The Senate Health and Human Services Committee offered the following substitute to HB 214:

A BILL TO BE ENTITLED
AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create the Hemophilia Advisory Board; to provide for a short title; to provide for legislative findings; to provide for duties, reporting, membership, and the selection of officers; to establish the Department of Public Health; to reassign functions of the Division of Public Health of the Department of Community Health to the Department of Public Health; to provide for transition to the new agency; to create a Board of Public Health and a commissioner of public health; to amend various titles for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

Hemophilia Advisory Board Act.

SECTION 1-1.

Parts I and II of this Act shall be known and may be cited as the "Hemophilia Advisory Board Act."

SECTION 1-2.

The General Assembly finds that hemophilia and other bleeding disorders are devastating health conditions that can cause serious financial, social, and emotional hardships for patients and their families. Hemophilia and other bleeding disorders are incurable, so appropriate lifetime care and treatment are necessities for maintaining optimum health. Advancements in drug therapies are allowing individuals greater latitude in managing their conditions, fostering independence, and minimizing chronic complications. As a result, individuals are living longer and are healthier and more productive. However, the rarity of these disorders coupled with the delicate processes of producing clotting factor concentrates makes treating

these disorders extremely costly. It is the intent of the General Assembly to establish an advisory board to provide expert advice to the state on health and insurance policies, plans, and programs that impact individuals with hemophilia and other bleeding disorders.

PART II

Creation of the Hemophilia Advisory Board.

SECTION 2-1.

Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, is amended by adding a new Code section to read as follows:

"31-1-12.

(a) The commissioner of public health in conjunction with the commissioner of community health shall establish an independent advisory board known as the Hemophilia Advisory Board.

(b)(1) The following persons shall serve as nonvoting members of the Hemophilia Advisory Board:

(A) The commissioner of public health or a designee; and

(B) The commissioner of community health or a designee.

(2) The following voting members shall be appointed by the commissioner of public health, in consultation with the commissioner of community health, and shall serve a three-year term:

(A) One member who is a board certified physician licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders and who specializes in the treatment of these individuals;

(B) One member who is a nurse licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders;

(C) One member who is a social worker licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders;

(D) One member who is a representative of a federally funded hemophilia treatment center in this state;

(E) One member who is a representative of a nonprofit organization that has, as its primary purpose, the provision of services to the population of this state with hemophilia and other bleeding disorders;

(F) One member who is a person who has hemophilia;

(G) One member who is a caregiver of a person who has hemophilia; and

(H) One member who is a person who has a bleeding disorder other than hemophilia or who is a caregiver of a person who has a bleeding disorder other than hemophilia.

(3) The Hemophilia Advisory Board may also have up to five additional nonvoting members as determined appropriate by the commissioner and the commissioner of community health. These nonvoting members may be persons with, or caregivers of a person with, hemophilia or other bleeding disorder or persons experienced in the diagnosis, treatment, care, and support of individuals with hemophilia or other bleeding disorders.

(c)(1) Board members shall elect from among the voting board members a presiding officer. The presiding officer retains all voting rights.

(2) A majority of the members shall constitute a quorum at any meeting held by the Hemophilia Advisory Board.

(3) If there is a vacancy on the Hemophilia Advisory Board, such position shall be filled in the same manner as the original appointment.

(4) Members of the Hemophilia Advisory Board shall receive no compensation for service on the Hemophilia Advisory Board.

(d) The Hemophilia Advisory Board shall meet at least quarterly and at the call of the commissioner, the commissioner of community health, or the presiding officer and follow all policies and procedures of Chapter 14 of Title 50, relating to open and public meetings.

(e) The department shall provide reasonably necessary administrative support for Hemophilia Advisory Board activities.

(f) The Hemophilia Advisory Board shall review and make recommendations to the commissioner and the commissioner of community health with regard to issues that affect the health and wellness of persons living with hemophilia and other bleeding disorders, including, but not limited to, the following:

(1) Proposed legislative or administrative changes to policies and programs that are integral to the health and wellness of individuals with hemophilia and other bleeding disorders;

(2) Standards of care and treatment for persons living with hemophilia and other bleeding disorders, taking into consideration the federal and state standards of care guidelines developed by state and national organizations, including, but not limited to, the Medical and Scientific Advisory Council of the National Hemophilia Foundation;

(3) The development of community based initiatives to increase awareness of care and treatment for persons living with hemophilia and other bleeding disorders; and

(4) The coordination of public and private support networking systems.

