

The Senate Health and Human Services Committee offered the following substitute to HB 966:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to
2 services for the aging, so as to provide for the transfer of the Division of Aging Services to
3 the Georgia Adult and Aging Services Agency; to provide for definitions; to provide for the
4 Georgia Adult and Aging Services Board; to provide for membership, powers, and duties;
5 to provide for an executive director; to provide for transfer of rights, duties, and obligations;
6 to amend Code Section 31-8-304 of the Official Code of Georgia Annotated, relating to the
7 comprehensive state plan to address Alzheimer's and related dementias, so as to designate
8 the Georgia Adult and Aging Services Agency as the appropriate agency to implement the
9 state plan; to amend various provisions of the Official Code of Georgia Annotated so as to
10 make conforming changes; to provide for related matters; to provide for an effective date;
11 to provide for applicability; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 The General Assembly finds that:

- 14 (1) Georgia has the eleventh fastest growing population in the United States of individuals
15 60 years of age and older;
16 (2) Georgia has the tenth fastest growing population in the United States of individuals 85
17 years of age and older; and
18 (3) Georgia's population of individuals 60 years of age and older is expected to increase
19 by 65 percent from 2010 to 2030.
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SECTION 2.

21 Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the
22 aging, is amended by adding new Code sections to read as follows:
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24 "49-6-1.1.

25 As used in this article, the term:

26 (1) 'Agency' means the Georgia Adult and Aging Services Agency.

27 (2) 'Board' means the Georgia Adult and Aging Services Board.

28 (3) 'Director' means the executive director of the agency.

29 49-6-1.2.

30 (a) There is created the Georgia Adult and Aging Services Board. The board shall consist
31 of seven members who work or have worked in the area of adult or aging services, who are
32 recipients of adult or aging services, or who are eligible to receive services provided by the
33 agency; provided, however, that two members shall be individuals who are 60 years of age
34 or older.

35 (b) The members of the board shall be appointed as follows: two members shall be
36 appointed by the Governor, two members shall be appointed by the Speaker of the House
37 of Representatives, two members shall be appointed by the Lieutenant Governor, and one
38 member shall be appointed by the director. The first members shall be appointed to take
39 office on July 1, 2014, for initial terms as follows: three such members shall be appointed
40 for terms of one year, two such members shall be appointed for terms of two years, and two
41 such members shall be appointed for terms of three years. Thereafter, the successors shall
42 be appointed by the respective appointing authority upon the expiration of the respective
43 terms of office for terms of three years. All such members shall serve until their successors
44 are appointed and qualified. Such members shall be eligible for reappointment to
45 successive terms of office as members of the board.

46 (c) Vacancies in office shall be filled by appointment by the respective appointing
47 authority in the same manner as the appointment to the position on the board. An
48 appointment to fill a vacancy other than by expiration of a term of office shall be for the
49 balance of the unexpired term. If a vacancy remains unfilled for six months, the board
50 shall be authorized to fill the vacancy in accordance with the process described in this Code
51 section.

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

55 (e) There shall be a chairperson of the board elected by and from the membership of the
56 board who shall be the presiding officer of the board. The term of the chairperson shall be
57 established by rules of the board.

58 (f) A quorum for transacting business shall be determined by the members of the board.

59 (g) The members of the board shall receive a per diem allowance and expenses as shall be
60 set and approved by the Office of Planning and Budget in conformance with rates and
61 allowances set for members of other state boards.

62 (h) In addition to the powers and duties set forth in this article, the board shall recommend
 63 to the Governor and the General Assembly changes in state programs, statutes, policies,
 64 budgets, and standards relating to aging services, the improvement of coordination among
 65 state and local agencies that provide aging services, and the improvement of the condition
 66 of citizens who are in need of the services of the agency.

67 49-6-1.3.

68 The board shall appoint a director. The director shall have experience with adult or aging
 69 services provided by the agency with particular, demonstrated experience with home and
 70 community based services. The director shall serve at the pleasure of the board.

71 49-6-1.4.

72 (a) The Georgia Adult and Aging Services Agency is created and established to perform
 73 the functions and assume the duties, powers, and authority exercised by the former
 74 Division of Aging Services within the Department of Human Services on June 30, 2014.
 75 On July 1, 2014, the powers, functions, duties, programs, institutions, and authority of the
 76 agency relating to the former Division of Aging Services within the Department of Human
 77 Services shall be transferred to the agency pursuant to this article.

