

House Bill 584

By: Representatives Petrea of the 166<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Taylor of the 173<sup>rd</sup>, Stephens of the 164<sup>th</sup>, LaHood of the 175<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 26, 31, and 37 of the Official Code of Georgia Annotated, relating to food,  
2 drugs, and cosmetics, health, and mental health, respectively, so as to reassign licensing and  
3 oversight of drug abuse treatment and education programs, narcotic treatment programs,  
4 community living arrangements, and adult residential mental health programs from the  
5 Department of Community Health to the Department of Behavioral Health and  
6 Developmental Disabilities; to provide for departmental regulation of such licensed  
7 programs; to provide for definitions; to provide for a schedule of fees; to provide for  
8 departmental enforcement; to provide civil penalties; to provide for the promulgation of rules  
9 and regulations; to authorize the issuance of emergency orders in certain circumstances; to  
10 provide for emergency plans; to authorize on-site inspections; to revise and provide  
11 definitions; to amend various titles of the Official Code of Georgia Annotated, so as to make  
12 conforming changes; to provide for related matters; to provide for an effective date; to repeal  
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 584

- 1 -

**PART I***Drug Abuse Treatment and Education Programs and Narcotic Treatment Programs***SECTION 1-1.**

18 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,  
19 is amended in Chapter 5, relating to drug abuse treatment and education programs, by  
20 revising Code Section 26-5-3, relating to definitions, as follows:

21 "26-5-3.

22 As used in this article, the term:

23 (1) 'Department' means the Department of ~~Community~~ Behavioral Health and  
24 Developmental Disabilities or its successor.

25 (2) 'Drug abuse treatment and education program' means any system of treatment or  
26 therapeutic advice or counsel provided for the rehabilitation of drug dependent persons  
27 and shall include programs offered in the following types of facilities:

28 (A) Residential care centers. A facility staffed by professional and paraprofessional  
29 persons offering treatment or therapeutic programs for drug dependent persons who live  
30 on the premises; and

31 (B) Nonresidential care centers. A non-live-in facility, staffed by professional and  
32 paraprofessional persons, offering treatment or therapeutic programs for drug  
33 dependent persons who do not live on the premises.

34 (3) 'Drug dependent person' means a person who is in imminent danger of becoming  
35 dependent upon or addicted to the use of drugs or who habitually lacks self-control as to  
36 the use of drugs or who uses drugs to the extent that his or her health is substantially  
37 impaired or endangered or his or her social or economic function is substantially  
38 disrupted.

39 (4) 'Drugs' means any substance defined as a drug by federal or Georgia law or any other  
40 chemical substance which may be used in lieu of a drug to obtain similar effects, with the  
41 exception of alcohol and its derivatives.

42 (5) 'Governing body' means the ~~county board of health~~ community service board, the  
43 partnership, the corporation, the association, or the person or group of persons who  
44 maintains and controls the program and who is legally responsible for the operation.

45 (6) 'License' means the official permit issued by the ~~director~~ department which authorizes  
46 the holder to operate a drug abuse treatment and education program for the term provided  
47 therein.

48 (7) 'Licensee' means any person holding a license or provisional license issued by the  
49 ~~director~~ department under this article.

50 (8) 'Program' means the drug abuse treatment and education program."

51 **SECTION 1-2.**

52 Said title is further amended in said chapter by revising Code Section 26-5-6, relating to  
53 promulgation of rules and regulations, as follows:

54 "26-5-6.

55 The department is authorized and directed to create and promulgate all rules and  
56 regulations necessary for the implementation of this article. Any rule and regulation  
57 created by the Department of Community Health and in effect on December 31, 2025, shall  
58 continue to be in effect and shall be enforceable by the department until such time as such  
59 rule or regulation is amended or revoked by the department."

60 **SECTION 1-3.**

61 Said title is further amended in said chapter by revising Code Section 26-5-7, relating to  
62 license required, as follows:

63 "26-5-7.

64 No governing body shall operate a drug abuse treatment and education program without  
65 having a valid license or provisional license issued pursuant to this article. Any license or  
66 provisional license issued to a program by the Department of Community Health on  
67 December 31, 2025, shall be valid until revoked or renewed by the department, surrendered  
68 by the licensee, or otherwise terminated."

69 **SECTION 1-4.**

70 Said title is further amended in said chapter by revising Code Section 26-5-10, relating to  
71 issuance of license and revocation of suspension, as follows:

72 "26-5-10.

73 (a) The department may, upon submission of an application, with proof of accreditation  
74 by a voluntary accreditation agency approved by the department, issue a license based upon  
75 the findings of the accreditation agency. ~~The~~ Such license may be issued without an  
76 on-site visit by the department representative. Any denial, suspension, or revocation of the  
77 voluntary accreditation agency shall result in an automatic revocation or suspension of the  
78 license issued ~~under~~ pursuant to this Code section, and the ~~holder must apply~~ licensee shall  
79 reapply for a new license as provided for in this article.

