

Senate Bill 357

By: Senators Burke of the 11th, Unterman of the 45th, Rhett of the 33rd, Hill of the 4th, Hufstetler of the 52nd and others

**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 create the Health Coordination and Innovation Council of the State of Georgia; to provide  
 3 for legislative findings and declarations; to create the council and assign for administrative  
 4 purposes; to provide for membership, staggered terms, and vacancies; to provide for election  
 5 of a chairperson and vice chairperson, meetings, minutes and records, and rules; to provide  
 6 for member compensation and expense allowance; to provide for appointment of a director  
 7 and powers and duties; to provide for functions and authority of the council; to provide for  
 8 establishment of the Health System Innovation Center, its purpose, and call for proposals;  
 9 to provide for preparation of budget requests, appropriations, gifts, grants, and donations of  
 10 property and services; to establish an advisory board; to provide for membership and duties;  
 11 to provide for reporting requirements of certain boards, commissions, committees, and  
 12 offices and each entity's representation in an advisory capacity; to amend other provisions  
 13 of the Official Code of Georgia Annotated so as to provide for conforming changes; to  
 14 provide for a short title; to provide for related matters; to repeal conflicting laws; and for  
 15 other purposes.

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

17 **SECTION 1.**

18 This act shall be known and may be cited as "The Health Act."

19 **SECTION 2.**

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

"CHAPTER 53

22

23 31-53-1.

24 The General Assembly finds that Georgia's major health challenges affecting access,  
 25 effectiveness, and cost of care are detrimental to the general welfare of the State of Georgia  
 26 and its citizens, and all components of our health care system must be better coordinated,  
 27 focused, and effective at all levels, including those of health agencies, academic  
 28 institutions, and public and private sectors. The General Assembly, therefore, declares it  
 29 to be the public policy of this state to unite the major stakeholders and components at all  
 30 levels of the state's health system under a strategic vision for Georgia's future by  
 31 establishing a state-wide coordinating platform.

32 31-53-2.

33 There is established the Health Coordination and Innovation Council of the State of  
 34 Georgia which shall be assigned to the Office of Planning and Budget for administrative  
 35 purposes only, as prescribed in Code Section 50-4-3.

36 31-53-3.

37 (a) The Health Coordination and Innovation Council of the State of Georgia shall consist  
 38 of 18 members, as follows:

39 (1) The following or their designees shall be members of the council, by reason of their  
 40 office or position:

41 (A) The director of health care policy and strategic planning;42 (B) The commissioner of community health;43 (C) The commissioner of public health;44 (D) The commissioner of human services;45 (E) The commissioner of behavioral health and developmental disabilities; and46 (F) The executive director of substance abuse, addiction, and related disorders;

47 (2) Eight members shall be appointed by the Governor for terms of four years, with  
 48 initial appointments, however, of four members serving four-year terms, two members  
 49 servng three-year terms, and two members serving two-year terms. Appointments shall  
 50 be made to ensure that the council always includes the following persons:

51 (A) Four representatives from medical schools, universities, and academia; and52 (B) Four representatives from the private health care sector; and

53 (3) The following or their designees shall be ex officio members of the council by reason  
 54 of their office:

55 (A) The Commissioner of Insurance;

56 (B) The commissioner of corrections;

57 (C) The commissioner of economic development; and

58 (D) The Attorney General.

59 No person shall serve beyond the time he or she holds an office, title, or affiliation that  
 60 initially qualified him or her for appointment. Appointed members shall serve at the  
 61 pleasure of the Governor.

62 (b) In the event of death, resignation, disqualification, or removal for any reason of any  
 63 member of the council, vacancies shall be filled in the same manner as that of the original  
 64 appointment and successors shall serve for the remainder of the unexpired term.

65 (c) The initial terms for all 18 original members of the council shall begin July 1, 2018.

66 31-53-4.

67 The business of the council shall be conducted in the following manner:

68 (1) The councilmembers pursuant to paragraph (1) of Code Section 31-53-3 shall adopt  
 69 rules for the council's internal procedures, bylaws, and transaction of the council's  
 70 business;

71 (2) The council shall maintain minutes of its meetings and such other records as it deems  
 72 necessary; and

73 (3) The council shall produce and distribute a detailed annual report no later than  
 74 December 1, 2018, and annually thereafter. The report shall be distributed to the  
 75 Governor, General Assembly, and made publicly available.

