 31-2-14, 31-2-15, and 31-2-16 of the Official Code of  
 739 Georgia Annotated, relating to rules and regulations, actions against certain applicants or  
 740 licensees, records check requirements for certain facilities, information and comparisons  
 741 regarding state-wide cost and quality of health care, and biopharmaceuticals, respectively,  
 742 are redesignated as Code Sections 31-2-7, 31-2-8, 31-2-9, 31-2-10, and 31-2-11, respectively.

743 **SECTION 2-5.**

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

746 **SECTION 2-6.**

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

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

751 **SECTION 2-7.**

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

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

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

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

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

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

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

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

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

769 **SECTION 2-8.**

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

773 "(0.5) 'Department' means the Department of Community Health."

774 **SECTION 2-9.**

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

778 "(2.1) 'Department' means the Department of Community Health."

779 **SECTION 2-10.**

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

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

784 **SECTION 2-11.**

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

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

789 **SECTION 2-12.**

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

793 "(1.1) 'Department' means the Department of Community Health."

794 **SECTION 2-13.**

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

798 "(2.1) 'Department' means the Department of Community Health."

799 **SECTION 2-14.**

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

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

804 **SECTION 2-15.**

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

808 "(1.2) 'Department' means the Department of Community Health."

809 **SECTION 2-16.**

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

812 "(2.1) 'Commissioner' means the commissioner of community health.

813 (2.2) 'Department' means the Department of Community Health."

814 **SECTION 2-17.**

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

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

819 **SECTION 2-18.**

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

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

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

825

## PART III

826

Various Code Sections Affected.

827

**SECTION 3-1.**

828 Code Section 12-5-4 of the Official Code of Georgia Annotated, relating to programs for

829 voluntary water conservation and enhancing water supply, is amended by revising subsection

830 (a) as follows:

831 "(a) As used in this Code section, the term 'agency' or 'agencies' means the ~~Georgia~~

832 Department of Natural Resources, including its Environmental Protection Division, the

833 Georgia Environmental Finance Authority, the ~~Georgia~~ Department of Community Affairs,834 the ~~Georgia State~~ Forestry Commission, the ~~Georgia~~ Department of Community Health,835 ~~including its Division of the Department of~~ Public Health, the ~~Georgia~~ Department of836 Agriculture, and the ~~Georgia State~~ Soil and Water Conservation Commission individually

837 or collectively as the text requires."

838

**SECTION 3-2.**

839 Code Section 15-21-143 of the Official Code of Georgia Annotated, relating to appointment

840 of members and personnel of the Brain and Spinal Injury Trust Fund Commission, is

841 amended by revising subsection (a) as follows:

842 "(a) The Brain and Spinal Injury Trust Fund Commission shall consist of ~~15~~ 16 members

843 who shall serve for terms of two years, except that with respect to the first members

844 appointed, five members shall be appointed for a term of three years, five for a term of two

845 years, and five for a term of one year. The following agencies may each appoint one

846 member of the commission:

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

848 (2) The State Board of Education;

849 (3) The Department of Public Safety;

850 (4) The Department of Community Health;

851 (5) The Department of Public Health; and852 ~~(5)~~(6) The Department of Human Services.

853 The remaining ten members of the commission shall be appointed by the Governor, seven

854 of whom shall be citizens who have sustained brain or spinal cord injury or members of

855 such persons' immediate families, no more than one of whom shall reside in the same

856 geographic area of the state which constitutes a health district established by the

857 Department of ~~Community~~ Public Health. The Governor is authorized but not required to

858 appoint the remaining three members from recommendations submitted by the Private

859 Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury

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

863 **SECTION 3-3.**

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

867 "17-18-1.

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

878 **SECTION 3-4.**

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

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

884 **SECTION 3-4A.**

885 Code Section 24-9-40 of the Official Code of Georgia Annotated, relating to when medical  
 886 information may be released by a physician, hospital, health care facility, or pharmacist, is  
 887 amended by revising subsection (a) as follows:

888 "(a) No physician licensed under Chapter 34 of Title 43 and no hospital or health care  
 889 facility, including those operated by an agency or bureau of the state or other governmental  
 890 unit, shall be required to release any medical information concerning a patient except to the  
 891 Department of ~~Community~~ Public Health, its divisions, agents, or successors when required  
 892 in the administration of public health programs pursuant to Code Section 31-12-2 and  
 893 where authorized or required by law, statute, or lawful regulation or to the Department of

894 Community Health, its divisions, agents, or successors where authorized or required by  
 895 law, statute, or lawful regulation; or on written authorization or other waiver by the patient,  
 896 or by his or her parents or duly appointed guardian ad litem in the case of a minor, or on  
 897 appropriate court order or subpoena; provided, however, that any physician, hospital, or  
 898 health care facility releasing information under written authorization or other waiver by the  
 899 patient, or by his or her parents or guardian ad litem in the case of a minor, or pursuant to  
 900 law, statute, or lawful regulation, or under court order or subpoena shall not be liable to the  
 901 patient or any other person; provided, further, that the privilege shall be waived to the  
 902 extent that the patient places his or her care and treatment or the nature and extent of his  
 903 or her injuries at issue in any civil or criminal proceeding. This Code section shall not  
 904 apply to psychiatrists or to hospitals in which the patient is being or has been treated solely  
 905 for mental illness."

906

### SECTION 3-5.

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

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

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

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

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

918 (2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to  
 919 the Department of ~~Community Health~~ Public Health is determined by that department to  
 920 be reasonably necessary, that department shall establish by regulation a date on and after  
 921 which such reporting shall be required. On and after the date so established, each health  
 922 care provider, health care facility, or any other person or legal entity which orders an HIV  
 923 test for another person shall report to the Department of ~~Community Health~~ Public Health  
 924 the name and address of any person thereby determined to be infected with HIV. No  
 925 such report shall be made regarding any confirmed positive HIV test provided at any  
 926 anonymous HIV test site operated by or on behalf of the Department of ~~Community~~  
 927 ~~Health~~ Public Health.

928 (3) The Department of ~~Community Health~~ Public Health may disclose that a person has  
 929 been reported, under paragraph (1) or (2) of this subsection, to have been determined to

930 be infected with HIV to the board of health of the county in which that person resides or  
 931 is located if reasonably necessary to protect the health and safety of that person or other  
 932 persons who may have come in contact with the body fluids of the HIV infected person.  
 933 The Department of ~~Community Health~~ Public Health or county board of health to which  
 934 information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this  
 935 subsection:

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

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

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

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

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

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

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

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

962 (2) An order may be issued against a person or legal entity responsible for recording,  
 963 reporting, or maintaining AIDS confidential information to compel the disclosure of that  
 964 information if the petitioner for disclosure demonstrates by clear and convincing evidence  
 965 a compelling need for the information which cannot be accommodated by other means.  
 966 In assessing compelling need, the court shall weigh the public health, safety, or welfare

967 needs or any other public or private need for the disclosure against the privacy interest  
 968 of the person identified by the information and the public interest which may be disserved  
 969 by disclosures which may deter voluntary HIV tests.