(g) The Hemophilia Advisory Board shall, no later than six months after the effective date of this Code section, and annually thereafter, submit to the Governor and the General

Assembly a report of its findings and recommendations. Annually thereafter, the commissioner of public health, in consultation with the commissioner of community health, shall report to the Governor and the General Assembly on the status of implementing the recommendations as proposed by the Hemophilia Advisory Board. The reports shall be made public and shall be subject to public review and comment.″

PART III

Creation of the Department of Public Health.

SECTION 3-1.

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

″CHAPTER 2A

31-2A-1.

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

(b) The Governor shall designate the initial terms of the members of the board as follows: three members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. Thereafter, all succeeding appointments shall be for three-year terms from the expiration of the previous term.

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

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

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

(f) The members of the board shall receive the same daily expense allowance and reimbursement of expenses as provided in Code Section 45-7-21 for members of other state boards.

31-2A-2.

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

(b) There is created the position of commissioner of public health. The commissioner shall be the chief administrative officer of the department and be both appointed and removed by the Governor. Subject to the general policy established by the board, the commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department.

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

31-2A-3.

(a) The Department of Public Health shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Community Health that are in effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Community Health that are in effect on June 30, 2011, which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the Department of Public Health by proper authority or as otherwise provided by law.

(b) The rights, privileges, entitlements, and duties of parties to contracts, leases, agreements, and other transactions as identified by the Office of Planning and Budget entered into before July 1, 2011, by the Department of Community Health which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2 shall continue to exist; and none of these rights, privileges, entitlements, and duties are impaired or diminished by reason of the transfer of the functions to the Department of Public Health. In all such instances, the Department of Public Health shall

be substituted for the Department of Community Health, and the Department of Public Health shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.

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

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

31-2A-4.

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

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

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

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

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

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

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

(7) Prevent, detect, and relieve physical defects and deformities;

(8) Promote the prevention, early detection, and control of problems affecting the dental and oral health of the citizens of Georgia;

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

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

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

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

(13) Exchange data with the Department of Community Health for purposes of health improvement and fraud prevention for programs operated by the Department of Community Health pursuant to mutually agreed upon data sharing agreements and in accordance with federal confidentiality laws relating to health care.

31-2A-5.

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

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

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

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

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

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

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

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

31-2A-6.

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

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

(1) The department may authorize departure from the literal requirements of a rule or regulation by granting a variance upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application would cause undue hardship. The applicant or petitioner additionally must show that adequate standards affording protection of

health, safety, and care exist and will be met in lieu of the exact requirements of the rule or regulation in question;

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

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

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

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

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

31-2A-7.

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

(b) The department may receive from any law enforcement agency conviction data that is relevant to a person whom the department, its contractors, or a district or county health agency is considering as a final selectee for employment in a position the duties of which involve direct care, treatment, custodial responsibilities, or any combination thereof for its clients. The department may also receive conviction data which is relevant to a person whom the department, its contractors, or a district or county health agency is considering as a final selectee for employment in a position if, in the judgment of the department, a final employment decision regarding the selectee can only be made by a review of

conviction data in relation to the particular duties of the position and the security and safety of clients, the general public, or other employees.

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

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

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

(f) The department may receive from any law enforcement agency criminal history information, including arrest and conviction data, and any and all other information which it may be provided pursuant to state or federal law which is relevant to any person in the care of the department. The department shall establish a uniform method of obtaining criminal history information under this subsection. Such method shall require the submission to the Georgia Crime Information Center of fingerprints together with any required records search fee in accordance with Code Section 35-3-35. Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit the fingerprints submitted by the department to the Federal Bureau of Investigation for a search of bureau

records and an appropriate report and shall promptly conduct a search of its own records and records to which it has access. Such method shall also permit the submission of the names alone of such persons to the proper law enforcement agency for a name based check of such person's criminal history information as maintained by the Georgia Crime Information Center and the Federal Bureau of Investigation. In such circumstances, the department shall submit fingerprints of those persons together with any required records search fee to the Federal Bureau of Investigation within 15 calendar days of the date of the name based check on that person. The fingerprints shall be forwarded to the Federal Bureau of Investigation through the Georgia Crime Information Center in accordance with Code Section 35-3-35. Following the submission of such fingerprints, the department may receive the criminal history information, including arrest and conviction data, relevant to such person.