76 31-53-5.

77 Members of the council shall serve without compensation but shall receive for each day of  
 78 attendance at council meetings a daily expense allowance in the amount specified in  
 79 subsection (b) of Code Section 45-7-21 plus reimbursement for actual transportation costs  
 80 while traveling by public carrier, or the legal mileage rate for use of a personal car in  
 81 connection with such attendance.

82 31-53-6.

83 (a) There is created the position of director of health care policy and strategic planning  
 84 who shall be an employee of the Office of Planning and Budget and shall report directly  
 85 to the Governor.

86 (b) The director shall have the following qualifications:

87 (1) Extensive experience in health care policy which shall include having held a position  
 88 as a health care clinician and administrator; and

89 (2) Additional education, experience, and other qualifications as determined by the  
 90 Governor.

91 (c) The director's duties shall include, but not be limited to:

92 (1) Management, oversight, and coordination of innovation within Georgia's health care  
 93 system;

94 (2) In consultation with the Governor, identification of the health priorities of the state  
 95 and adoption of strategies to ensure effective implementation of such priorities;

96 (3) Monitoring the effectiveness of adopted strategies to ensure appropriate models are  
 97 utilized in consideration of local, regional, and state disparities;

98 (4) Oversight of the facilitation of partnerships to foster collaboration and efficient use  
 99 of available resources at the federal, state, regional, and local levels; and

100 (5) Coordination of data-driven decision making in collaboration with the Health  
 101 Coordination and Innovation Council of the State of Georgia and the Health System  
 102 Innovation Center.

103 (d) The director may contract with other agencies, public and private, or persons as he or  
 104 she deems necessary for the rendering and affording of such services, facilities, studies,  
 105 research, and reports to the council as will provide the best assistance for carrying out its  
 106 duties and responsibilities.

107 (e) The director may employ such other professional, technical, and clerical personnel as  
 108 deemed necessary to carry out the purposes of this chapter.

109 31-53-7.

110 The council is vested with the following functions and authority:

111 (1) To bring together experts from academic institutions and industry, as well as state  
 112 elected and appointed leaders to provide a forum to share information, coordinate the  
 113 major functions of the state's health care system, and develop innovative approaches for  
 114 stabilizing costs while improving access to quality care;

115 (2) To serve as a forum for identifying Georgia's specific health issues of greatest  
 116 concern and to promote cooperation from both public and private agencies to test new  
 117 and innovative ideas;

118 (3) To evaluate the effectiveness of previously enacted and ongoing health programs and  
 119 determine how best to achieve the goal of promoting innovation and improving Georgia's  
 120 health care system;

121 (4) To maximize the effectiveness of existing resources, expertise, and opportunities for  
 122 improvement;

123 (5) To create an organized approach to coordinating health care functions and programs;

124 (6) To establish, administer, direct, and oversee the Health System Innovation Center;

125 (7) To establish criteria for a competitive application submission process among  
 126 individual institutions and partnership alliances for establishment of the Health System  
 127 Innovation Center;

128 (8) To carry out such duties that may be required by federal law or regulation so as to  
 129 enable this state to receive and disburse federal funds for health care programs; and

130 (9) To provide detailed and regular reports to the director.

131 31-53-8.

132 (a) The Health System Innovation Center shall be established as a research organization  
 133 that utilizes Georgia's academic, public health policy, data, and workforce resources to  
 134 develop new approaches for financing and delivering health care in this state.

135 (b) The Health System Innovation Center's purpose and duties are to:

136 (1) Develop a research program to identify and analyze significant health system  
 137 problems and to propose solutions and best practices to such problems;

138 (2) Focus on access improvement to affordable health care in rural Georgia;

139 (3) Set as its first priority to synthesize existing studies, reports, and data to provide a  
 140 baseline assessment and set measurable goals as part of Georgia's strategic reform plan;

141 (4) Incorporate recommendations from state reform efforts to build the state's reform  
 142 plan;

143 (5) Evaluate and make recommendations for the fiscal stabilization of rural health care  
 144 delivery systems and ensure their design is appropriate for the community served by such  
 145 systems;

146 (6) Provide technical assistance and expertise to address immediate needs of rural  
 147 communities;

148 (7) Develop state-wide pilot projects, identify innovative approaches to funding these  
 149 projects, and track and evaluate the projects' performance; and

150 (8) Serve as a clearinghouse for data integration and analysis to produce studies that  
 151 address cost-drivers and duplication to eliminate barriers to health care and reduce costs.