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

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

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

980 (6) Upon the issuance of an order that a person or legal entity be required to disclose  
 981 AIDS confidential information regarding a person named in that order, that person or  
 982 entity so ordered shall disclose to the ordering court any such information which is in the  
 983 control or custody of that person or entity and which relates to the person named in the  
 984 order for the court to make an in camera inspection thereof. If the court determines from  
 985 that inspection that the person named in the order is an HIV infected person, the court  
 986 shall disclose to the petitioner for disclosure that determination and shall impose  
 987 appropriate safeguards against unauthorized disclosure which shall specify the persons  
 988 who may have access to the information, the purposes for which the information shall be  
 989 used, and appropriate prohibitions on future disclosure.

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

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

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

999 "(aa) In connection with any civil or criminal action in which AIDS confidential  
 1000 information is disclosed as authorized or required by this Code section, the party to whom  
 1001 that information is thereby disclosed may subpoena any person to authenticate such AIDS  
 1002 confidential information, establish a chain of custody relating thereto, or otherwise testify  
 1003 regarding that information, including but not limited to testifying regarding any

1004 notifications to the patient regarding results of an HIV test. The provisions of this  
 1005 subsection shall apply as to records, personnel, or both of the Department of ~~Community~~  
 1006 ~~Health~~ Public Health or a county board of health notwithstanding Code Section 50-18-72,  
 1007 but only as to test results obtained by a prosecutor under subsection (q) of this Code section  
 1008 and to be used thereby in a prosecution for reckless conduct under subsection (c) of Code  
 1009 Section 16-5-60."

1010 **SECTION 3-6.**

1011 Code Section 26-4-85 of the Official Code of Georgia Annotated, relating to patient  
 1012 counseling and optimizing drug therapy, is amended by revising paragraph (3) of subsection  
 1013 (d) as follows:

1014 "(3) Patients receiving drugs from the Department of ~~Community Health Division of~~  
 1015 ~~Public Health~~; provided, however, that pharmacists who provide drugs to patients in  
 1016 accordance with Code Section 43-34-23 shall include in all dispensing procedures a  
 1017 written process whereby the patient or the caregiver of the patient is provided with the  
 1018 information required under this Code section."

1019 **SECTION 3-7.**

1020 Code Section 26-4-192 of the Official Code of Georgia Annotated, relating to the state-wide  
 1021 program for distribution of unused prescription drugs for the benefit of medically indigent  
 1022 persons, is amended as follows:

1023 "26-4-192.

1024 (a) The Georgia State Board of Pharmacy, the Department of Public Health, and the  
 1025 Department of Community Health shall jointly develop and implement a state-wide  
 1026 program consistent with public health and safety standards through which unused  
 1027 prescription drugs, other than prescription drugs defined as controlled substances, may be  
 1028 transferred from health care facilities to pharmacies designated or approved by the  
 1029 Department of ~~Community Health~~ Public Health for the purpose of distributing such drugs  
 1030 to residents of this state who are medically indigent persons.

1031 (b) The Georgia State Board of Pharmacy, the Department of Public Health, and the  
 1032 Department of Community Health shall be authorized to develop and implement a pilot  
 1033 program to determine the safest and most beneficial manner of implementing the program  
 1034 prior to the state-wide implementation of the program required in subsection (a) of this  
 1035 Code section.

1036 (c) The Georgia State Board of Pharmacy, in consultation with the Department of Public  
 1037 Health and the Department of Community Health, shall develop and promulgate rules and  
 1038 regulations to establish procedures necessary to implement the program and pilot program,

1039 if applicable, provided for in this Code section. The rules and regulations shall provide,  
1040 at a minimum:

1041 (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant  
1042 to the program;

1043 (2) For the protection of the privacy of the individual for whom a prescription drug was  
1044 originally prescribed;

1045 (3) For the integrity and safe storage and safe transfer of the prescription drugs, which  
1046 may include, but shall not be limited to, limiting the drugs made available through the  
1047 program to those that were originally dispensed by unit dose or an individually sealed  
1048 dose and that remain in intact packaging; provided, however, that the rules and  
1049 regulations shall authorize the use of any remaining prescription drugs;

1050 (4) For the tracking of and accountability for the prescription drugs; and

1051 (5) For other matters necessary for the implementation of the program.

1052 ~~(d) The state-wide program required by this Code section shall be implemented no later~~  
1053 ~~than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of~~  
1054 ~~this Code section, in which case state-wide implementation shall occur no later than July~~  
1055 ~~1, 2008."~~

### 1056 SECTION 3-8.

1057 Code Section 31-1-3.1 of the Official Code of Georgia Annotated, relating to reporting  
1058 disabled newborn persons, is amended by revising subsections (e) and (g) as follows:

1059 "(e) ~~The Division of Public Health of the~~ department shall:

1060 (1) Maintain records of reports, notifications, and referrals made under this article; and

1061 (2) Maintain and update rosters of public and private departments or agencies which  
1062 provide services to persons who have disabilities like those of disabled newborn persons  
1063 and send copies of such rosters and an annual update thereof to each county board of  
1064 health for those boards of health to make such rosters available to the public."

1065 "(g) Any person or entity with whom the department enters into a contract after June 30,  
1066 1987, for services shall, as a condition of that contract, register with the department  
1067 (formerly the Division of Public Health of the Department of Community Health) the  
1068 various services that person or entity is capable of or is already providing to disabled  
1069 newborn persons and persons having disabilities like those of disabled newborn persons  
1070 for purposes of the roster of services the ~~division~~ department maintains under paragraph  
1071 (2) of subsection (e) of this Code section."

**SECTION 3-9.**

1072  
 1073 Code Section 31-5-9 of the Official Code of Georgia Annotated, relating to injunctions for  
 1074 enjoining violations of the provisions of Title 31, is amended as follows:

1075 "31-5-9.

1076 (a) The Department of ~~Community Public~~ Public Health and all county boards of health and the  
 1077 Department of Community Health, as appropriate, are empowered to institute appropriate  
 1078 proceedings for injunction in the courts of competent jurisdiction in this state for the  
 1079 purpose of enjoining a violation of any provision of this title as now existing or as may be  
 1080 hereafter amended or of any regulation or order duly issued by the department, ~~or any~~  
 1081 county board of health, or the Department of Community Health provided that this Code  
 1082 section shall not apply to violations of the provisions of Chapter 20 of this title. The  
 1083 department, ~~and the county boards of health, and the Department of Community Health,~~  
 1084 as appropriate, are also empowered to maintain action for injunction to abate any public  
 1085 nuisance which is injurious to the public health, safety, or comfort. Such actions may be  
 1086 maintained notwithstanding the fact that such violation also constitutes a crime and  
 1087 notwithstanding that other adequate remedies at law exist. Such actions may be instituted  
 1088 in the name of the department, ~~or any county board, or the Department of Community~~  
 1089 Health, as the case may be, in the county in which a violation of any provision of this title  
 1090 occurs. For purposes of this Code section, the county boards of health are declared to be  
 1091 legal entities capable of maintaining actions in their respective names without naming the  
 1092 individuals constituting such board, or acting on behalf of the department, as the case may  
 1093 be.

1094 (b) Notwithstanding the provisions of Code Section 5-6-13, an appeal or a notice of intent  
 1095 to appeal an adjudication of contempt of court of a party subject to an interlocutory or final  
 1096 judgment in a court action for an injunction instituted under authority of this Code section  
 1097 for a violation of a licensing requirement of this title shall not operate as a supersedeas  
 1098 unless it is so ordered by the court; provided, however, that the court may grant a  
 1099 supersedeas in such a case after making a finding that the health, safety, or welfare of the  
 1100 recipients of the services will not be substantially harmed by the issuance of the stay.

