

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**

**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 preparation of budget requests, appropriations, gifts, grants, and donations of property and  
 9 services; to establish an advisory board; to provide for membership and duties; to provide for  
 10 reporting requirements of certain boards, commissions, committees, and offices and each  
 11 entity's representation in an advisory capacity; to amend other provisions of the Official Code  
 12 of Georgia Annotated so as to provide for conforming changes; to provide for a short title;  
 13 to provide for related matters; to provide for a sunset date; to repeal conflicting laws; and for  
 14 other purposes.

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

16 **SECTION 1.**

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

18 **SECTION 2.**

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

21 "CHAPTER 53

22 31-53-1.

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

31 31-53-2.

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

35 31-53-3.

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

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

40 (A) The director of health care policy and strategic planning;

41 (B) The commissioner of community health;

42 (C) The commissioner of public health;

43 (D) The commissioner of human services;

44 (E) The commissioner of behavioral health and developmental disabilities; and

45 (F) The executive director of substance abuse, addiction, and related disorders;

46 (2) Six members shall be appointed by the Governor; one member shall be appointed by  
47 the Lieutenant Governor and such member shall be a professional actively engaged in  
48 health care in this state; and one member shall be appointed by the Speaker of the House  
49 of Representatives and such member shall be a professional actively engaged in health  
50 care in this state. The members shall be appointed for terms of four years, with initial  
51 appointments, however, of four members serving four-year terms, two members serving  
52 three-year terms, and two members serving two-year terms. Appointments shall be made  
53 to ensure that the council always includes the following persons:

54 (A) Three representatives from medical schools, universities, and academia;

55 (B) One practicing dentist;

56 (C) One practicing pharmacist; and

57 (D) One practicing primary care physician; and

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

60 (A) The Commissioner of Insurance;

61 (B) The commissioner of corrections;

62 (C) The commissioner of economic development; and

63 (D) The Attorney General.

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

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

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

71 31-53-4.

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

73 (1) The councilmembers pursuant to paragraph (1) of subsection (a) of Code Section  
74 31-53-3 shall adopt rules for the council's internal procedures, bylaws, and transaction  
75 of the council's business;

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

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

81 31-53-5.

82 Members of the council shall serve without compensation but shall receive for each day of  
83 attendance at council meetings a daily expense allowance in the amount specified in  
84 subsection (b) of Code Section 45-7-21 plus reimbursement for actual transportation costs  
85 while traveling by public carrier, or the legal mileage rate for use of a personal car in  
86 connection with such attendance pursuant to the Office of Planning and Budget guidelines.

87 31-53-6.

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

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

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

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

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

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

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

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

103 (4) Oversight of the facilitation of partnerships to foster collaboration and efficient use  
 104 of available resources at the federal, state, regional, and local levels.

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

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

111 31-53-7.

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

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

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

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

- 123 (4) To maximize the effectiveness of existing resources, expertise, and opportunities for  
 124 improvement;  
 125 (5) To create an organized approach to coordinating health care functions and programs;  
 126 (6) To carry out such duties that may be required by federal law or regulation so as to  
 127 enable this state to receive and disburse federal funds for health care programs; and  
 128 (7) To provide detailed and regular reports to the director.

129 31-53-8.

- 130 (a) The council shall prepare a budget request in the same manner as that described under  
 131 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' and a separate appropriation  
 132 shall be provided for the council in the General Appropriations Act.  
 133 (b) The council shall be authorized to accept and use gifts, grants, and donations for the  
 134 purpose of carrying out the provisions of this chapter. The council shall also be authorized  
 135 to accept and use property, both real and personal, and services for the purpose of carrying  
 136 out the provisions of this chapter. Such funds, property, or services so received as gifts,  
 137 grants, or donations shall be the property and funds of the council and, as such, shall not  
 138 lapse at the end of each fiscal year but shall remain under the control of and subject to the  
 139 direction of the council to carry out the provisions of this chapter.

140 31-53-9.

- 141 (a) There is established an advisory board to the council which shall consist of at least 13  
 142 and not more than 19 members appointed by the Governor who have training and  
 143 experience that represent existing committees and areas of health care expertise with  
 144 consideration of needs expressed by the council.  
 145 (b) A majority of the members of the advisory board, including the chairperson, shall not  
 146 be full-time employees of the federal, state, or local government.  
 147 (c) Membership on the advisory board shall not constitute public office, and no member  
 148 shall be disqualified from holding public office by reason of his or her membership.  
 149 (d) The advisory board shall elect a chairperson from among its membership. The  
 150 advisory board may elect such other officers and committees as it deems appropriate.  
 151 (e) Members of the advisory board shall serve without compensation, although each  
 152 member of the advisory board shall be reimbursed for actual expenses incurred in the  
 153 performance of his or her duties from funds available to the office. Such reimbursement  
 154 shall be limited to all travel and other expenses necessarily incurred through service on the  
 155 advisory board, in compliance with this state's travel rules and regulations. However, in  
 156 no case shall a member of the advisory board be reimbursed for expenses incurred in the  
 157 member's capacity as the representative of another state agency.