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

SECTION 3-2.

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

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

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

(1) Provide, extend, and improve maternal and child health services;

(2) Locate children already disabled or suffering from conditions leading to a disability and provide for such children medical, surgical, corrective, and other services and to provide for facilities for diagnosis, hospitalization, and aftercare;

(3) Advance the prevention and control of cancer and of venereal, tubercular, and other diseases;

(4) Forestall and correct conditions that, if left to run their course, could be injurious to health;

(5) Conduct programs which lie within the scope and the power of the department relating to industrial hygiene, control of ionizing radiation, occupational health, water quality, water pollution control, and planning and development of water resources;

(6) Administer grants-in-aid to assist in the construction of publicly owned and operated general and special medical facilities;

(7) Conduct programs:

(A) Relating to chronic illness;

(B) Relating to the dental and oral health of the people of this state which are appropriate to the purpose of the department; and

(C) Relating to the physical health of the people of this state which are appropriate to the purpose of the department; and

(8) Develop the health aspects of emergency preparedness and emergency response.

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

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

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

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

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

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

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

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

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

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

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

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

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

require the person, persons, or organization manufacturing or marketing the system to reimburse the department or its agent for the reasonable expenses of such examination.

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

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

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

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

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

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

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

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

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

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

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

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

(1) A physician licensed in this state;

(2) A registered nurse licensed in this state;

(3) A dietitian licensed in this state;

(4) A diabetes educator;

(5) A representative of the business community;

(6) A pharmacist licensed in this state; and

(7) A consumer who has diabetes.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3-3.

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

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

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

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

SECTION 3-4.

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

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

SECTION 3-5.

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

"31-1-1.

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

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

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

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

SECTION 3-6.

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

"31-1-10.

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

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

PART IV

Changes to the Department of Community Health.

SECTION 4-1.

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

"31-2-1.

Given the growing concern and complexities of health issues in this state, it is the intent of the General Assembly to create a Department of Community Health dedicated to health issues. ~~The Department of Community Health shall safeguard and promote the health of the people of this state and is empowered to employ all legal means appropriate to that end.~~ Illustrating, without limiting, the foregoing grant of authority, the department is empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(17)~~(7) Promulgate and enforce rules and regulations for the licensing of medical facilities wherein abortion procedures under subsections (b) and (c) of Code Section 16-12-141 are to be performed~~; and, further, to disseminate and distribute educational information and medical supplies and treatment in order to prevent unwanted pregnancy; and~~.

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

SECTION 4-2.

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

"31-2-4.

(a)(1)(A) The Department of Community Health is re-created and established to perform the functions and assume the duties and powers exercised on June 30, 2009, by the Department of Community Health, the Division of Public Health of the Department of Human Resources, and the Office of Regulatory Services of the Department of Human Resources, unless specifically transferred to the Department of Human Services, and such department, division, and office shall be reconstituted as the Department of Community Health effective July 1, 2009. The department shall retain powers and responsibility with respect to the expenditure of any funds appropriated to the department including, without being limited to, funds received by the state pursuant

to the settlement of the lawsuit filed by the state against certain tobacco companies, *State of Georgia, et al. v. Philip Morris, Inc., et al.*, Civil Action #E-61692, V19/246 (Fulton County Superior Court, December 9, 1998).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4-3.

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

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

SECTION 4-4.

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

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

SECTION 4-5.

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

SECTION 4-6.

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

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

SECTION 4-7.

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

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

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

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

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

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

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

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

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

SECTION 4-8.

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

″<u>(0.5) 'Department' means the Department of Community Health.</u>″

SECTION 4-9.

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

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

SECTION 4-10.

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

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

SECTION 4-11.

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

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

SECTION 4-12.

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

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

SECTION 4-13.

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

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

SECTION 4-14.

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

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

SECTION 4-15.

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

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

SECTION 4-16.

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

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

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

SECTION 4-17.

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

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

SECTION 4-18.

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

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

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

PART V

Various Code Sections Affected.

SECTION 5-1.

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

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

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

SECTION 5-2.