1101 (c) Unless otherwise ordered by the court pursuant to subsection (b) of this Code section,  
 1102 an interlocutory or final judgment in an action granting an injunction under this Code  
 1103 section may be enforced by attachment for contempt."

**SECTION 3-10.**

1104  
 1105 Code Section 31-5-20 of the Official Code of Georgia Annotated, relating to the definition  
 1106 of the term "inspection warrant," is amended as follows:

1107 "31-5-20.

1108 As used in this chapter, the term 'inspection warrant' means a warrant authorizing a search  
 1109 or inspection of private property where such a search or inspection is one that is necessary  
 1110 for the enforcement of any of the provisions of laws authorizing licensure, inspection, or  
 1111 regulation by the Department of ~~Community Public~~ Health or a local agency thereof or by  
 1112 the Department of Community Health."

1113 **SECTION 3-11.**

1114 Code Section 31-5-21 of the Official Code of Georgia Annotated, relating to persons who  
 1115 may obtain inspection warrants, is amended as follows:

1116 "31-5-21.

1117 The commissioner or the commissioner of community health or his or her delegate or the  
 1118 director of any county board of health, in addition to other procedures now or hereafter  
 1119 provided, may obtain an inspection warrant under the conditions specified in this chapter.  
 1120 Such warrant shall authorize the commissioner or the commissioner of community health  
 1121 or the director of any county board of health, or the agents of ~~either any~~, or the Department  
 1122 of Agriculture, as appropriate, to conduct a search or inspection of property, either with or  
 1123 without the consent of the person whose property is to be searched or inspected, if such  
 1124 search or inspection is one that is elsewhere authorized under the rules and regulations duly  
 1125 promulgated under this title or any provision of law which authorizes licensure, inspection,  
 1126 or regulation by the Department of ~~Community Public~~ Health or a local agency thereof or  
 1127 by the Department of Community Health."

1128 **SECTION 3-12.**

1129 Code Section 31-8-52 of the Official Code of Georgia Annotated, relating to duties of the  
 1130 state long-term care ombudsman, is amended as follows:

1131 "31-8-52.

1132 Pursuant to the Older Americans Act of 1965 (P.L. 89-73, 79 Stat. 219), as amended, and  
 1133 as a condition of receiving funds under that act for various programs for older citizens of  
 1134 this state, the Department of Human Services has been required to establish and operate a  
 1135 long-term care ombudsman program. In order to receive such funds, the department has  
 1136 already established a position of state ombudsman within the state Office of Special  
 1137 Programs. The state ombudsman shall be under the direct supervision of the commissioner  
 1138 of human services or his or her designee and shall be given the powers and duties hereafter  
 1139 provided by this article. The state ombudsman shall be a person qualified by training and  
 1140 experience in the field of aging or long-term care, or both. The state ombudsman shall  
 1141 promote the well-being and quality of life of residents in long-term care facilities and

1142 encourage the development of community ombudsman activities at the local level. The  
 1143 state ombudsman may certify community ombudsmen and such certified ombudsmen shall  
 1144 have the powers and duties set forth in Code Sections 31-8-54 and 31-8-55. The state  
 1145 ombudsman shall require such community ombudsmen to receive appropriate training as  
 1146 determined and approved by the department prior to certification. Such training shall  
 1147 include an internship of at least seven working days in a nursing home and at least three  
 1148 working days in a personal care home. Upon certification, the state ombudsman shall issue  
 1149 an identification card which shall be presented upon request by community ombudsmen  
 1150 whenever needed to carry out the purposes of this article. Two years after first being  
 1151 certified and every two years thereafter, each such community ombudsman, in order to  
 1152 carry out his or her duties under this article, shall be recertified by the state ombudsman as  
 1153 continuing to meet the department's standards as community ombudsman."

### 1154 SECTION 3-13.

1155 Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to reporting  
 1156 requirements, is amended as follows:

1157 "31-9A-6.

1158 (a) The Department of ~~Community~~ Public Health shall prepare a reporting form for  
 1159 physicians performing abortions in a health facility licensed as an abortion facility by the  
 1160 Department of Community Health containing a reprint of this chapter and listing:

1161 (1) The number of females to whom the physician provided the information described  
 1162 in paragraph (1) of Code Section 31-9A-3; of that number, the number to whom the  
 1163 information was provided by telephone and the number to whom the information was  
 1164 provided in person; and of each of those numbers, the number to whom the information  
 1165 was provided by a referring physician and the number to whom the information was  
 1166 provided by a physician who is to perform the abortion;

1167 (2) The number of females to whom the physician or a qualified agent of the physician  
 1168 provided the information described in paragraph (2) of Code Section 31-9A-3; of that  
 1169 number, the number to whom the information was provided by telephone and the number  
 1170 to whom the information was provided in person; of each of those numbers, the number  
 1171 to whom the information was provided by a referring physician and the number to whom  
 1172 the information was provided by a physician who is to perform the abortion; and of each  
 1173 of those numbers, the number to whom the information was provided by the physician  
 1174 and the number to whom the information was provided by a qualified agent of the  
 1175 physician;

1176 (3) The number of females who availed themselves of the opportunity to obtain a copy  
 1177 of the printed information described in Code Section 31-9A-4, other than on the website,

1178 and the number who did not; and of each of those numbers, the number who, to the best  
1179 of the reporting physician's information and belief, went on to obtain the abortion; and  
1180 (4) The number of females who were provided the opportunity to view the fetal image  
1181 and hear the fetal heartbeat; of that number, the number who elected to view the  
1182 sonogram and the number who elected to listen to the fetal heartbeat, if present.

1183 (b) The Department of ~~Community~~ Public Health shall ensure that copies of the reporting  
1184 forms described in subsection (a) of this Code section are provided:

1185 (1) Not later than September 7, 2005, to all health facilities licensed as an abortion  
1186 facility by the Department of Community Health;

1187 (2) To each physician licensed or who subsequently becomes licensed to practice in this  
1188 state, at the same time as official notification to that physician that the physician is so  
1189 licensed; and

1190 (3) By December 1 of each year, other than the calendar year in which forms are  
1191 distributed in accordance with paragraph (1) of this subsection, to all health facilities  
1192 licensed as an abortion facility by the Department of Community Health.

1193 (c) By February 28 of each year following a calendar year in any part of which this chapter  
1194 was in effect, each physician who provided, or whose qualified agent provided, information  
1195 to one or more females in accordance with Code Section 31-9A-3 during the previous  
1196 calendar year shall submit to the Department of ~~Community~~ Public Health a copy of the  
1197 form described in subsection (a) of this Code section with the requested data entered  
1198 accurately and completely.

1199 (d) Nothing in this Code section shall be construed to preclude the voluntary or required  
1200 submission of other reports or forms regarding abortions.