80 (b) The department shall not be bound by any policy or practice of the Department of  
81 Community Health in effect on December 31, 2025, in determining whether to issue a  
82 license based on the findings of an accreditation agency pursuant to subsection (a) of this  
83 Code section."

84 **SECTION 1-5.**

85 Said title is further amended in said chapter by revising Code Section 26-5-23, relating to  
86 publication of annual report, as follows:

87 "26-5-23.

88 The ~~Department of Community Health and the Department of Behavioral Health and~~  
 89 ~~Developmental Disabilities~~ department shall publish an annual report using data from the  
 90 department's central registry data base on the number of patients in enrolled treatment, the  
 91 number of patients discharged from treatment, each patient's state of residence, and any  
 92 other information as determined by the ~~departments~~ department. Such published report  
 93 shall exclude patient identifying information and be compliant with state and federal laws."

94 **SECTION 1-6.**

95 Said title is further amended in said chapter by revising Code Section 26-5-41, relating to  
 96 definitions regarding enforcement of narcotic treatment programs, as follows:

97 "26-5-41.

98 As used in this article, the term:

99 (1) 'Department' means the Department of ~~Community Behavioral Health and~~  
 100 ~~Developmental Disabilities~~ or its successor.

101 (2) 'Governing body' means the ~~county board of health~~ community service board, the  
 102 partnership, the corporation, the association, or the person or group of persons who  
 103 maintains and controls a narcotic treatment program, who is legally responsible for its  
 104 operation, and who holds the license or provisional license to operate that program.

105 (3) 'License' means the official permit issued by the department that authorizes the holder  
 106 to operate a narcotic treatment program for the term provided therein.

107 (4) 'Licensee' means any person holding a license or provisional license issued by the  
 108 department under this article.

109 (5) 'Narcotic treatment program' means any system of treatment provided for chronic  
 110 heroin or opiate-like drug-dependent individuals that administers narcotic drugs under  
 111 physicians' orders either for detoxification purposes or for maintenance treatment in a  
 112 rehabilitative context offered by any ~~county board of health~~ community service board,

113 partnership, corporation, association, or person or groups of persons engaged in such  
114 administration.

115 (6) 'Patient' means any individual who undergoes treatment in a narcotic treatment  
116 program."

117 **SECTION 1-7.**

118 Said title is further amended in said chapter by revising Code Section 26-5-43, relating to  
119 rules and regulations, as follows:

120 "26-5-43.

121 The department is authorized and directed to create and promulgate all rules and  
122 regulations necessary for the implementation of this article. Any rule and regulation  
123 created by the Department of Community Health and in effect on December 31, 2025, shall  
124 continue to be in effect and shall be enforceable by the department until such time as such  
125 rule or regulation is amended or revoked by the department."

126 **SECTION 1-8.**

127 Said title is further amended in said chapter by revising Code Section 26-5-44, relating to  
128 license required, as follows:

129 "26-5-44.

130 No governing body shall operate a narcotic treatment program without having a valid  
131 license or provisional license issued pursuant to this article. Any license or provisional  
132 license issued to a narcotic treatment program by the Department of Community Health on  
133 December 31, 2025, shall be valid until revoked or renewed by the department, surrendered  
134 by the licensee, or otherwise terminated."

135 **SECTION 1-9.**

136 Said title is further amended in said chapter by revising subsection (a) of Code Section  
137 26-5-47, relating to application review and requirements and nontransferability, as follows:

138 "(a) The department shall, consistent with the requirements of this Code section, establish  
139 an application review process committee. ~~The members of the committee shall include~~  
140 ~~representation from department staff members and the Department of Behavioral Health~~  
141 ~~and Developmental Disabilities."~~

142 **SECTION 1-10.**

143 Said title is further amended in said chapter by revising Code Section 26-5-56, relating to  
144 confidentiality of patient information, as follows:

145 "26-5-56.

146 (a) For the purpose of providing more effective treatment and rehabilitation, the records  
147 and name of any drug dependent person who seeks or obtains treatment, therapeutic advice,  
148 or counsel from any program licensed under this chapter shall be confidential and shall not  
149 be revealed except to the extent authorized in writing by the drug dependent person  
150 affected; ~~furthermore, any.~~ Any communication by such drug dependent person to an  
151 authorized employee of ~~any holder of a license~~ any licensee shall be deemed confidential;  
152 provided, however, that, except for matters privileged under other laws of this state, the  
153 records of such person and information about such person shall be produced in response  
154 to a valid court order of any court of competent jurisdiction after a full and fair show-cause  
155 hearing and in response to a departmental request for access for licensing purposes when  
156 such request is accompanied by a written statement that no record of patient identifying  
157 information will be made.