152 (c) Proposal criteria shall be established no later than December 1, 2018.

153 31-53-9.

154 (a) The council shall prepare a budget request in the same manner as that described under  
 155 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' and a separate appropriation  
 156 shall be provided for the council in the General Appropriations Act.

157 (b) The council shall be authorized to accept and use gifts, grants, and donations for the  
 158 purpose of carrying out the provisions of this chapter. The council shall also be authorized  
 159 to accept and use property, both real and personal, and services for the purpose of carrying

160 out the provisions of this chapter. Such funds, property, or services so received as gifts,  
161 grants, or donations shall be the property and funds of the council and, as such, shall not  
162 lapse at the end of each fiscal year but shall remain under the control of and subject to the  
163 direction of the council to carry out the provisions of this chapter.

164 31-53-10.

165 (a) There is established an advisory board to the council which shall consist of at least 13  
166 and not more than 19 members appointed by the Governor who have training and  
167 experience that represent existing committees and areas of health care expertise with  
168 consideration of needs expressed by the council.

169 (b) A majority of the members of the advisory board, including the chairperson, shall not  
170 be full-time employees of the federal, state, or local government.

171 (c) Membership on the advisory board shall not constitute public office, and no member  
172 shall be disqualified from holding public office by reason of his or her membership.

173 (d) The advisory board shall elect a chairperson from among its membership. The  
174 advisory board may elect such other officers and committees as it deems appropriate.

175 (e) Members of the advisory board shall serve without compensation, although each  
176 member of the advisory board shall be reimbursed for actual expenses incurred in the  
177 performance of his or her duties from funds available to the office. Such reimbursement  
178 shall be limited to all travel and other expenses necessarily incurred through service on the  
179 advisory board, in compliance with this state's travel rules and regulations. However, in  
180 no case shall a member of the advisory board be reimbursed for expenses incurred in the  
181 member's capacity as the representative of another state agency.

182 31-53-11.

183 (a) The advisory board shall:

184 (1) Meet at such times and places as it shall determine necessary or convenient to  
185 perform its duties. The advisory board shall also meet on the call of the director, the  
186 chairperson of the council, or the Governor;

187 (2) Maintain minutes of its meetings;

188 (3) Participate in the development and review of this state's health care plan prior to  
189 submission to the council for final action;

190 (4) Be afforded the opportunity to review and comment on all health care grant  
191 applications submitted to the council, not later than 30 days after their submission to the  
192 advisory board;

- 193 (5) Use the combined expertise and experience of its members to provide regular advice  
 194 and counsel to the director to enable the council to carry out its statutory duties under this  
 195 chapter; and  
 196 (6) Identify and report to the council any federal laws or regulations that may enable the  
 197 state to receive and disburse federal funds for health care programs.  
 198 (b) The council shall not be limited or otherwise restricted in appointing other advisors as  
 199 deemed necessary in pursuing the advisory board's duties under this chapter.

200 31-53-12.

- 201 (a) Each of the following boards, commissions, committees, councils, and offices shall  
 202 provide their required reporting to the council:  
 203 (1) The Maternal Mortality Review Committee;  
 204 (2) The Office of Women's Health;  
 205 (3) The Commission on Men's Health;  
 206 (4) The Renal Dialysis Advisory Council;  
 207 (5) The Kidney Disease Advisory Committee;  
 208 (6) The Hemophilia Advisory Board;  
 209 (7) The Georgia Council on Lupus Education and Awareness;  
 210 (8) The Georgia Palliative Care and Quality of Life Advisory Council;  
 211 (9) The Georgia Trauma Care Network Commission;  
 212 (10) The Behavioral Health Coordinating Council;  
 213 (11) The Georgia Coverdell Acute Stroke Registry;  
 214 (12) The Office of Cardiac Care; and  
 215 (13) The Brain and Spinal Injury Trust Fund.  
 216 (b) The boards, commissions, committees, councils, and offices required to report to the  
 217 council pursuant to this Code section shall have representation on the advisory board. Such  
 218 entity's position on the advisory board shall not count against the overall board membership  
 219 maximum requirement under Code Section 31-53-10."