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

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

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

(2) The State Board of Education;

(3) The Department of Public Safety;

(4) The Department of Community Health;

(5) The Department of Public Health; and

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

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

SECTION 5-3.

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

"17-18-1.

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

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

SECTION 5-4.

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

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

SECTION 5-5.

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

″(a) No physician licensed under Chapter 34 of Title 43 and no hospital or health care facility, including those operated by an agency or bureau of the state or other governmental unit, shall be required to release any medical information concerning a patient except to the Department of ~~Community~~ Public Health, its divisions, agents, or successors when required in the administration of public health programs pursuant to Code Section 31-12-2 and where authorized or required by law, statute, or lawful regulation or to the Department of Community Health, its divisions, agents, or successors where authorized or required by law, statute, or lawful regulation; or on written authorization or other waiver by the patient, or by his or her parents or duly appointed guardian ad litem in the case of a minor, or on appropriate court order or subpoena; provided, however, that any physician, hospital, or health care facility releasing information under written authorization or other waiver by the patient, or by his or her parents or guardian ad litem in the case of a minor, or pursuant to law, statute, or lawful regulation, or under court order or subpoena shall not be liable to the patient or any other person; provided, further, that the privilege shall be waived to the extent that the patient places his or her care and treatment or the nature and extent of his or her injuries at issue in any civil or criminal proceeding. This Code section shall not apply to psychiatrists or to hospitals in which the patient is being or has been treated solely for mental illness.″

SECTION 5-6.

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

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

(A) The name and address of that patient;

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

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

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

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

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

(B) May contact any other person reasonably believed to be a person at risk of being infected with HIV by that HIV infected person for the purposes of disclosing that such

infected person has been determined to be infected with HIV and counseling such person to submit to an HIV test; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5-7.

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

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

SECTION 5-8.

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

"26-4-192.

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

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

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

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

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

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

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

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

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

SECTION 5-9.

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

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

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

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

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

SECTION 5-10.

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

″31-5-9.

(a) The Department of ~~Community~~ Public Health and all county boards of health and the Department of Community Health, as appropriate, are empowered to institute appropriate proceedings for injunction in the courts of competent jurisdiction in this state for the purpose of enjoining a violation of any provision of this title as now existing or as may be

hereafter amended or of any regulation or order duly issued by the department, ~~or~~ any county board of health, or the Department of Community Health provided that this Code section shall not apply to violations of the provisions of Chapter 20 of this title. The department, ~~and~~ the county boards of health, and the Department of Community Health, as appropriate, are also empowered to maintain action for injunction to abate any public nuisance which is injurious to the public health, safety, or comfort. Such actions may be maintained notwithstanding the fact that such violation also constitutes a crime and notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the department, ~~or~~ any county board, or the Department of Community Health, as the case may be, in the county in which a violation of any provision of this title occurs. For purposes of this Code section, the county boards of health are declared to be legal entities capable of maintaining actions in their respective names without naming the individuals constituting such board, or acting on behalf of the department, as the case may be.

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

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

SECTION 5-11.

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

"31-5-20.

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

SECTION 5-12.

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

"31-5-21.

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

SECTION 5-13.

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

"31-8-52.

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

an identification card which shall be presented upon request by community ombudsmen whenever needed to carry out the purposes of this article. Two years after first being certified and every two years thereafter, each such community ombudsman, in order to carry out his or her duties under this article, shall be recertified by the state ombudsman as continuing to meet the department's standards as community ombudsman.″

SECTION 5-14.

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

″31-9A-6.

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

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

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

(3) The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Code Section 31-9A-4, other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the reporting physician's information and belief, went on to obtain the abortion; and

(4) The number of females who were provided the opportunity to view the fetal image and hear the fetal heartbeat; of that number, the number who elected to view the sonogram and the number who elected to listen to the fetal heartbeat, if present.

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

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

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

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

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

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

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

(f) By June 30 of each year, the Department of ~~Community~~ Public Health shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this Code section for each of the items listed in subsection (a) of this Code section. Each report shall also provide the statistics for all previous calendar years adjusted to reflect any additional information from late or corrected reports. The Department of ~~Community~~ Public Health shall ensure that none of the information included in the public reports could reasonably lead to the identification of any individual who provided information in accordance with Code Section 31-9A-3 or 31-9A-4.