158 (b) Nothing in this Code section shall be construed to prevent the department from  
159 operating a central registry pursuant to Code Section 26-5-60, and nothing in this Code  
160 section shall prevent or inhibit narcotic treatment programs from providing the department

161 with requested information for the purpose of maintaining such central registry or for  
162 maintaining any other registry or database as required by federal law or regulation."

163

**PART II**

164

*Departmental Reassignment*

165

**SECTION 2-1.**

166 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
167 subsection (d) of Code Section 31-2-4, relating to the department's powers, duties, functions,  
168 and responsibilities, divisions, directors, and contracts for health benefits, as follows:

169 "(d) In addition to its other powers, duties, and functions, the department:

170 (1) Shall be the lead agency in coordinating and purchasing health care benefit plans for  
171 state and public employees, dependents, and retirees and may also coordinate with the  
172 board of regents for the purchase and administration of such health care benefit plans for  
173 its members, employees, dependents, and retirees;

174 (2) Is authorized to plan and coordinate medical education and physician work force  
175 issues;

176 (3) Shall investigate the lack of availability of health insurance coverage and the issues  
177 associated with the uninsured population of this state. In particular, the department is  
178 authorized to investigate the feasibility of creating and administering insurance programs  
179 for small businesses and political subdivisions of the state and to propose cost-effective  
180 solutions to reducing the numbers of uninsured in this state;

181 (4) Is authorized to appoint a health care work force policy advisory committee to  
182 oversee and coordinate work force planning activities;

183 (5) Is authorized to solicit and accept donations, contributions, and gifts and receive,  
184 hold, and use grants, devises, and bequests of real, personal, and mixed property on  
185 behalf of the state to enable the department to carry out its functions and purposes;

186 (6) Is authorized to award grants, as funds are available, to hospital authorities, hospitals,  
187 and medical-legal partnerships for public health purposes, pursuant to Code Sections  
188 31-7-94 and 31-7-94.1 and paragraph (11) of this subsection;

189 (7) Shall make provision for meeting the cost of hospital care of persons eligible for  
190 public assistance to the extent that federal matching funds are available for such  
191 expenditures for hospital care. To accomplish this purpose, the department is authorized  
192 to pay from funds appropriated for such purposes the amount required under this  
193 paragraph into a trust fund account which shall be available for disbursement for the cost  
194 of hospital care of public assistance recipients. The commissioner, subject to the  
195 approval of the Office of Planning and Budget, on the basis of the funds appropriated in  
196 any year, shall estimate the scope of hospital care available to public assistance recipients  
197 and the approximate per capita cost of such care. Monthly payments into the trust fund  
198 for hospital care shall be made on behalf of each public assistance recipient and such  
199 payments shall be deemed encumbered for assistance payable. Ledger accounts  
200 reflecting payments into and out of the hospital care fund shall be maintained for each of  
201 the categories of public assistance established under Code Section 49-4-3. The balance  
202 of state funds in such trust fund for the payment of hospital costs in an amount not to  
203 exceed the amount of federal funds held in the trust fund by the department available for  
204 expenditure under this paragraph shall be deemed encumbered and held in trust for the  
205 payment of the costs of hospital care and shall be rebudgeted for this purpose on each  
206 quarterly budget required under the laws governing the expenditure of state funds. The  
207 state auditor shall audit the funds in the trust fund established under this paragraph in the  
208 same manner that any other funds disbursed by the department are audited;

209 ~~(8) Shall classify and license community living arrangements in accordance with the~~  
210 ~~rules and regulations promulgated by the department for the licensing and enforcement~~  
211 ~~of licensing requirements for persons whose services are financially supported, in whole~~  
212 ~~or in part, by funds authorized through the Department of Behavioral Health and~~

