Senate Bill 469

By: Senators Harp of the 29th and Thomas of the 54th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 31-7-12 of the Official Code of Georgia Annotated, relating to personal care homes, so as to revise the definition of "personal care home"; to amend Code Section 37-1-20 of the Official Code of Georgia Annotated, relating to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases, so as to provide guidelines for and oversight of host homes by the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources; to define "host home"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 31-7-12 of the Official Code of Georgia Annotated, relating to personal care homes, is amended by revising paragraph (1) of subsection (a) as follows:

"(1) 'Personal care home' means any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. <u>This term shall not include host homes, as defined in paragraph (16) of subsection (b) of Code Section 37-1-20.</u>"

SECTION 2.

Code Section 37-1-20 of the Official Code of Georgia Annotated, relating to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases, is amended by revising subsection (b) as follows:

"(b) The department, through the division, shall:

(1) Establish, administer, and supervise the state programs for mental health, developmental disabilities, and addictive diseases;

(2) Direct, supervise, and control the medical and physical care, treatment, and rehabilitation provided by the institutions and programs under its control, management, or supervision;

(3) Have authority to contract for services with: community service boards, private agencies, and other public entities for the provision of services within a service area so as to provide an adequate array of services, choice of providers for consumers, and to comply with the applicable federal laws, rules and regulations related to public or private hospitals; hospital authorities; medical schools, and training and educational institutions; departments and agencies of this state; county or municipal governments; any person, partnership, corporation, or association, whether public or private; and the United States government or the government of any other state;

(4) Establish and support programs for the training of professional and technical personnel as well as regional planning boards and community service boards;

(5) Have authority to conduct research into the causes and treatment of disability and into the means of effectively promoting mental health;

(6) Assign specific responsibility to one or more units of the division for the development of a disability prevention program. The objectives of such program shall include, but are not limited to, monitoring of completed and ongoing research related to the prevention of disability, implementation of programs known to be preventive, and testing, where practical, of those measures having a substantive potential for the prevention of disability;

(7) Establish a system for regional administration of mental health, developmental disability, and addictive disease services in institutions and in the community under the supervision of a regional coordinator;

(8) Make and administer budget allocations to regional offices of the division established by the board pursuant to Code Section 37-2-4.1, to fund the operation of mental health, developmental disabilities, and addictive diseases facilities and programs;

(9) Coordinate in consultation with providers, professionals, and other experts the development of appropriate outcome measures for client centered service delivery systems;

(10) Establish, operate, supervise, and staff programs and facilities for the treatment of disabilities throughout this state;

(11) Disseminate information about available services and the facilities through which such services may be obtained;

(12) Supervise the regional office´s exercise of its responsibility and authority concerning funding and delivery of disability services;

(13) Supervise the regional offices concerning the receipt and administration of grants, gifts, moneys, and donations for purposes pertaining to mental health, developmental disabilities, and addictive diseases;

(14) Supervise the regional offices concerning making contracts with any hospital, community service board, or any public or private providers without regard to regional or state boundaries for the provision of disability services and in making and entering into all contracts necessary or incidental to the performance of the duties and functions of the division and the regional offices;

(15) Regulate the delivery of care, including behavioral interventions and medication administration by licensed staff, or certified staff as determined by the division, within residential settings serving only persons who are receiving services authorized or financed, in whole or in part, by the division; ~~and~~

(16) ~~Establish~~ Classify 'community living arrangements' and 'host homes' for persons whose services are financially supported, in whole or in part, by funds authorized through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources. As used in this Code section, the term:

(A) 'Community living arrangement' means ~~which shall be defined as~~ any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, supports, care, or treatment exclusively for two or more persons who are not related to the owner or administrator of the residence by blood or marriage ~~and whose services are financially supported, in whole or in part, by funds authorized through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources~~.

(B) 'Host home' means a private residence in a residential area in which the occupant owner or lessee provides housing and provides or arranges for the provision of food, one or more personal services, supports, care, or treatment exclusively for one or two persons who are not related to the occupant owner or lessee by blood or marriage. A host home shall be occupied by the owner or lessee, who shall not be an employee of the same community provider which provides the host home services by contract with the division. The division shall approve and enter into agreements with community providers which, in turn, contract with host homes. The occupant owner or lessee shall not be the guardian of any person served or of their property nor the agent in such person´s advance directive for health care. The placement determination for each person placed in a host home shall be made according to such person´s choice as well as the individual needs of such person in accordance with the requirements of Code Section 37-3-162, 37-4-122, or 37-7-162, as applicable to such person; and

(17) Provide guidelines for and oversight of host homes, which may include, but not be limited to, criteria to become a host home, requirements relating to physical plants and supports, placement procedures, and ongoing oversight requirements.″

SECTION 3.

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