(g) The Department of ~~Community~~ Public Health may, by regulation, alter the dates established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b) of this Code section or may consolidate the forms or reports described in this Code section with other forms or reports for reasons including, but not limited to, achieving

administrative convenience or fiscal savings or reducing the burden of reporting requirements, so long as reporting forms are sent to all facilities licensed as an abortion facility by the Department of Community Health at least once every year and the report described in subsection (f) of this Code section is issued at least once every year.

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

SECTION 5-15.

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

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

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

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

SECTION 5-16.

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

″31-11-9.

The department and its duly authorized agents are authorized to enforce compliance with this chapter and rules and regulations promulgated under this chapter as provided in Article 1 of Chapter 5 of this title and, in connection therewith during the reasonable business hours of the day, to enter upon and inspect in a reasonable manner the premises of persons providing ambulance service. All inspections under this Code section shall be in compliance with the provisions of Article 2 of Chapter 5 of this title. The department is also authorized to enforce compliance with this chapter, including but not limited to compliance with the EMSC Program and furnishing of emergency services within designated territories, by imposing fines in the same manner as provided in paragraph (6)

of subsection (c) of Code Section ~~31-2-11, which~~ 31-2-8; this enforcement action shall be a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 5-17.

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

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

SECTION 5-18.

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

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

SECTION 5-19.

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

"32-12-4.

The Georgia Coordinating Committee for Rural and Human Services Transportation shall establish the State Advisory Subcommittee for Rural and Human Services Transportation which shall consist of the State School Superintendent and the commissioners of the Department of Transportation, Department of Human Services, Department of Behavioral Health and Developmental Disabilities, Department of Community Health, Department of Public Health, Department of Labor, the Governor's Development Council, and the Department of Community Affairs or their respective designees. The commissioner of transportation or his or her designee shall serve as chairperson of the State Advisory Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating Committee for Rural and Human Services Transportation may also establish such additional advisory subcommittees as it deems appropriate to fulfill its mission which shall consist of a representative of each metropolitan planning organization and representatives from each regional commission in this state and may include other local government representatives; private and public sector transportation providers, both for profit and

nonprofit; voluntary transportation programs representatives; public transit system representatives, both rural and urban; and representatives of the clients served by the various programs administered by the agencies represented on the State Advisory Subcommittee for Rural and Human Services Transportation. Members of advisory committees shall be responsible for their own expenses and shall receive no compensation or reimbursement of expenses from the Georgia Coordinating Committee for Rural and Human Services Transportation, the State Advisory Subcommittee for Rural and Human Services Transportation, or the state for their services as members of an advisory committee."

SECTION 5-20.

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

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

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

SECTION 5-21.

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

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

appointed by the Speaker of the House of Representatives; and a member of the Senate, appointed by the Lieutenant Governor.″

SECTION 5-22.

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

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

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

(i) A member of the regional planning board which serves the region in which that community service board is located;

(ii) An employee or board member of a public or private entity which contracts with the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health to provide mental health, developmental disabilities, and addictive diseases services or health services within the region; or

(iii) An employee of that community service board or employee or board member of any private or public group, organization, or service provider which contracts with or receives funds from that community service board.″

″(b.1) A county governing authority may appoint the school superintendent, a member of the county board of health, a member of the board of education, or any other elected or

appointed official to serve on the community service board provided that such person meets the qualifications of paragraph (1) of subsection (b) of this Code section and such appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office which begin July 1, 1994, or later, an employee of the Department of Human Resources (now known as the Department of Behavioral Health and Developmental Disabilities for these purposes) or an employee of a county board of health shall not serve on a community service board. For terms of office which begin July 1, 2009, or later, an employee of the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health or a board member of the respective boards of each department shall not serve on a community service board.″

SECTION 5-23.

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

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

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

SECTION 5-24.

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

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

contracts, standards, or rules and regulations of the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health or pursuant to the provisions of this title.

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

SECTION 5-25.

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

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

SECTION 5-26.

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

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

"(f) A physician employed by the Department of ~~Community Health~~ Public Health or by any institution thereof or by a local health department whose duties are administrative in

nature and who does not normally provide health care to patients as such employee shall not be authorized to apply for or utilize the services of any physician assistant employed by the Department of ~~Community Health~~ Public Health or by any institution thereof or by a local health department."