158 31-53-10.

159 (a) The advisory board shall:

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

163 (2) Maintain minutes of its meetings;

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

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

169 (5) Use the combined expertise and experience of its members to provide regular advice  
 170 and counsel to the director to enable the council to carry out its statutory duties under this  
 171 chapter; and

172 (6) Identify and report to the council any federal laws or regulations that may enable the  
 173 state to receive and disburse federal funds for health care programs.

174 (b) The council shall not be limited or otherwise restricted in appointing other advisors as  
 175 deemed necessary in pursuing the advisory board's duties under this chapter.

176 31-53-11.

177 (a) Each of the following boards, commissions, committees, councils, and offices shall  
 178 provide their required reporting to the council:

179 (1) The Maternal Mortality Review Committee;

180 (2) The Office of Women's Health;

181 (3) The Commission on Men's Health;

182 (4) The Renal Dialysis Advisory Council;

183 (5) The Kidney Disease Advisory Committee;

184 (6) The Hemophilia Advisory Board;

185 (7) The Georgia Council on Lupus Education and Awareness;

186 (8) The Georgia Palliative Care and Quality of Life Advisory Council;

187 (9) The Georgia Trauma Care Network Commission;

188 (10) The Behavioral Health Coordinating Council;

189 (11) The Georgia Coverdell Acute Stroke Registry;

190 (12) The Office of Cardiac Care; and

191 (13) The Brain and Spinal Injury Trust Fund.

192 (b) The boards, commissions, committees, councils, and offices required to report to the  
 193 council pursuant to this Code section shall have representation on the advisory board. Such

194 entity's position on the advisory board shall not count against the overall board membership  
 195 maximum requirement under Code Section 31-53-9."

196 **SECTION 3.**

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

199 "(g) The Hemophilia Advisory Board shall, no later than ~~January, 2012~~ October 1, 2018,  
 200 and annually thereafter, submit to the ~~Governor and the General Assembly~~ Health  
 201 Coordination and Innovation Council of the State of Georgia a report of its findings and  
 202 recommendations. Annually thereafter, the commissioner of public health, in consultation  
 203 with the commissioner of community health, shall report to the Governor and the General  
 204 Assembly on the status of implementing the recommendations as proposed by the  
 205 Hemophilia Advisory Board. The reports shall be made public and shall be subject to  
 206 public review and comment."

207 **SECTION 4.**

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

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

- 214 (1) Raise awareness of women's nonreproductive health issues;  
 215 (2) Inform and engage in prevention and education activities relating to women's  
 216 nonreproductive health issues;  
 217 (3) Serve as a clearing-house for women's health information for purposes of planning  
 218 and coordination;  
 219 (4) Issue reports of the office's activities and findings; and  
 220 (5) Develop and distribute a state comprehensive plan to address women's health issues."

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

224 **SECTION 5.**

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

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

233 **SECTION 6.**

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

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

239 **SECTION 7.**

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

243 **SECTION 8.**

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

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

251 **SECTION 9.**

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

254 "(b) The department shall collect the information reported pursuant to subsection (a) of this  
 255 Code section and shall post such information in the form of a report card annually on the  
 256 department's website and present such report to the ~~Governor, the President of the Senate,~~  
 257 ~~and the Speaker of the House of Representatives~~ Health Coordination and Innovation  
 258 Council of the State of Georgia. The results of this report card may be used by the



259 department to conduct training with the identified facilities regarding best practices in the  
260 treatment of stroke."

261 **SECTION 10.**

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

264 "(d) The office shall annually prepare and submit to the ~~Governor, the President of the~~  
265 ~~Senate, the Speaker of the House of Representatives, and the chairpersons of the House~~  
266 ~~Committee on Health and Human Services and the Senate Health and Human Services~~  
267 ~~Committee for distribution to its committee members~~ Health Coordination and Innovation  
268 Council of the State of Georgia a report indicating the total number of hospitals that have  
269 applied for grants pursuant to this Code section, the number of applicants that have been  
270 determined by the office to be eligible for such grants, the total number of grants to be  
271 awarded, the name and address of each grantee, and the amount of the award to each  
272 grantee."

273 **SECTION 11.**

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

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

282 **SECTION 12.**

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

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

291 **SECTION 13.**

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

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

298 **SECTION 14.**

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

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

305 **SECTION 15.**

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

308 "31-49-5.

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

315 **SECTION 16.**

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

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

322 **SECTION 17.**

323 Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense  
324 allowance and travel cost reimbursement for members of certain boards and commissions,  
325 is amended by revising paragraph (6) of subsection (a) as follows:

326 "(6) Health Coordination and Innovation Council of the State of Georgia ~~Reserved~~;

327 **SECTION 18.**

328 This Act shall automatically be repealed July 1, 2022.

329 **SECTION 19.**

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