House Bill 309 (AS PASSED HOUSE AND SENATE)

By: Representatives Forster of the 3rd, Rynders of the 152nd, Cooper of the 41st, Hembree of the 67th, Burmeister of the 119th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, Code Section 44-5-150 of the Official Code of Georgia Annotated, relating to the duties of the Advisory Board on Anatomical Gift Procurement, and Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to correct the names of committees of the General Assembly; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by striking subsections (b) and (d) of Code Section 31-6-21.1, relating to procedures for rule making by Department of Community Health, and inserting in lieu thereof new subsections (b) and (d) to read as follows:

"(b) The department shall transmit three copies of the notice provided for in paragraph (1) of subsection (a) of Code Section 50-13-4 to the legislative counsel. The copies shall be transmitted at least 30 days prior to that department's intended action. Within five days after receipt of the copies, if possible, the legislative counsel shall furnish the presiding officer of each house with a copy of the notice and mail a copy of the notice to each member of the Health and Human Services Committee of the Senate and each member of the Health and ~~Ecology~~ Human Services Committee of the House of Representatives. Each such rule and any part thereof shall be subject to the making of an objection by either such committee. Any rule or part thereof to which no objection is made by both such committees may become adopted by the department at the end of such 30 day period. The department may not adopt any such rule or part thereof which has been changed since having been submitted to those committees unless:

(1) That change is to correct only typographical errors;

(2) That change is approved in writing by both committees and that approval expressly exempts that change from being subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4;

(3) That change is approved in writing by both committees and is again subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4; or

(4) That change is again subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4 and the change is submitted and again subject to committee objection as provided in this subsection.

Nothing in this subsection shall prohibit the department from adopting any rule or part thereof without adopting all of the rules submitted to the committees if the rule or part so adopted has not been changed since having been submitted to the committees and objection thereto was not made by both committees."

"(d) Any rule or part thereof which is objected to by only one committee under subsection (b) of this Code section and which is adopted by the department may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of the department in adopting a proposed rule over such objection so to notify the chairmen of the Health and Human Services Committee of the Senate and the Health and ~~Ecology~~ Human Services Committee of the House within ten days after the adoption of the rule. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, consider the resolution for the purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by a majority but by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his approval or veto. In the event of his veto, the rule shall remain in effect. In the event of his approval, the rule shall be void on the day after the date of his approval."

SECTION 2.

Said title is further amended by striking Code Section 31-6-46, relating to annual reports by department, and inserting in lieu thereof a new Code Section 31-6-46 to read as follows:

"31-6-46.

The department shall prepare and submit an annual report to the Health and Human Services Committee of the Senate and the Health and ~~Ecology~~ Human Services Committee of the House of Representatives about its operations and decisions for the preceding 12 month period, not later than 30 days prior to each convening of the General Assembly in regular session. Either committee may request any additional reports or information, including decisions, from the department at any time, including a period in which the General Assembly is not in regular session."

SECTION 3.

Said title is further amended by striking Code Section 31-43-4, relating to members of the Commission on Men´s Health, and inserting in lieu thereof a new Code Section 31-43-4 to read as follows:

"31-43-4.

The commission shall consist of 11 members: seven members appointed by the Governor; two members of the Senate appointed by the ~~President of the~~ Senate Committee on Assignments, one of whom shall be the chairperson of the Senate Health and Human Services Committee or his or her designee; and two members of the House of Representatives appointed by the Speaker of the House, one of whom shall be the chairperson of the House Committee on Health and ~~Ecology~~ Human Services or his or her designee. The Governor may also appoint an honorary chairperson to serve as a member of the commission."

SECTION 4.

Code Section 44-5-150 of the Official Code of Georgia Annotated, relating to the duties of the Advisory Board on Anatomical Gift Procurement, is amended by striking paragraph (7) and inserting in lieu thereof a new paragraph (7) to read as follows:

"(7) Report biennially to the Governor, the Health and ~~Ecology~~ Human Services Committee of the House of Representatives, and the Health and Human Services Committee of the Senate regarding the progress and actions of the advisory board."