SECTION 5-27.

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

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

(1) In a hospital licensed under Title 31;

(2) In any college or university as defined in Code Section 20-8-1;

(3) In the Department of ~~Community Health~~ Public Health;

(4) In any county board of health;

(5) In any free health clinic;

(6) In a birthing center;

(7) In any entity:

(A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and medicare patients; or

(B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;

(8) In any local board of education which has a school nurse program; or

(9) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization."

SECTION 5-28.

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

"(a) If the needed supplies, materials, equipment, or service can reasonably be expected to be acquired for less than $5,000.00 and is not available on state contracts or through statutorily required sources, the purchase may be effectuated without competitive bidding. The commissioner of administrative services may by rule and regulation authorize the

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

SECTION 5-29.

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

″(2) All state officers and employees shall have a privilege to refuse to disclose the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity. Personally identifiable information shall mean any information which if disclosed might reasonably reveal the identity of such person including but not limited to the person's name, address, and social security number. The identity of such informant shall not be admissible in evidence in any court of the state unless the court finds that the identity of the informant already has been disclosed otherwise.″

PART VI

Name Changes.

SECTION 6-1.

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

(1) Code Section 15-11-154, relating to appointment of plan manager for dependent child and development of mental competency plan;

(2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and officers of the State Commission on Family Violence;

(3) Code Section 31-3-11, relating to appointments of directors and staff for county boards of health;

(4) Code Section 31-11-50, relating to medical advisers relative to emergency medical services;

(5) Code Section 31-15-4, relating to the cancer control officer;

(6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;

(7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of morbidly obese patients;

(8) Code Section 43-34-23, relating to delegation of authority to nurse or physician assistant; and

(9) Code Section 49-5-225, relating to local interagency committees.

SECTION 6-2.

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

(1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood Lead Exposure Control Act"; and

(2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood Lead Exposure Control Act."

SECTION 6-3.

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

(1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors in livestock;

(2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of exotic or pet birds;

(3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures for protection of natural resources, environment, and vital areas of the state;

(4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural Resources of rules and regulations regarding parks, historic sites, and recreational areas;

(5) Code Section 12-5-175, relating to fluoridation of public water systems;

(6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal permits;

(7) Code Section 12-8-41, relating to permits issued by the Department of Natural Resources for land disposal sites;

(8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act constituting AIDS transmitting crime;

(9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury Trust Fund Commission;

(10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;

(10.1) Subsection (d) of Code Section 16-12-141, relating to when abortion is legal;

(10.2) Code Section 16-12-141.1, relating to disposal of aborted fetuses, except for paragraphs (1) and (3) of subsection (d) and the second reference in subsection (h);

(11) Code Section 17-10-15, relating to AIDS transmitting crimes;

(12) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage license;

(13) Code Section 19-3-40, relating to blood tests for sickle cell disease;

(14) Code Section 19-3-41, relating to preparation by the Department of Human Resources of a marriage manual on family planning and other material;

(15) Code Section 19-15-1, relating to definitions relative to child abuse;

(16) Code Section 20-2-142, relating to prescribed courses in elementary and secondary schools on alcohol, tobacco, and drug use;

(17) Code Section 20-2-143, relating to sex education and AIDS prevention instruction in elementary and secondary schools;

(18) Code Section 20-2-144, relating to mandatory instruction in elementary and secondary schools concerning alcohol and drug use;

(19) Code Section 20-2-260, relating to capital outlay funds generally;

(20) Code Section 20-2-770, relating to rules and regulations for nutritional screening and eye, ear, and dental examinations of students;

(21) Code Section 20-2-771, relating to immunization of students in elementary and secondary education;

(22) Code Section 20-2-772, relating to rules and regulations for screening of students for scoliosis;

(23) Code Section 20-2-778, relating to required information to parents of students regarding meningococcal meningitis;

(24) Reserved;

(25) Code Section 25-3-6, relating to the effect of certain laws relating to local fire departments on the powers and duties of other officials and departments;

(26) Code Section 26-2-371, relating to permits required for food service establishments;

(27) Code Section 26-2-372, relating to the issuance of permits for food service establishments;

(28) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards by the Department of Community Health and county boards of health for food service establishments;