1201 (e) Reports that are not submitted within a grace period of 30 days following the due date  
1202 shall be subject to a late fee of \$500.00 for that period and the same fee for each additional  
1203 30 day period or portion of a 30 day period the reports are overdue. Any physician  
1204 required to submit a report in accordance with this Code section who submits an  
1205 incomplete report or fails to submit a report for more than one year following the due date  
1206 may, in an action brought by the Department of ~~Community~~ Public Health, be directed by  
1207 a court of competent jurisdiction to submit a complete report within a period stated by court  
1208 order or may be subject to sanctions for civil contempt.

1209 (f) By June 30 of each year, the Department of ~~Community~~ Public Health shall issue a  
1210 public report providing statistics for the previous calendar year compiled from all of the  
1211 reports covering that year submitted in accordance with this Code section for each of the  
1212 items listed in subsection (a) of this Code section. Each report shall also provide the  
1213 statistics for all previous calendar years adjusted to reflect any additional information from  
1214 late or corrected reports. The Department of ~~Community~~ Public Health shall ensure that

1215 none of the information included in the public reports could reasonably lead to the  
 1216 identification of any individual who provided information in accordance with Code Section  
 1217 31-9A-3 or 31-9A-4.

1218 (g) The Department of ~~Community~~ Public Health may, by regulation, alter the dates  
 1219 established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b)  
 1220 of this Code section or may consolidate the forms or reports described in this Code section  
 1221 with other forms or reports for reasons including, but not limited to, achieving  
 1222 administrative convenience or fiscal savings or reducing the burden of reporting  
 1223 requirements, so long as reporting forms are sent to all facilities licensed as an abortion  
 1224 facility by the Department of Community Health at least once every year and the report  
 1225 described in subsection (f) of this Code section is issued at least once every year.

1226 (h) The Department of ~~Community~~ Public Health shall ensure that the names and identities  
 1227 of the physicians filing reports under this chapter shall remain confidential. The names and  
 1228 identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50."

#### 1229 **SECTION 3-14.**

1230 Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions  
 1231 relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1)  
 1232 as follows:

1233 "(3) 'Ambulance provider' means an agency or company providing ambulance service  
 1234 which is operating under a valid license from the Emergency Health Section of the  
 1235 ~~Division of Public Health of the~~ Department of ~~Community~~ Public Health."

1236 "(5) 'Cardiac technician' means a person who, having been trained and certified as an  
 1237 emergency medical technician and having completed additional training in advanced  
 1238 cardiac life support techniques in a training course approved by the department, is so  
 1239 certified by the Composite State Board of Medical Examiners, now known as the Georgia  
 1240 Composite Medical Board, prior to January 1, 2002, or the Department of Human  
 1241 Resources (now known as the Department of ~~Community~~ Public Health for these  
 1242 purposes) on and after January 1, 2002."

1243 "(6.1) 'Department' means the Department of ~~Community~~ Public Health."

#### 1244 **SECTION 3-15.**

1245 Code Section 31-11-9 of the Official Code of Georgia Annotated, relating to enforcement  
 1246 and inspections relative to emergency medical services, is amended as follows:

1247 "31-11-9.

1248 The department and its duly authorized agents are authorized to enforce compliance with  
 1249 this chapter and rules and regulations promulgated under this chapter as provided in Article

1250 1 of Chapter 5 of this title and, in connection therewith during the reasonable business  
 1251 hours of the day, to enter upon and inspect in a reasonable manner the premises of persons  
 1252 providing ambulance service. All inspections under this Code section shall be in  
 1253 compliance with the provisions of Article 2 of Chapter 5 of this title. The department is  
 1254 also authorized to enforce compliance with this chapter, including but not limited to  
 1255 compliance with the EMSC Program and furnishing of emergency services within  
 1256 designated territories, by imposing fines in the same manner as provided in paragraph (6)  
 1257 of subsection (c) of Code Section ~~31-2-11~~, which 31-2-8; this enforcement action shall be  
 1258 a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

1259 **SECTION 3-16.**

1260 Code Section 31-11-81 of the Official Code of Georgia Annotated, relating to definitions  
 1261 relative to emergency services, is amended by revising paragraph (2) as follows:

1262 "(2) 'Emergency medical provider' means any provider of emergency medical  
 1263 transportation licensed or permitted by the Department of ~~Community Health~~ Public  
 1264 Health, any hospital licensed or permitted by the Department of Community Health, any  
 1265 hospital based service, or any physician licensed by the Georgia Composite Medical  
 1266 Board who provides emergency services."

1267 **SECTION 3-17.**

1268 Code Section 31-41-12 of the Official Code of Georgia Annotated, relating to definitions  
 1269 relative to the "Childhood Lead Exposure Control Act" , is amended by revising paragraph  
 1270 (3) as follows:

1271 "(3) '~~Division~~ Department' means the ~~Division~~ Department of Public Health."

1272 **SECTION 3-18.**

1273 Code Section 32-12-4 of the Official Code of Georgia Annotated, relating to the State  
 1274 Advisory Subcommittee for Rural and Human Services Transportation, is amended as  
 1275 follows:

1276 "32-12-4.

1277 The Georgia Coordinating Committee for Rural and Human Services Transportation shall  
 1278 establish the State Advisory Subcommittee for Rural and Human Services Transportation  
 1279 which shall consist of the State School Superintendent and the commissioners of the  
 1280 Department of Transportation, Department of Human Services, Department of Behavioral  
 1281 Health and Developmental Disabilities, Department of Community Health, Department of  
 1282 Public Health, Department of Labor, the Governor's Development Council, and the  
 1283 Department of Community Affairs or their respective designees. The commissioner of

1284 transportation or his or her designee shall serve as chairperson of the State Advisory  
 1285 Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating  
 1286 Committee for Rural and Human Services Transportation may also establish such  
 1287 additional advisory subcommittees as it deems appropriate to fulfill its mission which shall  
 1288 consist of a representative of each metropolitan planning organization and representatives  
 1289 from each regional commission in this state and may include other local government  
 1290 representatives; private and public sector transportation providers, both for profit and  
 1291 nonprofit; voluntary transportation programs representatives; public transit system  
 1292 representatives, both rural and urban; and representatives of the clients served by the  
 1293 various programs administered by the agencies represented on the State Advisory  
 1294 Subcommittee for Rural and Human Services Transportation. Members of advisory  
 1295 committees shall be responsible for their own expenses and shall receive no compensation  
 1296 or reimbursement of expenses from the Georgia Coordinating Committee for Rural and  
 1297 Human Services Transportation, the State Advisory Subcommittee for Rural and Human  
 1298 Services Transportation, or the state for their services as members of an advisory  
 1299 committee."

### 1300 SECTION 3-19.

1301 Code Section 37-1-27 of the Official Code of Georgia Annotated, relating to the Suicide  
 1302 Prevention Program, is amended by revising paragraph (1) of subsection (c) and subsection  
 1303 (d) as follows:

1304 "(1) Establish a link between state agencies and offices, including but not limited to the  
 1305 Division of Aging Services and Division of Family and Children Services of the  
 1306 Department of Human Services, the Department of ~~Community Health~~ Public Health,  
 1307 local government agencies, health care providers, hospitals, nursing homes, and jails to  
 1308 collect data on suicide deaths and attempted suicides;"

1309 "(d) The Suicide Prevention Program shall coordinate with and receive technical assistance  
 1310 from epidemiologists and other staff of the ~~Division of Public Health of the Department of~~  
 1311 ~~Community Health~~ Department of Public Health to support the research and outreach  
 1312 efforts related to this program."

