

Senate Bill 407

By: Senators Unterman of the 45th, Chance of the 16th and Miller of the 49th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 repeal the creation of the Health Strategies Council and the Clinical Laboratory, Blood Bank,
3 and Tissue Bank Committee; to correct a cross-reference; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
8 repealing Code Section 31-6-20, relating to the Health Strategies Council generally, and
9 designating said Code section as reserved as follows:

10 "31-6-20.

11 ~~(a) There is created a newly reconstituted Health Strategies Council to be appointed by the~~
12 ~~Governor, subject to confirmation by the Senate. Any appointment made when the Senate~~
13 ~~is not in session shall be effective until the appointment is acted upon by the Senate. The~~
14 ~~newly reconstituted Health Strategies Council shall be the successor to the Health~~
15 ~~Strategies Council as it existed on June 30, 2008. Those members of the previously~~
16 ~~existing Health Strategies Council who are serving as such on June 30, 2008, shall have~~
17 ~~their terms expire on June 30, 2008, at which time that council shall be abolished. On and~~
18 ~~after that date the council shall be composed of 13 members, except as otherwise provided~~
19 ~~for in subsection (b) of this Code section. One member shall be appointed from each~~
20 ~~congressional district. The council shall be composed as follows:~~

21 ~~(1) One member representing the private insurance industry;~~

22 ~~(2) One member representing hospitals in rural counties;~~

23 ~~(3) One member representing hospitals in urban counties;~~

24 ~~(4) One member who is a primary care physician in the active practice of medicine;~~

25 ~~(5) One member who is a physician in a board-certified specialty in the active practice~~
26 ~~of medicine;~~

- 27 ~~(6) One member representing nursing homes;~~
 28 ~~(7) One member representing home health agencies;~~
 29 ~~(8) One member representing freestanding ambulatory surgical centers;~~
 30 ~~(9) One member representing health care needs of women;~~
 31 ~~(10) One member representing health care needs of the disabled and elderly;~~
 32 ~~(11) One member representing mental health care needs;~~
 33 ~~(12) One member representing health care needs of indigent persons; and~~
 34 ~~(13) One member representing health care needs of business personnel.~~
- 35 ~~(b) If the state obtains one or more additional members of the United States House of~~
 36 ~~Representatives as a result of reapportionment, the Governor shall appoint, subject to~~
 37 ~~confirmation by the Senate, from each new congressional district thus created one member~~
 38 ~~representing local or county governments.~~
- 39 ~~(c) The initial members of the newly reconstituted council shall take office July 1, 2008,~~
 40 ~~and six of them shall be designated in such appointment to serve initial terms of office of~~
 41 ~~two years and seven of them shall be designated in such appointment to serve initial terms~~
 42 ~~of office of four years. If additional members are appointed to the council to represent a~~
 43 ~~new congressional district as provided in subsection (b) of this Code section, one half shall~~
 44 ~~be designated to serve an initial term of office which expires when the above initial~~
 45 ~~two-year terms of office expire and one half shall be designated to serve an initial term of~~
 46 ~~office which expires when the above initial four-year terms of office expire. After the~~
 47 ~~initial terms provided in this subsection, members of the council shall be appointed to serve~~
 48 ~~for four-year terms of office. Members of the council shall serve out their terms of office~~
 49 ~~and until their respective successors are appointed and qualified.~~
- 50 ~~(d) Members of the council shall be subject to removal:~~
- 51 ~~(1) By the Governor after notice and opportunity for hearing for:~~
- 52 ~~(A) Inability or neglect to perform the duties required of members;~~
 53 ~~(B) Incompetence; or~~
 54 ~~(C) Dishonest conduct; or~~
- 55 ~~(2) For failure to attend at least 50 percent of the meetings of the council in any year;~~
 56 ~~provided, however, that an absence caused by a medical condition or death of a family~~
 57 ~~member shall constitute an excused absence and shall not provide grounds for removal.~~
- 58 ~~Vacancies on the council shall be filled by appointment by the Governor, subject to~~
 59 ~~confirmation by the Senate.~~
- 60 ~~(e) The Governor shall appoint the chairperson of the council. A majority of the members~~
 61 ~~of the council shall constitute a quorum.~~
- 62 ~~(f) The members of the council attending meetings of such council, or attending a~~
 63 ~~subcommittee meeting thereof authorized by such council, shall receive no salary but shall~~

64 ~~be reimbursed for their expenses in attending meetings and for transportation costs as~~
 65 ~~authorized by Code Section 45-7-21, which provides for the compensation and allowances~~
 66 ~~of certain state officials.~~

67 ~~(g) The function of the council shall be to serve as an advisory body to the department and~~
 68 ~~to:~~

69 ~~(1) Review, comment, and make recommendations to the board on components of the~~
 70 ~~state health plan; and~~

71 ~~(2) Review and comment on proposed rules for the administration of this chapter, except~~
 72 ~~emergency rules, as requested by the department.~~

73 ~~(h) The council at the department's request shall involve and coordinate functions with~~
 74 ~~such state entities as necessary. Reserved.~~

75 **SECTION 2.**

76 Said title is further amended by repealing Code Section 31-22-3, relating to the Clinical
 77 Laboratory, Blood Bank, and Tissue Bank Committee, and designating said Code section as
 78 reserved as follows:

79 "31-22-3.