(29) Code Section 26-2-374, relating to contents and posting of notices relating to assistance to persons choking;

(30) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of food service establishments;

(31) Code Section 26-2-376, relating to review of final order or determination by Department of Community Health regarding regulation of a food service establishment;

(32) Code Section 26-2-377, relating to penalties for violation of laws regarding the regulation of food service establishments;

(33) Code Section 26-3-18, relating to assistance in enforcement from Department of Agriculture or Department of Community Health with respect to standards, labeling, and adulteration of drugs and cosmetics;

(34) Code Section 26-4-116, relating to emergency service providers with respect to dangerous drugs and controlled substances;

(35) Code Section 29-4-18, relating to the appointment of a temporary medical consent guardian;

(36) Code Section 31-1-3.2, relating to hearing screenings for newborns;

(37) Code Section 31-3-4, relating to powers of county boards of health;

(38) Code Section 31-5-1, relating to adoption of rules and regulations by the Department of Community Health and county boards of health;

(39) Code Section 31-8-192, relating to definitions relative to the "'Health Share' Volunteers in Medicine Act';

(39.1) Code Section 31-8-193, relating to the establishment of a program to provide health care services to low-income recipients;

(40) Code Section 31-9A-4, relating to information to be made available by the Department of Community Health under the "Woman's Right to Know Act";

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

(42) Code Section 31-11-1, relating to findings of the General Assembly and declaration of policy with respect to emergency medical services;

(43) Code Section 31-11-3, relating to recommendations by local coordinating entity as to administration of the Emergency Medical Systems Communication Program;

(44) Code Section 31-11-53.1, relating to automated external defibrillator program;

(45) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care Network Commission;

(46) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care Network Commission;

(47) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia Trauma Care Network Commission;

(48) Code Section 31-11-110, relating to legislative findings relative to a system of certified stroke centers;

(49) Code Section 31-12-1, relating to the power to conduct research and studies relative to the control of hazardous conditions, preventable diseases, and metabolic diseases;

(50) Code Section 31-12A-9, relating to a continuing education program relative to the "Georgia Smokefree Air Act of 2005";

(51) Code Section 31-12A-10, relating to enforcement by the Department of Community Health and county boards of health of the "Georgia Smokefree Air Act of 2005";

(52) Code Section 31-14-2, relating to petition for commitment of a person who has active tuberculosis;

(53) Code Section 31-14-9, relating to procedure for securing discharge of a person committed for active tuberculosis;

(54) Code Section 31-15-2, relating to the establishment of a program for the prevention, control, and treatment of cancer;

(55) Code Section 31-16-2, relating to the establishment of a program for the prevention, control, and treatment of kidney disease;

(56) Code Section 31-17-2, relating to the report of diagnosis or treatment to health authorities of a case of venereal disease;

(57) Code Section 31-17-3, relating to examination and treatment by health authorities for venereal disease;

(58) Code Section 31-17-4.2, relating to HIV pregnancy screening;

(59) Code Section 31-17A-2, relating to examination of persons infected or suspected of being infected with HIV;

(60) Code Section 31-17A-3, relating to refusal to consent to an HIV test;

(61) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust Fund Commission;

(62) Code Section 31-22-9.1, relating to who may perform HIV tests;

(63) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood Labeling Act";

(64) Code Section 31-26-2, relating to the requirement of a certificate to practice midwifery;

(65) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;

(66) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;

(67) Code Section 31-28-5, relating to standards for health, sanitation, and safety of tourist courts;

(68) Code Section 31-28-6, relating to inspection of premises of tourist courts;

(69) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans exposed to agent orange;

(70) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for Rural Areas Assistance Act";

(71) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for emergency providers;

(72) Code Section 31-40-2, relating to issuance of permits for tattoo studios;

(73) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;

(74) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;

(75) Code Section 31-40-8, relating to a public education program relative to tattoo studios;

(76) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;

(77) Code Section 31-45-8, relating to inspections by the county board of health of public swimming pools;

(78) Code Section 31-45-9, relating to suspension or revocation of permit for a public swimming pool;

(79) Code Section 31-45-10, relating to rules and regulations relative to public swimming pools;

(80) Code Section 31-45-11, relating to enforcement of rules and regulations relative to public swimming pools;

(81) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control Program;