SECTION 5.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by striking Code Section 49-4-149.1, relating to submission by department of plan for family supplementation of Medicaid payments upon federal removal of restrictions, and inserting in lieu thereof a new Code Section 49-4-149.1 to read as follows:

″49-4-149.1.

If the federal government removes restrictions upon family supplementation of Medicaid payments or approves a waiver allowing this supplementation, the Department of Community Health shall submit to the Health and Human Services Committee of the Senate and the Health and ~~Ecology~~ Human Services Committee of the House of Representatives a plan for this supplementation, which submission shall be made within 30 days after the earlier of the date the restrictions are removed or the date the waiver is approved.″

SECTION 6.

Said title is further amended by striking Code Section 49-5-224, relating to commissioner of human resources to submit annual report, and inserting in lieu thereof a new Code Section 49-5-224 to read as follows:

″49-5-224.

The commissioner of human resources shall submit an annual report to the House and Senate Appropriations Committees, the House and Senate Education Committees, the House Health and ~~Ecology~~ Human Services Committee, the Senate Committee on ~~Youth, Aging,~~ Health and Human ~~Ecology~~ Services, the Governor, and the Children and Youth Coordinating Council. The report shall contain a copy of the updated State Plan for the Coordinated System of Care. The report shall also contain the following information on severely and emotionally disturbed children and adolescents receiving services directly or indirectly through the Department of Human Resources, the Department of Education, or any other state agency:

(1) The number and ages of children in out-of-state residential facilities;

(2) The number and ages of children in in-state residential facilities;

(3) The number and ages of children in nonresidential treatment;

(4) Annual public funds expended for out-of-state placements, the sources of such funds, and the average cost per child of such out-of-state placement;

(5) Annual public funds expended for in-state residential placements, the sources of such funds, and their average cost per child of such in-state residential placement;

(6) Annual public funds expended for nonresidential treatment, the sources of such funds, and the average cost per child of such nonresidential treatment;

(7) The average length of stay in out-of-state and in-state placements; and

(8) The number and ages of children placed in out-of-home treatment compared to the total number of children in each county of the state.″

SECTION 7.

Said title is further amended by striking Code Section 49-5-227, relating to Children and Youth Coordinating Council to comment on plan for Coordinated System of Care and provide recommendations, and inserting in lieu thereof a new Code Section 49-5-227 to read as follows:

"49-5-227.

The Children and Youth Coordinating Council shall:

(1) Annually review and comment on the State Plan for the Coordinated System of Care, and submit its comments to the House and Senate Appropriations Committees, the House and Senate Education Committees, the House Health and ~~Ecology~~ Human Services Committee, the Senate Committee on ~~Youth, Aging,~~ Health and Human ~~Ecology~~ Services, the Governor, the Department of Human Resources, and the Department of Education; and

(2) Annually identify and recommend fiscal, policy, and program initiatives and revisions in the state coordinated system of care to the House and Senate Appropriations Committees, the House and Senate Education Committees, the House Health and ~~Ecology~~ Human Services Committee, the Senate Committee on ~~Youth, Aging,~~ Health and Human ~~Ecology~~ Services, the Governor, the Department of Human Resources, and the Department of Education."

SECTION 8.

Said title is further amended by striking subsection (g) of Code Section 49-6-62, relating to establishment of community care unit, and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) The department shall submit on January 1 of each year, beginning in 1984, a progress report on the implementation of the plan required by subsection (e) of this Code section to the Speaker of the House of Representatives, the ~~President of the~~ Senate Committee on Assignments, the chairman of the House Health and ~~Ecology~~ Human Services Committee, and the chairman of the Senate ~~Youth, Aging,~~ Health and Human ~~Ecology~~ Services Committee."

SECTION 9.

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

SECTION 10.

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