

House Bill 910

By: Representatives Kelley of the 16<sup>th</sup>, Cooper of the 43<sup>rd</sup>, and Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the  
2 powers, duties, functions, and responsibilities of the Department of Community Health, so  
3 as to authorize the department to approve medical-legal partnerships; to provide for standards  
4 and guidelines; to provide for statutory construction; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the powers,  
9 duties, functions, and responsibilities of the Department of Community Health, is amended  
10 by revising subsection (d) as follows:

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

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

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

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

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

- 25 (5) Is authorized to solicit and accept donations, contributions, and gifts and receive,  
26 hold, and use grants, devises, and bequests of real, personal, and mixed property on  
27 behalf of the state to enable the department to carry out its functions and purposes;
- 28 (6) Is authorized to award grants, as funds are available, to hospital authorities, ~~and~~  
29 ~~hospitals, and medical-legal partnerships~~ for public health purposes, pursuant to Code  
30 Sections 31-7-94 and 31-7-94.1 and paragraph (11) of this subsection;
- 31 (7) Shall make provision for meeting the cost of hospital care of persons eligible for  
32 public assistance to the extent that federal matching funds are available for such  
33 expenditures for hospital care. To accomplish this purpose, the department is authorized  
34 to pay from funds appropriated for such purposes the amount required under this  
35 paragraph into a trust fund account which shall be available for disbursement for the cost  
36 of hospital care of public assistance recipients. The commissioner, subject to the  
37 approval of the Office of Planning and Budget, on the basis of the funds appropriated in  
38 any year, shall estimate the scope of hospital care available to public assistance recipients  
39 and the approximate per capita cost of such care. Monthly payments into the trust fund  
40 for hospital care shall be made on behalf of each public assistance recipient and such  
41 payments shall be deemed encumbered for assistance payable. Ledger accounts  
42 reflecting payments into and out of the hospital care fund shall be maintained for each of  
43 the categories of public assistance established under Code Section 49-4-3. The balance  
44 of state funds in such trust fund for the payment of hospital costs in an amount not to  
45 exceed the amount of federal funds held in the trust fund by the department available for  
46 expenditure under this paragraph shall be deemed encumbered and held in trust for the  
47 payment of the costs of hospital care and shall be rebudgeted for this purpose on each  
48 quarterly budget required under the laws governing the expenditure of state funds. The  
49 state auditor shall audit the funds in the trust fund established under this paragraph in the  
50 same manner that any other funds disbursed by the department are audited;
- 51 (8) Shall classify and license community living arrangements in accordance with the  
52 rules and regulations promulgated by the department for the licensing and enforcement  
53 of licensing requirements for persons whose services are financially supported, in whole  
54 or in part, by funds authorized through the Department of Behavioral Health and  
55 Developmental Disabilities. To be eligible for licensing as a community living  
56 arrangement, the residence and services provided must be integrated within the local  
57 community. All community living arrangements licensed by the department shall be  
58 subject to the provisions of Code Sections 31-2-8 and 31-7-2.2. No person, business  
59 entity, corporation, or association, whether operated for profit or not for profit, may  
60 operate a community living arrangement without first obtaining a license or provisional  
61 license from the department. A license issued pursuant to this paragraph is not assignable

62 or transferable. As used in this paragraph, the term 'community living arrangement'  
63 means any residence, whether operated for profit or not, which undertakes through its  
64 ownership or management to provide or arrange for the provision of housing, food, one  
65 or more personal services, support, care, or treatment exclusively for two or more persons  
66 who are not related to the owner or administrator of the residence by blood or marriage;  
67 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia  
68 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions  
69 and other health care related entities required to be licensed, permitted, registered, or  
70 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter  
71 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such  
72 schedules shall be determined in a manner so as to help defray the costs incurred by the  
73 department, but in no event to exceed such costs, both direct and indirect, in providing  
74 such licensure activities. Such fees may be annually adjusted by the department but shall  
75 not be increased by more than the annual rate of inflation as measured by the Consumer  
76 Price Index, as reported by the Bureau of Labor Statistics of the United States  
77 Department of Labor. All fees paid thereunder shall be paid into the general funds of the  
78 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees  
79 imposed pursuant to this paragraph be used to support and improve the quality of  
80 licensing services provided by the department; ~~and~~

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

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

94 (i) 'Entity or program' means an agency, center, facility, institution, community living  
95 arrangement, drug abuse treatment and education program, or entity subject to  
96 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter  
97 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.

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

101 (11)(A) Is authorized to approve medical-legal partnerships that comply with standards  
 102 and guidelines established for such programs for purposes of determining eligibility for  
 103 grants. The department shall seek input from legal services organizations, community  
 104 health advocacy organizations, hospitals, diagnostic and treatment centers, and other  
 105 primary and specialty health care providers in establishing such standards and  
 106 guidelines.

107 (B) For purposes of this paragraph, the term 'medical-legal partnership' means a  
 108 program conducted or established by a nonprofit entity through a collaboration pursuant  
 109 to a written agreement between one or more medical service providers and one or more  
 110 legal services programs, including those based within a law school, to provide legal  
 111 services without charge to assist income-eligible individuals and their families in  
 112 resolving legal matters or other needs that have an impact on the health of such  
 113 individuals and families. Written agreements may include a memorandum of  
 114 understanding or other agreement relating to the operations of the partnership and  
 115 encompassing the rights and responsibilities of each party thereto. The medical service  
 116 provider or providers may provide referrals of its patients to the legal services program  
 117 or programs on matters that may potentially impact the health, health care, or the health  
 118 care costs of a patient.

119 (C) A medical-legal partnership that complies with the standards and guidelines  
 120 established pursuant to this paragraph and has demonstrated the ability and experience  
 121 to provide high quality patient centered legal services regarding legal matters or other  
 122 needs that have an impact on the health of individuals and families shall be approved  
 123 by the department.

124 (D) This paragraph shall not be construed to require any medical-legal partnership or  
 125 similar entity to seek or attain approval pursuant to this paragraph in order to operate."

126 **SECTION 2.**

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