220 **SECTION 3.**

221 Said title is further amended in Code Section 31-1-13, relating to the Hemophilia Advisory  
 222 Board, by revising subsection (g) as follows:

223 "(g) The Hemophilia Advisory Board shall, no later than ~~January, 2012~~ October 1, 2018,  
 224 and annually thereafter, submit to the ~~Governor and the General Assembly~~ Health  
 225 Coordination and Innovation Council of the State of Georgia a report of its findings and  
 226 recommendations. Annually thereafter, the commissioner of public health, in consultation  
 227 with the commissioner of community health, shall report to the Governor and the General

228 Assembly on the status of implementing the recommendations as proposed by the  
 229 Hemophilia Advisory Board. The reports shall be made public and shall be subject to  
 230 public review and comment."

231 **SECTION 4.**

232 Said title is further amended in Code Section 31-2A-5, relating to the Office of Women's  
 233 Health, by revising subsection (b) and adding a new subsection to read as follows:

234 "(b) The Office of Women's Health shall serve in an advisory capacity to the ~~Governor,~~  
 235 ~~the General Assembly, the board, the department, and all other state agencies in matters~~  
 236 ~~relating to women's health~~ Health Coordination and Innovation Council of the State of  
 237 Georgia. In particular, the office shall:

- 238 (1) Raise awareness of women's nonreproductive health issues;  
 239 (2) Inform and engage in prevention and education activities relating to women's  
 240 nonreproductive health issues;  
 241 (3) Serve as a clearing-house for women's health information for purposes of planning  
 242 and coordination;  
 243 (4) Issue reports of the office's activities and findings; and  
 244 (5) Develop and distribute a state comprehensive plan to address women's health issues."

245 "(d) The council, no later than October 1, 2018, and annually thereafter shall submit to the  
 246 Health Coordination and Innovation Council of the State of Georgia a report of its findings  
 247 and recommendations."

248 **SECTION 5.**

249 Said title is further amended in Code Section 31-2A-16, relating to the Maternal Mortality  
 250 Review Committee, by revising subsection (g) as follows:

251 "(g) Reports of aggregated nonindividually identifiable data shall be compiled on a routine  
 252 basis for distribution in an effort to further study the causes and problems associated with  
 253 maternal deaths. A detailed annual report shall be submitted no later than October 1.  
 254 ~~Reports shall be distributed to the General Assembly, health care providers and facilities,~~  
 255 ~~key government agencies, and others necessary to reduce the maternal death rate~~ Health  
 256 Coordination and Innovation Council of the State of Georgia."

257 **SECTION 6.**

258 Said title is further amended in Code Section 31-7-192, relating to the Georgia Palliative  
 259 Care and Quality of Life Advisory Council, by revising subsection (f) as follows:

260 "(f) The council, no later than ~~June 30, 2017~~ October 1, 2018, and annually thereafter shall  
 261 submit to the ~~Governor and the General Assembly~~ Health Coordination and Innovation  
 262 Council of the State of Georgia a report of its findings and recommendations."

263 **SECTION 7.**

264 Said title is further amended by repealing Article 9 of Chapter 8, relating to the Federal and  
 265 State Funded Health Care Financing Programs Overview Committee, and designating said  
 266 article as reserved.

267 **SECTION 8.**

268 Said title is further amended in Code Section 31-11-103, relating to the Georgia Trauma  
 269 Trust Fund, by revising subsection (b) as follows:

270 "(b) The Georgia Trauma Care Network Commission shall report annually ~~to the House~~  
 271 ~~Committee on Health and Human Services and the Senate Health and Human Services~~  
 272 ~~Committee~~ no later than October 1 to the Health Coordination and Innovation Council of  
 273 the State of Georgia. Such report shall provide an update on state-wide trauma system  
 274 development and the impact of fund distribution on trauma patient care and outcomes."

275 **SECTION 9.**

276 Said title is further amended in Code Section 31-11-116, relating to annual reports relative  
 277 to stroke centers, by revising subsection (b) as follows:

278 "(b) The department shall collect the information reported pursuant to subsection (a) of this  
 279 Code section and shall post such information in the form of a report card annually on the  
 280 department's website and present such report to the ~~Governor, the President of the Senate,~~  
 281 ~~and the Speaker of the House of Representatives~~ Health Coordination and Innovation  
 282 Council of the State of Georgia. The results of this report card may be used by the  
 283 department to conduct training with the identified facilities regarding best practices in the  
 284 treatment of stroke."