### 1313 SECTION 3-20.

1314 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral  
 1315 Health Coordinating Council, is amended by revising subsection (a) as follows:

1316 "(a) There is created the Behavioral Health Coordinating Council. The council shall  
 1317 consist of the commissioner of behavioral health and developmental disabilities; the  
 1318 commissioner of community health; the commissioner of public health; the commissioner

1319 of human services; the commissioner of juvenile justice; the commissioner of corrections;  
 1320 the commissioner of community affairs; the Commissioner of Labor; the State School  
 1321 Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman  
 1322 appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health  
 1323 services, appointed by the Governor; a family member of a consumer of public behavioral  
 1324 health services, appointed by the Governor; a parent of a child receiving public behavioral  
 1325 health services, appointed by the Governor; a member of the House of Representatives,  
 1326 appointed by the Speaker of the House of Representatives; and a member of the Senate,  
 1327 appointed by the Lieutenant Governor."

1328 **SECTION 3-21.**

1329 Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to community  
 1330 mental health, developmental disabilities, and addictive diseases service boards, is amended  
 1331 by revising subsections (a) and (b.1) and subparagraph (b)(4)(A) as follows:

1332 "(a) Community service boards in existence on June 30, 2006, are re-created effective July  
 1333 1, 2006, to provide mental health, developmental disabilities, and addictive diseases  
 1334 services. Effective July 1, 2009, such community service boards may enroll and contract  
 1335 with the department, the Department of Human Services, the Department of Public Health,  
 1336 or the Department of Community Health to become a provider of mental health,  
 1337 developmental disabilities, and addictive diseases services or health, recovery, housing, or  
 1338 other supportive services. Such boards shall be considered public agencies. Each  
 1339 community service board shall be a public corporation and an instrumentality of the state;  
 1340 provided, however, that the liabilities, debts, and obligations of a community service board  
 1341 shall not constitute liabilities, debts, or obligations of the state or any county or municipal  
 1342 corporation and neither the state nor any county or municipal corporation shall be liable for  
 1343 any liability, debt, or obligation of a community service board. Each community service  
 1344 board re-created pursuant to this Code section is created for nonprofit and public purposes  
 1345 to exercise essential governmental functions. The re-creation of community service boards  
 1346 pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which  
 1347 shall apply to those re-created community service boards and their employees covered by  
 1348 that Code section and those employees' rights are retained."

1349 "(A) A person shall not be eligible to be appointed to or serve on a community service  
 1350 board if such person is:

- 1351 (i) A member of the regional planning board which serves the region in which that  
 1352 community service board is located;
- 1353 (ii) An employee or board member of a public or private entity which contracts with  
 1354 the department, the Department of Human Services, the Department of Public Health,

1355 or the Department of Community Health to provide mental health, developmental  
 1356 disabilities, and addictive diseases services or health services within the region; or  
 1357 (iii) An employee of that community service board or employee or board member of  
 1358 any private or public group, organization, or service provider which contracts with or  
 1359 receives funds from that community service board."

1360 "(b.1) A county governing authority may appoint the school superintendent, a member of  
 1361 the county board of health, a member of the board of education, or any other elected or  
 1362 appointed official to serve on the community service board provided that such person meets  
 1363 the qualifications of paragraph (1) of subsection (b) of this Code section and such  
 1364 appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office  
 1365 which begin July 1, 1994, or later, an employee of the Department of Human Resources  
 1366 (now known as the Department of Behavioral Health and Developmental Disabilities for  
 1367 these purposes) or an employee of a county board of health shall not serve on a community  
 1368 service board. For terms of office which begin July 1, 2009, or later, an employee of the  
 1369 department, the Department of Human Services, the Department of Public Health, or the  
 1370 Department of Community Health or a board member of the respective boards of each  
 1371 department shall not serve on a community service board."

### 1372 SECTION 3-22.

1373 Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program  
 1374 director, staff, budget, and facilities of community service boards, is amended by revising  
 1375 paragraphs (9) and (15) of subsection (b) as follows:

1376 "(9) Each community service board may establish fees for the provision of disability  
 1377 services or health services according to the terms of contracts entered into with the  
 1378 department, Department of Human Services, Department of Public Health, or Department  
 1379 of Community Health, as appropriate;"

1380 "(15) Each community service board may establish fees, rates, rents, and charges for the  
 1381 use of facilities of the community service board for the provision of disability services  
 1382 or of health services ~~through the Department of Community Health~~, in accordance with  
 1383 the terms of contracts entered into with the department, Department of Human Services,  
 1384 Department of Public Health, or Department of Community Health, as appropriate;"

### 1385 SECTION 3-23.

1386 Code Section 37-2-11.2 of the Official Code of Georgia Annotated, relating to access by the  
 1387 department, Department of Human Services, Department of Community Health, or regional  
 1388 office to records of any program receiving public funds, is amended by revising subsections  
 1389 (a) and (b) as follows:

1390 "(a) Notwithstanding any other law to the contrary, to ensure the quality and integrity of  
 1391 patient and client care, any program receiving any public funds from, or subject to  
 1392 licensing, certification, or facility approval by, the department, the Department of Human  
 1393 Services, the Department of Public Health, the Department of Community Health, or a  
 1394 regional office shall be required to provide the department or the appropriate regional  
 1395 office or both, upon request, complete access to, including but not limited to authorization  
 1396 to examine and reproduce, any records required to be maintained in accordance with  
 1397 contracts, standards, or rules and regulations of the department, the Department of Human  
 1398 Services, the Department of Public Health, or the Department of Community Health or  
 1399 pursuant to the provisions of this title.

1400 (b) Records obtained pursuant to subsection (a) of this Code section shall not be  
 1401 considered public records and shall not be released by the department, the Department of  
 1402 Human Services, the Department of Public Health, the Department of Community Health,  
 1403 or any regional office unless otherwise specifically authorized by law."

1404 **SECTION 3-24.**

1405 Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing  
 1406 requirements for professional counselors, social workers, and marriage and family therapists,  
 1407 is amended by revising subparagraph (b)(3)(C) as follows:

1408 "(C) Persons who engage in the practice of professional counseling as employees of  
 1409 privately owned correctional facilities, the Department of Corrections, Department of  
 1410 Community Health, Department of Public Health, Department of Behavioral Health and  
 1411 Developmental Disabilities, Department of Human Services, any county board of  
 1412 health, or any community service board or similar entity created by general law to  
 1413 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but  
 1414 only when engaged in that practice as employees of such privately owned correctional  
 1415 facility, department, board, or entity and persons or entities which contract to provide  
 1416 professional counseling services with such department or county board of health, but  
 1417 such contracting persons and entities shall only be exempt under this subparagraph  
 1418 when engaged in providing professional counseling services pursuant to those contracts  
 1419 and shall only be exempt until January 1, 1996;"

1420 **SECTION 3-25.**

1421 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to authority of  
 1422 physician assistants, is amended by revising subparagraph (e.1)(7)(B) and subsection (f) as  
 1423 follows:

1424 "(B) Except in facilities operated by the ~~Division of Public Health of the Department~~  
 1425 ~~of Community Health~~ Department of Public Health, the supervising physician shall  
 1426 review the prescription drug or device order copy and medical record entry for  
 1427 prescription drug or device orders issued within the past 30 days by the physician  
 1428 assistant. Such review may be achieved with a sampling of no less than 50 percent of  
 1429 such prescription drug or device order copies and medical record entries."