78 (b) The agency shall be assigned to the Department of Community Health for
 79 administrative purposes only, as prescribed in Code Section 50-4-3 except that the agency
 80 shall not be subject to paragraph (2) of subsection (a) and paragraph (4) of subsection (b)
 81 of said Code Section providing for budget submission through the department. The agency
 82 shall submit its budget separately and directly to the Governor and the General Assembly."

83 **SECTION 3.**

84 Said chapter is further amended by revising Code Section 49-6-5, relating to the creation of
 85 the Division of Aging Services within the department, as follows:

86 "49-6-5.

87 (a) The agency shall succeed to all rules, regulations, policies, procedures, and
 88 administrative orders of the Department of Human Services which are in effect on June 30,
 89 2014, and which relate to the functions of the former Division of Aging Services. Such
 90 rules, regulations, policies, procedures, and administrative orders shall remain in effect
 91 until amended, repealed, superseded, or nullified by proper authority or as otherwise
 92 provided by law.

93 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 94 agreements, and other transactions entered into before July 1, 2014, by the Department of
 95 Human Services or the Division of Aging Services pertaining to the Division of Aging

96 Services shall continue to exist, and none of such rights, privileges, entitlements, and duties
 97 are impaired or diminished by reason of the transfer of the functions to the agency provided
 98 for in this article. In all such instances, the agency shall be substituted for the Department
 99 of Human Services or the Division of Aging Services, and the agency shall succeed to the
 100 rights, privileges, entitlements, and duties under such contracts, leases, agreements, and
 101 other transactions.

102 (c) All persons employed by the Division of Aging Services who, on June 30, 2014, are
 103 engaged in the performance of a function or duty which is transferred to the agency as of
 104 July 1, 2014, by this article, shall be automatically transferred to the agency on July 1,
 105 2014. An equivalent number of positions or funds of the Department of Human Services
 106 which provide administrative support to the Division of Aging Services shall be transferred
 107 to the agency on July 1, 2014. Such persons shall be subject to the employment practices
 108 and policies of the agency on and after July 1, 2014, but the compensation and benefits of
 109 such transferred employees shall not be reduced. Employees who are subject to the rules
 110 of the State Personnel Board and who are transferred to the agency shall retain all existing
 111 rights under such rules. Accrued annual and sick leave shall be retained by such employees
 112 as employees of the agency.

113 (d) On July 1, 2014, the agency shall receive custody of any state owned property in the
 114 custody of the Department of Human Services on June 30, 2014, which pertains to the
 115 functions transferred from the Division of Aging Services to the agency.

116 ~~The Division of Aging Services, administratively established previously within the~~
 117 ~~department, is statutorily established. The Division of Aging Services established by this~~
 118 ~~Code section shall have those functions, duties, powers, and responsibilities heretofore~~
 119 ~~assigned by the board and the commissioner and as hereafter so assigned or as provided by~~
 120 ~~law."~~

121 **SECTION 4.**

122 Said chapter is further amended by revising Code Section 49-6-61, relating to definitions
 123 regarding community care and services for the elderly, as follows:

124 "49-6-61.

125 As used in this article, the term:

126 (1) ~~'Aging section'~~ means the single organizational unit within the Department of Human
 127 ~~Services responsible for the planning and administration of services under the Older~~
 128 ~~Americans Act of 1965: 'Agency' means the Georgia Adult and Aging Services Agency.~~

129 (2) ~~'Department'~~ means the Department of Human Services.

130 ~~(3)~~(2) 'Functionally impaired elderly person' means any person 60 years of age or older
 131 with physical or mental limitations that restrict individual ability to perform the normal
 132 activities of daily living and which impede individual capacity to live independently.

133 ~~(4)~~(3) The 'Georgia Medical Assistance Act of 1977' means Article 7 of Chapter 4 of this
 134 title.

135 ~~(5)~~(4) 'Lead agency' means one or more agencies designated by the ~~Department of~~
 136 ~~Human Services~~ Georgia Adult and Aging Services Agency to assess services needed by
 137 functionally impaired elderly persons, to coordinate and provide community care services
 138 to those persons, provide case management, and, where necessary, subcontract with
 139 providers of service. A lead agency shall be either a private nonprofit entity or any public
 140 entity, including but not limited to any organizational unit of the ~~department~~ Georgia
 141 Adult and Aging Services Agency.

142 ~~(6)~~(5) 'Older Americans Act of 1965' means P.L. 92-258, as amended, on July 1, 1982."