285 **SECTION 10.**

286 Said title is further amended in Code Section 31-11-135, relating to grants to hospitals and  
 287 reporting relative to the Office of Cardiac Care, by revising subsection (d) as follows:

288 "(d) The office shall annually prepare and submit to the ~~Governor, the President of the~~  
 289 ~~Senate, the Speaker of the House of Representatives, and the chairpersons of the House~~  
 290 ~~Committee on Health and Human Services and the Senate Health and Human Services~~  
 291 ~~Committee for distribution to its committee members~~ Health Coordination and Innovation  
 292 Council of the State of Georgia a report indicating the total number of hospitals that have

293 applied for grants pursuant to this Code section, the number of applicants that have been  
 294 determined by the office to be eligible for such grants, the total number of grants to be  
 295 awarded, the name and address of each grantee, and the amount of the award to each  
 296 grantee."

297 **SECTION 11.**

298 Said title is further amended in Code Section 31-16-3, relating to the functions of the Kidney  
 299 Disease Advisory Committee, membership, terms of office, vacancies, and compensation and  
 300 reimbursement of expenses, by adding a new subsection to read as follows:

301 "(f) The KDAC shall prepare and submit a complete and detailed report no later than  
 302 October 1, 2018, and annually thereafter to the Health Coordination and Innovation  
 303 Council of the State of Georgia concerning the impact of the program established pursuant  
 304 to Code Section 31-16-2 on the treatment of chronic renal disease and the cost of such  
 305 treatment."

306 **SECTION 12.**

307 Said title is further amended in Code Section 31-18-4, relating to duties of the Brain and  
 308 Spinal Injury Trust Fund Commission, by revising subsection (b) as follows:

309 "(b) The Brain and Spinal Injury Trust Fund Commission shall maintain records of reports  
 310 and notifications made under this chapter. The Brain and Spinal Injury Trust Fund  
 311 Commission shall produce an annual report relating to information and data collected  
 312 pursuant to this chapter and shall make such report available upon request. Such report  
 313 shall be submitted annually no later than October 1 to the Health Coordination and  
 314 Innovation Council of the State of Georgia."

315 **SECTION 13.**

316 Said title is further amended in Code Section 31-43-12, relating to duties and responsibilities  
 317 of the Commission on Men's Health, by revising paragraph (6) as follows:

318 "(6) Submit a report of its findings and recommendations under this chapter to the  
 319 Governor, the President of the Senate, and the Speaker of the House of Representatives  
 320 not Health Coordination and Innovation Council of the State of Georgia no later than  
 321 October 1 of each year."

322 **SECTION 14.**

323 Said title is further amended in Code Section 31-44-3, relating to adoption of rules, council  
 324 established, and terms of councilmembers of the Renal Dialysis Advisory Council, by adding  
 325 a new subsection to read as follows:

326 "(d) The council shall submit an annual report no later than October 1 of its  
 327 recommendations and evaluation of their implementation to the Health Coordination and  
 328 Innovation Council of the State of Georgia."

329 **SECTION 15.**

330 Said title is further amended by revising Code Section 31-49-5, relating to the annual report  
 331 of the Georgia Council on Lupus Education and Awareness, as follows:

332 "31-49-5.

333 The council shall prepare annually a complete and detailed report to be submitted ~~to the~~  
 334 ~~Governor, the chairperson of the House Committee on Health and Human Services, and~~  
 335 ~~the chairperson of the Senate Health and Human Services Committee~~ no later than  
 336 October 1 to the Health Coordination and Innovation Council of the State of Georgia  
 337 detailing the activities of the council and may include any recommendations for legislative  
 338 action it deems appropriate."

339 **SECTION 16.**

340 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral  
 341 Health Coordinating Council, membership, meetings, and obligations, is amended by  
 342 revising paragraph (1) of subsection (h) as follows:

343 "(h)(1) The council shall submit annual reports no later than October 1 of its  
 344 recommendations and evaluation of their implementation to the ~~Governor and the~~  
 345 ~~General Assembly~~ Health Coordination and Innovation Council of the State of Georgia."

346 **SECTION 17.**

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