1430 "(f) A physician employed by the Department of ~~Community Health~~ Public Health or by  
 1431 any institution thereof or by a local health department whose duties are administrative in  
 1432 nature and who does not normally provide health care to patients as such employee shall  
 1433 not be authorized to apply for or utilize the services of any physician assistant employed  
 1434 by the Department of ~~Community Health~~ Public Health or by any institution thereof or by  
 1435 a local health department."

### 1436 SECTION 3-26.

1437 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of  
 1438 certain medical acts to advanced practice registered nurses, is amended by revising  
 1439 subsection (g) as follows:

1440 "(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this  
 1441 Code section with more than four advanced practice registered nurses at any one time,  
 1442 except this limitation shall not apply to an advanced practice registered nurse that is  
 1443 practicing:

- 1444 (1) In a hospital licensed under Title 31;
- 1445 (2) In any college or university as defined in Code Section 20-8-1;
- 1446 (3) In the Department of ~~Community Health~~ Public Health;
- 1447 (4) In any county board of health;
- 1448 (5) In any free health clinic;
- 1449 (6) In a birthing center;
- 1450 (7) In any entity:
  - 1451 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal  
 1452 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or  
 1453 indigent Medicaid and medicare patients; or
  - 1454 (B) Which has been established under the authority of or is receiving funds pursuant  
 1455 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 1456 (8) In any local board of education which has a school nurse program; or
- 1457 (9) In a health maintenance organization that has an exclusive contract with a medical  
 1458 group practice and arranges for the provision of substantially all physician services to  
 1459 enrollees in health benefits of the health maintenance organization."

**SECTION 3-27.**

1460  
 1461 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to state purchases  
 1462 without competitive bidding, is amended in subsection (a) as follows:

1463 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected  
 1464 to be acquired for less than \$5,000.00 and is not available on state contracts or through  
 1465 statutorily required sources, the purchase may be effectuated without competitive bidding.  
 1466 The commissioner of administrative services may by rule and regulation authorize the  
 1467 various offices, agencies, departments, boards, bureaus, commissions, institutions,  
 1468 authorities, or other entities of the state to make purchases in their own behalf and may  
 1469 provide the circumstances and conditions under which such purchases may be effected.  
 1470 In order to assist and advise the commissioner of administrative services in making  
 1471 determinations to allow offices, agencies, departments, boards, bureaus, commissions,  
 1472 institutions, authorities, or other entities of the state to make purchases in their own behalf,  
 1473 there is created a Purchasing Advisory Council consisting of the executive director of the  
 1474 Georgia Technology Authority or his or her designee; the director of the Office of Planning  
 1475 and Budget or his or her designee; the chancellor of the University System of Georgia or  
 1476 his or her designee; the commissioner of technical and adult education or his or her  
 1477 designee; the commissioner of transportation or his or her designee; the Secretary of State  
 1478 or his or her designee; the commissioner of human services or his or her designee; the  
 1479 commissioner of community health or his or her designee; the commissioner of public  
 1480 health or his or her designee; the commissioner of behavioral health and developmental  
 1481 disabilities or his or her designee; and one member to be appointed by the Governor. The  
 1482 commissioner of administrative services shall promulgate the necessary rules and  
 1483 regulations governing meetings of such council and the method and manner in which such  
 1484 council will assist and advise the commissioner of administrative services."

**SECTION 3-28.**

1485  
 1486 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
 1487 disclosure is not required under open records laws, is amended by revising paragraph (2) of  
 1488 subsection (c) as follows:

1489 "(2) All state officers and employees shall have a privilege to refuse to disclose the  
 1490 identity or personally identifiable information of any person participating in research on  
 1491 commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the  
 1492 Department of Community Health, the Department of Public Health, the Department of  
 1493 Behavioral Health and Developmental Disabilities, or a state institution of higher  
 1494 education whether sponsored by the institution alone or in conjunction with a  
 1495 governmental body or private entity. Personally identifiable information shall mean any

1496 information which if disclosed might reasonably reveal the identity of such person  
 1497 including but not limited to the person's name, address, and social security number. The  
 1498 identity of such informant shall not be admissible in evidence in any court of the state  
 1499 unless the court finds that the identity of the informant already has been disclosed  
 1500 otherwise."

1501 **PART IV**

1502 Name Changes.

1503 **SECTION 4-1.**

1504 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1505 replacing "Division of Public Health of the Department of Community Health" wherever it  
 1506 occurs with "Department of Public Health":

- 1507 (1) Code Section 15-11-154, relating to appointment of plan manager for dependent child  
 1508 and development of mental competency plan;
- 1509 (2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and  
 1510 officers of the State Commission on Family Violence;
- 1511 (3) Code Section 31-3-11, relating to appointments of directors and staff for county  
 1512 boards of health;
- 1513 (4) Code Section 31-11-50, relating to medical advisers relative to emergency medical  
 1514 services;
- 1515 (5) Code Section 31-15-4, relating to the cancer control officer;
- 1516 (6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;
- 1517 (7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of  
 1518 morbidly obese patients;
- 1519 (8) Code Section 43-34-23, relating to delegation of authority to nurse or physician  
 1520 assistant; and
- 1521 (9) Code Section 49-5-225, relating to local interagency committees.

1522 **SECTION 4-2.**

1523 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1524 replacing "Division of Public Health" wherever it occurs with "Department of Public  
 1525 Health":

- 1526 (1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood  
 1527 Lead Exposure Control Act"; and
- 1528 (2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood  
 1529 Lead Exposure Control Act."

**SECTION 4-3.**

1530  
 1531 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1532 replacing "Department of Community Health" wherever it occurs with "Department of Public  
 1533 Health":

- 1534 (1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors  
 1535 in livestock;
- 1536 (2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of  
 1537 exotic or pet birds;
- 1538 (3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures  
 1539 for protection of natural resources, environment, and vital areas of the state;
- 1540 (4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural  
 1541 Resources of rules and regulations regarding parks, historic sites, and recreational areas;
- 1542 (5) Code Section 12-5-175, relating to fluoridation of public water systems;
- 1543 (6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal  
 1544 permits;
- 1545 (7) Code Section 12-8-41, relating to permits issued by the Department of Natural  
 1546 Resources for land disposal sites;
- 1547 (8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act  
 1548 constituting AIDS transmitting crime;
- 1549 (9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury  
 1550 Trust Fund Commission;
- 1551 (10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;
- 1552 (10.1) Subsection (d) of Code Section 16-12-141, relating to when abortion is legal;
- 1553 (10.2) Code Section 16-12-141.1, relating to disposal of aborted fetuses, except for  
 1554 paragraphs (1) and (3) of subsection (d) and the second reference in subsection (h).
- 1555 (11) Code Section 17-10-15, relating to AIDS transmitting crimes;
- 1556 (12) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage  
 1557 license;
- 1558 (13) Code Section 19-3-40, relating to blood tests for sickle cell disease;
- 1559 (14) Code Section 19-3-41, relating to preparation by the Department of Human  
 1560 Resources of a marriage manual on family planning and other material;
- 1561 (15) Code Section 19-15-1, relating to definitions relative to child abuse;
- 1562 (16) Code Section 20-2-142, relating to prescribed courses in elementary and secondary  
 1563 schools on alcohol, tobacco, and drug use;
- 1564 (17) Code Section 20-2-143, relating to sex education and AIDS prevention instruction  
 1565 in elementary and secondary schools;