143 **SECTION 5.**

144 Said chapter is further amended by revising paragraph (4) of Code Section 49-6-72, relating
 145 to definitions regarding the "Georgia Family Caregiver Support Act," as follows:

146 "(4) ~~'Department' means the Department of Human Services.~~ Reserved."

147 **SECTION 6.**

148 Said chapter is further amended by striking "department" wherever such term occurs in the
 149 following Code sections and inserting in its place "agency":

150 (1) Code Section 49-6-2, relating to the designated agency for federal programs;

151 (2) Code Section 49-6-3, relating to the powers of the department;

152 (3) Code Section 49-6-4, relating to acceptance of federal and other grants;

153 (4) Code Section 49-6-6, relating to annual report;

154 (5) Code Section 49-6-21, relating to duties and powers of council;

155 (6) Code Section 49-6-22, relating to staff and facilities;

156 (7) Code Section 49-6-40, relating to the creation of the Silver-Haired Legislature;

157 (8) Code Section 49-6-62, relating to the establishment of community care unit;

158 (9) Code Section 49-6-63, relating to the establishment of community care service system;

159 (10) Code Section 49-6-64, relating to adoption of rules and regulations;

160 (11) Code Section 49-6-73, relating to eligibility for benefits;

161 (12) Code Section 49-6-74, relating to provision of services; and

162 (13) Code Section 49-6-77, relating to rules and regulations.

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SECTION 7.

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Code Section 31-8-304 of the Official Code of Georgia Annotated, relating to the comprehensive state plan to address Alzheimer's and related dementias, is amended by revising subparagraph (a)(5)(P) as follows:

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"(P) Improving how state government evaluates and adopts policies to help people with Alzheimer's disease and their families; ~~determination of which department of state government is~~ and designating the Georgia Adult and Aging Services Agency as the most appropriate agency to implement and house the ongoing work of the Georgia Alzheimer's and Related Dementias State Plan Task Force as it convenes annually to ensure, track, and report progress as Georgia becomes a more dementia-capable state."

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SECTION 8.

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Code Section 49-1-7 of the Official Code of Georgia Annotated, relating to home delivered meals, transportation, services for the elderly, and preschool children with special needs trust, is amended by adding a new subsection to read as follows:

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"(a.1) As used in this Code section, the term 'department' means the Georgia Adult and Aging Services Agency."

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SECTION 9.

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The following Code sections of the Official Code of Georgia Annotated are amended by striking "Division of Aging Services", "Division of Aging Services within the Department of Human Services", "Division of Aging Services of the department", "Division of Aging Services of the Department of Human Services", "Department of Human Resources (now known as the Department of Human Services)", or "department through the Division of Aging Services" wherever such terms occur and inserting in their place "Georgia Adult and Aging Services Agency":

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(1) Code Section 10-1-855, relating to referral procedures to provide intervention and assistance with respect to unfair or deceptive practices toward the elderly;

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(2) Code Section 29-10-3, relating to qualifications and requirements of public guardians;

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(3) Code Section 29-10-4, relating to registration of public guardians;

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(4) Code Section 29-10-10, relating to compensation of public guardians;

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(5) Code Section 29-10-11, relating to appropriation of funds for compensation of public guardians in certain circumstances;

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(6) Code Section 30-5-3, relating to definitions relative to the "Disabled Adults and Elder Persons Protection Act";

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(7) Code Section 31-8-302, relating to the composition of the Georgia Alzheimer's and Related Dementias State Plan Task Force;

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- 198 (8) Code Section 31-8-303, relating to meetings of the task force;
199 (9) Code Section 37-1-27, relating to legislative findings of the Suicide Prevention
200 Program;
201 (10) Code Section 49-1-7, relating to home delivered meals, transportation, services for
202 the elderly, and preschool children with special needs trust;
203 (11) Code Section 49-4-162, relating to the establishment of the Georgia Qualified
204 Long-term Care Partnership Program;
205 (12) Code Section 49-6-20, relating to the creation of the Council on Aging;
206 (13) Code Section 49-6-60, relating to legislative intent regarding community care and
207 services for the elderly;
208 (14) Code Section 49-6-71, relating to purpose of the "Georgia Family Caregiver Support
209 Act";
210 (15) Code Section 49-6-72, relating to definitions; and
211 (16) Code Section 50-8-50, relating to the creation of the Commission on Regional
212 Planning.

213 **SECTION 10.**

214 This Act shall become effective upon its approval by the Governor or upon its becoming law
215 without such approval.

216 **SECTION 11.**

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