(82) Code Section 33-24-59.2, relating to insurance coverage for equipment and self-management training for individuals with diabetes;

(83) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health Insurance Plan;

(84) Code Section 34-9-1, relating to definitions relative to workers' compensation;

(85) Code Section 35-1-8, relating to acquisition, collection, classification, and preservation of information assisting in identifying deceased persons and locating missing persons;

(86) Code Section 37-2-2, relating to definitions relative to the administration of mental health, developmental disabilities, addictive diseases, and other disability services;

(87) Code Section 37-2-3, relating to designation of boundaries for mental health, developmental disabilities, and addictive diseases regions;

(88) Code Section 37-2-5, relating to regional planning boards establishing policy and direction for disability services;

(89) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions which became duties or functions of a community service board on July 1, 1994;

(90) Code Section 37-2-6.4, relating to reconstituting or converting of organizational structure of community service boards;

(91) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;

(92) Code Section 38-3-22, relating to the Governor's emergency management powers and duties;

(93) Code Section 38-3-51, relating to emergency powers of the Governor;

(94) Code Section 40-5-25, relating to applications for instruction permits and drivers' licenses;

(95) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood relating to violations of driving under the influence of alcohol, drugs, or other intoxicating substances;

(96) Code Section 42-1-7, relating to notification to transporting law enforcement agency of inmate's or patient's infectious or communicable disease;

(97) Code Section 42-4-6, relating to confinement and care of tubercular inmates;

(98) Code Section 42-4-32, relating to sanitation and health requirements for jails;

(99) Code Section 42-5-52, relating to classification and separation of inmates generally;

(100) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;

(101) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of hair design, and schools of nail care;

(102) Code Section 43-11-74, relating to direct supervision requirement of dental hygienists by a licensed dentist;

(103) Code Section 43-14-2, relating to definitions relative to the regulation of electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors;

(104) Code Section 43-18-46, relating to grounds for denial or revocation of license or registration to operate a funeral establishment or to practice embalming or funeral directing;

(105) Reserved;

(106) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;

(107) Code Section 45-9-1, relating to general provisions relative to insuring and indemnification of state officers and employees;

(108) Code Section 45-18-1, relating to definitions relative to the state employees' health insurance plan;

(109) Code Section 45-18-32, relating to administration of deferred compensation plans for employees of the state;

(110) Code Section 46-11-4, relating to regulation of transportation of hazardous materials on public roads of the state generally;

(111) Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules by a state agency;

(112) Code Section 50-16-3, relating to property of state boards and departments;

(113) Reserved; and

(114) Code Section 50-18-76, relating to written matter exempt from disclosure under vital records laws.

SECTION 6-4.

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

(1) Code Section 31-1-3.2, relating to hearing screenings for newborns;

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

(3) Code Section 31-11-3, relating to recommendations by local coordinating entity as to administration of the Emergency Medical Systems Communication Program;

(4) Code Section 31-11-31.1, relating to license fees on ambulance services;

(5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer research program fund;

(6) Code Section 42-9-12, relating to appointment of replacement for incapacitated member on the State Board of Pardons and Paroles; and

(7) Code Section 43-7-9, relating to general powers and duties of the State Board of Barbers.

SECTION 6-5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Code Section 38-2-10, relating to use of National Guard in drug law enforcement, provision of medical care in medically underserved areas, and for youth opportunity training programs;

(18) Code Section 42-4-32, relating to sanitation and health requirements in jails generally;

(19) Code Section 42-9-12, relating to appointment of replacement for incapacitated member on the State Board of Pardons and Paroles;

(20) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;

(21) Code Section 43-45-3, relating to creation of the State Structural Pest Control Commission;

(22) Code Section 45-9-73, relating to the creation of the Georgia Public School Personnel Indemnification Commission;

(23) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification Commission; and

(24) Code Section 45-9-110, relating to authorization for consolidation of unemployment compensation claim matters under the commissioner of administrative services.

SECTION 6-6.

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

(1) Code Section 31-41-13, relating to notice of lead poisoning hazard;

(2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;

(3) Code Section 31-41-16, relating to certificate evidencing compliance; and

(4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes occupied by children with elevated blood lead levels.

PART VII

Effective Date and Repealer.

SECTION 7-1.

This Act shall become effective on July 1, 2011.

SECTION 7-2.

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