- 1566 (18) Code Section 20-2-144, relating to mandatory instruction in elementary and  
1567 secondary schools concerning alcohol and drug use;
- 1568 (19) Code Section 20-2-260, relating to capital outlay funds generally;
- 1569 (20) Code Section 20-2-770, relating to rules and regulations for nutritional screening  
1570 and eye, ear, and dental examinations of students;
- 1571 (21) Code Section 20-2-771, relating to immunization of students in elementary and  
1572 secondary education;
- 1573 (22) Code Section 20-2-772, relating to rules and regulations for screening of students  
1574 for scoliosis;
- 1575 (23) Code Section 20-2-778, relating to required information to parents of students  
1576 regarding meningococcal meningitis;
- 1577 (24) Reserved;
- 1578 (25) Code Section 25-3-6, relating to the effect of certain laws relating to local fire  
1579 departments on the powers and duties of other officials and departments;
- 1580 (26) Code Section 26-2-371, relating to permits required for food service establishments;
- 1581 (27) Code Section 26-2-372, relating to the issuance of permits for food service  
1582 establishments;
- 1583 (28) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards  
1584 by the Department of Community Health and county boards of health for food service  
1585 establishments;
- 1586 (29) Code Section 26-2-374, relating to contents and posting of notices relating to  
1587 assistance to persons choking;
- 1588 (30) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of  
1589 food service establishments;
- 1590 (31) Code Section 26-2-376, relating to review of final order or determination by  
1591 Department of Community Health regarding regulation of a food service establishment;
- 1592 (32) Code Section 26-2-377, relating to penalties for violation of laws regarding the  
1593 regulation of food service establishments;
- 1594 (33) Code Section 26-3-18, relating to assistance in enforcement from Department of  
1595 Agriculture or Department of Community Health with respect to standards, labeling, and  
1596 adulteration of drugs and cosmetics;
- 1597 (34) Code Section 26-4-116, relating to emergency service providers with respect to  
1598 dangerous drugs and controlled substances;
- 1599 (35) Code Section 29-4-18, relating to the appointment of a temporary medical consent  
1600 guardian;
- 1601 (36) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1602 (37) Code Section 31-3-4, relating to powers of county boards of health;

- 1603 (38) Code Section 31-5-1, relating to adoption of rules and regulations by the  
1604 Department of Community Health and county boards of health;
- 1605 (39) Code Section 31-8-192, relating to definitions relative to the "'Health Share'  
1606 Volunteers in Medicine Act';
- 1607 (39.1) Code Section 31-8-193, relating to the establishment of a program to provide  
1608 health care services to low-income recipients;
- 1609 (40) Code Section 31-9A-4, relating to information to be made available by the  
1610 Department of Community Health under the "Woman's Right to Know Act";
- 1611 (41) Code Section 31-10-1, relating to definitions relative to vital records;
- 1612 (42) Code Section 31-11-1, relating to findings of the General Assembly and declaration  
1613 of policy with respect to emergency medical services;
- 1614 (43) Code Section 31-11-3, relating to recommendations by local coordinating entity as  
1615 to administration of the Emergency Medical Systems Communication Program;
- 1616 (44) Code Section 31-11-53.1, relating to automated external defibrillator program;
- 1617 (45) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care  
1618 Network Commission;
- 1619 (46) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care  
1620 Network Commission;
- 1621 (47) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia  
1622 Trauma Care Network Commission;
- 1623 (48) Code Section 31-11-110, relating to legislative findings relative to a system of  
1624 certified stroke centers;
- 1625 (49) Code Section 31-12-1, relating to the power to conduct research and studies relative  
1626 to the control of hazardous conditions, preventable diseases, and metabolic diseases;
- 1627 (50) Code Section 31-12A-9, relating to a continuing education program relative to the  
1628 "Georgia Smokefree Air Act of 2005";
- 1629 (51) Code Section 31-12A-10, relating to enforcement by the Department of Community  
1630 Health and county boards of health of the "Georgia Smokefree Air Act of 2005";
- 1631 (52) Code Section 31-14-2, relating to petition for commitment of a person who has  
1632 active tuberculosis;
- 1633 (53) Code Section 31-14-9, relating to procedure for securing discharge of a person  
1634 committed for active tuberculosis;
- 1635 (54) Code Section 31-15-2, relating to the establishment of a program for the prevention,  
1636 control, and treatment of cancer;
- 1637 (55) Code Section 31-16-2, relating to the establishment of a program for the prevention,  
1638 control, and treatment of kidney disease;

- 1639 (56) Code Section 31-17-2, relating to the report of diagnosis or treatment to health  
1640 authorities of a case of venereal disease;
- 1641 (57) Code Section 31-17-3, relating to examination and treatment by health authorities  
1642 for venereal disease;
- 1643 (58) Code Section 31-17-4.2, relating to HIV pregnancy screening;
- 1644 (59) Code Section 31-17A-2, relating to examination of persons infected or suspected  
1645 of being infected with HIV;
- 1646 (60) Code Section 31-17A-3, relating to refusal to consent to an HIV test;
- 1647 (61) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust  
1648 Fund Commission;
- 1649 (62) Code Section 31-22-9.1, relating to who may perform HIV tests;
- 1650 (63) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood  
1651 Labeling Act";
- 1652 (64) Code Section 31-26-2, relating to the requirement of a certificate to practice  
1653 midwifery;
- 1654 (65) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;
- 1655 (66) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;
- 1656 (67) Code Section 31-28-5, relating to standards for health, sanitation, and safety of  
1657 tourist courts;
- 1658 (68) Code Section 31-28-6, relating to inspection of premises of tourist courts;
- 1659 (69) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans  
1660 exposed to agent orange;
- 1661 (70) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for  
1662 Rural Areas Assistance Act";
- 1663 (71) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for  
1664 emergency providers;
- 1665 (72) Code Section 31-40-2, relating to issuance of permits for tattoo studios;
- 1666 (73) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;
- 1667 (74) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;
- 1668 (75) Code Section 31-40-8, relating to a public education program relative to tattoo  
1669 studios;
- 1670 (76) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- 1671 (77) Code Section 31-45-8, relating to inspections by the county board of health of  
1672 public swimming pools;
- 1673 (78) Code Section 31-45-9, relating to suspension or revocation of permit for a public  
1674 swimming pool;