80 ~~(a) The department shall appoint a Clinical Laboratory, Blood Bank, and Tissue Bank~~
 81 ~~Committee (hereinafter referred to as 'committee') which shall be composed of seven~~
 82 ~~members whose respective terms of office shall be staggered so that the terms of members~~
 83 ~~representing a particular specialty or profession shall not all expire at the same time. Each~~
 84 ~~appointment made by the department shall be made from a list of three names submitted~~
 85 ~~by each professional association representing the medical or medically oriented interest~~
 86 ~~involved and shall comply with the following provisions:~~

87 ~~(1) One member of the committee shall be a medical laboratory technician or shall be a~~
 88 ~~medical laboratory technologist who has at least two years' experience but who has not~~
 89 ~~more than 134 hours of college or university level work;~~

90 ~~(2) Two members of the committee shall be physicians duly licensed to practice~~
 91 ~~medicine and surgery pursuant to Chapter 34 of Title 43, one of whom limits his practice~~
 92 ~~to pathology;~~

93 ~~(3) One member of the committee shall be a medical laboratory technologist;~~

94 ~~(4) One member of the committee shall be a chemist;~~

95 ~~(5) One member of the committee shall be an active hospital administrator;~~

96 ~~(6) One member of the committee shall be a clinical microbiologist; and~~

97 ~~(7) There shall be no more than two physician members of the committee serving at the~~
 98 ~~same time. In addition to each appointment made by the department from the list of three~~
 99 ~~names submitted by each professional association, one name from each list shall be~~

100 ~~selected to serve as an alternate in the event the regularly appointed member is absent.~~
 101 ~~If the alternate must serve as a representative at more than three meetings within any year~~
 102 ~~of appointment, the alternate shall become a member. The third nominee shall then~~
 103 ~~become the alternate member. While such alternate is acting in his official capacity, he~~
 104 ~~shall be governed by the same rules and regulations as other committee members and~~
 105 ~~shall enjoy the same benefits and privileges.~~

106 ~~(b) The committee shall elect such officers and shall be governed by such rules and~~
 107 ~~regulations as it may adopt for its own governance, subject to final approval by the~~
 108 ~~department. Members of the committee shall serve without pay but they shall receive~~
 109 ~~reimbursement for actual and necessary expenses incurred in the performance of their~~
 110 ~~duties. The committee shall be responsible to and report to the department and shall have~~
 111 ~~the duty of advising the department on matters pertaining to standards for studying and~~
 112 ~~evaluating the location, operation, supervision, and procedures of clinical laboratories,~~
 113 ~~blood banks, and tissue banks required to be licensed pursuant to this chapter; staffing and~~
 114 ~~personnel matters in the administration of this chapter; and rules and regulations to be~~
 115 ~~adopted, modified, promulgated, or repealed pursuant to this chapter. No such standards~~
 116 ~~shall be approved, nor staffing and personnel matters in the administration of this chapter~~
 117 ~~decided, nor rules or regulations adopted, modified, promulgated, or repealed by the~~
 118 ~~department except after consultation with the committee. The department shall notify the~~
 119 ~~chairman of the committee of any request by an applicant or licensee for a hearing on any~~
 120 ~~action, proposed action, or failure to act by the department with reference to the issuance,~~
 121 ~~denial, suspension, or revocation of a license to a clinical laboratory, blood bank, or tissue~~
 122 ~~bank pursuant to this chapter; and the chairman of the committee, or any member of the~~
 123 ~~committee if the chairman does not choose to act, shall have the right to attend any such~~
 124 ~~hearing and to request of the department and receive from the department at the~~
 125 ~~department's expense the examiner's report and transcript of any such hearing, such report~~
 126 ~~and transcript to be made available upon such request at least 15 days before final action~~
 127 ~~with respect to any such matter. Reserved.~~

128 **SECTION 3.**

129 Said title is further amended by revising Code Section 31-22-6, relating to powers of the
 130 board to promulgate rules and regulations and establish and enforce standards, as follows:

131 "31-22-6.

132 In addition to powers conferred elsewhere in this chapter, the board shall:

133 (1) Promulgate rules and regulations for the implementation of this chapter, ~~after~~
 134 ~~recommendations from the advisory committee authorized in Code Section 31-22-3;~~

- 135 (2) Establish and enforce standards governing the safety and sanitary requirements
136 pertaining to clinical laboratories to the extent that they are not otherwise subject to
137 requirements imposed by law or municipal ordinance; and
138 (3) Promulgate rules and regulations relating to the qualifications and performance of all
139 personnel."

140 **SECTION 4.**

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