- 1675 (79) Code Section 31-45-10, relating to rules and regulations relative to public  
1676 swimming pools;
- 1677 (80) Code Section 31-45-11, relating to enforcement of rules and regulations relative to  
1678 public swimming pools;
- 1679 (81) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control  
1680 Program;
- 1681 (82) Code Section 33-24-59.2, relating to insurance coverage for equipment and  
1682 self-management training for individuals with diabetes;
- 1683 (83) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health  
1684 Insurance Plan;
- 1685 (84) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- 1686 (85) Code Section 35-1-8, relating to acquisition, collection, classification, and  
1687 preservation of information assisting in identifying deceased persons and locating missing  
1688 persons;
- 1689 (86) Code Section 37-2-2, relating to definitions relative to the administration of mental  
1690 health, developmental disabilities, addictive diseases, and other disability services;
- 1691 (87) Code Section 37-2-3, relating to designation of boundaries for mental health,  
1692 developmental disabilities, and addictive diseases regions;
- 1693 (88) Code Section 37-2-5, relating to regional planning boards establishing policy and  
1694 direction for disability services;
- 1695 (89) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions  
1696 which became duties or functions of a community service board on July 1, 1994;
- 1697 (90) Code Section 37-2-6.4, relating to reconstituting or converting of organizational  
1698 structure of community service boards;
- 1699 (91) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 1700 (92) Code Section 38-3-22, relating to the Governor's emergency management powers  
1701 and duties;
- 1702 (93) Code Section 38-3-51, relating to emergency powers of the Governor;
- 1703 (94) Code Section 40-5-25, relating to applications for instruction permits and drivers'  
1704 licenses;
- 1705 (95) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood  
1706 relating to violations of driving under the influence of alcohol, drugs, or other  
1707 intoxicating substances;
- 1708 (96) Code Section 42-1-7, relating to notification to transporting law enforcement agency  
1709 of inmate's or patient's infectious or communicable disease;
- 1710 (97) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- 1711 (98) Code Section 42-4-32, relating to sanitation and health requirements for jails;

- 1712 (99) Code Section 42-5-52, relating to classification and separation of inmates generally;  
 1713 (100) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;  
 1714 (101) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements  
 1715 of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of  
 1716 hair design, and schools of nail care;  
 1717 (102) Code Section 43-11-74, relating to direct supervision requirement of dental  
 1718 hygienists by a licensed dentist;  
 1719 (103) Code Section 43-14-2, relating to definitions relative to the regulation of electrical  
 1720 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility  
 1721 contractors;  
 1722 (104) Code Section 43-18-46, relating to grounds for denial or revocation of license or  
 1723 registration to operate a funeral establishment or to practice embalming or funeral  
 1724 directing;  
 1725 (105) Reserved;  
 1726 (106) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;  
 1727 (107) Code Section 45-9-1, relating to general provisions relative to insuring and  
 1728 indemnification of state officers and employees;  
 1729 (108) Code Section 45-18-1, relating to definitions relative to the state employees' health  
 1730 insurance plan;  
 1731 (109) Code Section 45-18-32, relating to administration of deferred compensation plans  
 1732 for employees of the state;  
 1733 (110) Code Section 46-11-4, relating to regulation of transportation of hazardous  
 1734 materials on public roads of the state generally;  
 1735 (111) Code Section 50-13-4, relating to procedural requirements for adoption,  
 1736 amendment, or repeal of rules by a state agency;  
 1737 (112) Code Section 50-16-3, relating to property of state boards and departments;  
 1738 (113) Reserved; and  
 1739 (114) Code Section 50-18-76, relating to written matter exempt from disclosure under  
 1740 vital records laws.

1741 **SECTION 4-4.**

- 1742 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1743 replacing "Board of Community Health" wherever it occurs with "Board of Public Health":  
 1744 (1) Code Section 31-1-3.2, relating to hearing screenings for newborns;  
 1745 (2) Code Section 31-11-2, relating to definitions relative to emergency medical services;  
 1746 (3) Code Section 31-11-3, relating to recommendations by local coordinating entity as  
 1747 to administration of the Emergency Medical Systems Communication Program;

- 1748 (4) Code Section 31-11-31.1, relating to license fees on ambulance services;  
 1749 (5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer  
 1750 research program fund;  
 1751 (6) Code Section 42-9-12, relating to appointment of replacement for incapacitated  
 1752 member on the State Board of Pardons and Paroles; and  
 1753 (7) Code Section 43-7-9, relating to general powers and duties of the State Board of  
 1754 Barbers.

1755 **SECTION 4-5.**

1756 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1757 replacing "commissioner of community health" and "commissioner of the department of  
 1758 community health" wherever either term occurs with "commissioner of public health":

- 1759 (1) Code Section 8-2-24, relating to appointment of advisory committee relating to state  
 1760 building, plumbing, and electrical codes;  
 1761 (2) Code Section 12-5-524, relating to the creation of the Water Council;  
 1762 (3) Code Section 16-12-141, relating to when abortion is legal;  
 1763 (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;  
 1764 (5) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons  
 1765 declared mentally incompetent, and deceased persons provided to Secretary of State with  
 1766 respect to registration of voters;  
 1767 (6) Code Section 26-2-393, relating to enforcement of article relating to nonprofit food  
 1768 sales and food service;  
 1769 (7) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know  
 1770 Act";  
 1771 (8) Code Section 31-10-1, relating to definitions relative to vital records;  
 1772 (9) Code Section 31-11-2, relating to definitions relative to emergency medical services;  
 1773 (10) Code Section 31-11-36, relating to suspension or revocation of licenses for  
 1774 ambulance services;  
 1775 (11) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory  
 1776 Committee;  
 1777 (12) Code Section 31-27-7, relating to emergency powers of the Governor regarding  
 1778 mass gatherings;  
 1779 (13) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for  
 1780 emergency responders;  
 1781 (14) Code Section 31-36A-7, relating to petition for health care placement transfer,  
 1782 admission, or discharge order by health care facility;

- 1783 (15) Code Section 31-47-2, relating to the role and duties of the commissioner relative  
 1784 to the arthritis prevention and control program;
- 1785 (16) Code Section 31-47-3, relating to the acceptance of grants for the arthritis prevention  
 1786 and control program;
- 1787 (17) Code Section 38-2-10, relating to use of National Guard in drug law enforcement,  
 1788 provision of medical care in medically underserved areas, and for youth opportunity  
 1789 training programs;
- 1790 (18) Code Section 42-4-32, relating to sanitation and health requirements in jails  
 1791 generally;
- 1792 (19) Code Section 42-9-12, relating to appointment of replacement for incapacitated  
 1793 member on the State Board of Pardons and Paroles;
- 1794 (20) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;
- 1795 (21) Code Section 43-45-3, relating to creation of the State Structural Pest Control  
 1796 Commission;
- 1797 (22) Code Section 45-9-73, relating to the creation of the Georgia Public School  
 1798 Personnel Indemnification Commission;
- 1799 (23) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification  
 1800 Commission; and
- 1801 (24) Code Section 45-9-110, relating to authorization for consolidation of unemployment  
 1802 compensation claim matters under the commissioner of administrative services.

1803 **SECTION 4-6.**

1804 The following Code sections of the Official Code of Georgia Annotated are amended by  
 1805 replacing "division" and "division's" with "department" and "department's", respectively:

- 1806 (1) Code Section 31-41-13, relating to notice of lead poisoning hazard;
- 1807 (2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;
- 1808 (3) Code Section 31-41-16, relating to certificate evidencing compliance; and
- 1809 (4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes  
 1810 occupied by children with elevated blood lead levels.

1811 **PART V**

1812 **Effective Date and Repealer.**

1813 **SECTION 5-1.**

1814 This Act shall become effective on July 1, 2011.

1815

**SECTION 5-2.**

1816 All laws and parts of laws in conflict with this Act are repealed.