213 ~~Developmental Disabilities. To be eligible for licensing as a community living~~  
214 ~~arrangement, the residence and services provided must be integrated within the local~~  
215 ~~community. All community living arrangements licensed by the department shall be~~  
216 ~~subject to the provisions of Code Sections 31-2-8 and 31-7-2.2. No person, business~~  
217 ~~entity, corporation, or association, whether operated for profit or not for profit, may~~  
218 ~~operate a community living arrangement without first obtaining a license or provisional~~  
219 ~~license from the department. A license issued pursuant to this paragraph is not assignable~~  
220 ~~or transferable. As used in this paragraph, the term 'community living arrangement'~~  
221 ~~means any residence, whether operated for profit or not, which undertakes through its~~  
222 ~~ownership or management to provide or arrange for the provision of housing, food, one~~  
223 ~~or more personal services, support, care, or treatment exclusively for two or more persons~~  
224 ~~who are not related to the owner or administrator of the residence by blood or marriage;~~  
225 ~~(9)(8)~~ Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia  
226 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions  
227 and other health care related entities required to be licensed, permitted, registered,  
228 certificated, or commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of  
229 this title, ~~Chapter 5 of Title 26, paragraph (8) of this subsection;~~ or Article 7 of Chapter 6  
230 of Title 49. Such schedules shall be determined in a manner so as to help defray the costs  
231 incurred by the department, but in no event to exceed such costs, both direct and indirect,  
232 in providing such licensure activities. Such fees may be annually adjusted by the  
233 department but shall not be increased by more than the annual rate of inflation as  
234 measured by the Consumer Price Index, as reported by the Bureau of Labor Statistics of  
235 the United States Department of Labor. All fees paid thereunder shall be paid into the  
236 general funds of the State of Georgia. It is the intent of the General Assembly that the  
237 proceeds from all fees imposed pursuant to this paragraph be used to support and improve  
238 the quality of licensing services provided by the department;

239 ~~(10)(A)(9)(A)~~ May accept the certification or accreditation of an entity or program by  
240 a certification or accreditation body, in accordance with specific standards, as evidence  
241 of compliance by the entity or program with the substantially equivalent departmental  
242 requirements for issuance or renewal of a permit or provisional permit, provided that  
243 such certification or accreditation is established prior to the issuance or renewal of such  
244 permits. The department may not require an additional departmental inspection of any  
245 entity or program whose certification or accreditation has been accepted by the  
246 department, except to the extent that such specific standards are less rigorous or less  
247 comprehensive than departmental requirements. Nothing in this Code section shall  
248 prohibit either departmental inspections for violations of such standards or requirements  
249 or the revocation of or refusal to issue or renew permits, as authorized by applicable  
250 law, or for violation of any other applicable law or regulation pursuant thereto.

251 (B) For purposes of this paragraph, the term:

252 (i) 'Entity or program' means an agency, center, facility, institution, ~~community living~~  
253 ~~arrangement, drug abuse treatment and education program,~~ or entity subject to  
254 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title;  
255 ~~Chapter 5 of Title 26; paragraph (8) of this subsection;~~ and Article 7 of Chapter 6 of  
256 Title 49.

257 (ii) 'Permit' means any license, permit, registration, certificate, or commission issued  
258 by the department pursuant to the provisions of the law cited in division (i) of this  
259 subparagraph;

260 ~~(H)(A)(10)(A)~~ Is authorized to approve medical-legal partnerships that comply with  
261 standards and guidelines established for such programs for purposes of determining  
262 eligibility for grants. The department shall seek input from legal services organizations,  
263 community health advocacy organizations, hospitals, diagnostic and treatment centers,  
264 and other primary and specialty health care providers in establishing such standards and  
265 guidelines.

266 (B) For purposes of this paragraph, the term 'medical-legal partnership' means a  
267 program conducted or established by a nonprofit entity through a collaboration pursuant  
268 to a written agreement between one or more medical service providers and one or more  
269 legal services programs, including those based within a law school, to provide legal  
270 services without charge to assist income-eligible individuals and their families in  
271 resolving legal matters or other needs that have an impact on the health of such  
272 individuals and families. Written agreements may include a memorandum of  
273 understanding or other agreement relating to the operations of the partnership and  
274 encompassing the rights and responsibilities of each party thereto. The medical service  
275 provider or providers may provide referrals of its patients to the legal services program  
276 or programs on matters that may potentially impact the health, health care, or the health  
277 care costs of a patient.

278 (C) A medical-legal partnership that complies with the standards and guidelines  
279 established pursuant to this paragraph and has demonstrated the ability and experience  
280 to provide high quality patient centered legal services regarding legal matters or other  
281 needs that have an impact on the health of individuals and families shall be approved  
282 by the department.

283 (D) This paragraph shall not be construed to require any medical-legal partnership or  
284 similar entity to seek or attain approval pursuant to this paragraph in order to operate;  
285 ~~(12)~~(11) In cooperation with the Department of Corrections and the State Board of  
286 Pardons and Paroles, shall establish and implement a Medicaid eligibility determination  
287 procedure so that inmates being considered for parole who are eligible for long-term care  
288 services may apply for Medicaid; and

289 ~~(13)~~(12) Shall request federal approval for and facilitate the application of certificates  
290 of need for facilities capable of providing long-term care services, with Medicaid as the  
291 primary funding source, to inmates who are eligible for such services and funding upon

292 his or her release from a public institution, as such term is defined in Code Section  
293 49-4-31."

294 **SECTION 2-2.**

295 Said title is further amended by revising subsection (a) of Code Section 31-2-8, relating to  
296 actions against certain applicants or licensees, as follows:

297 "(a) This Code section shall be applicable to any agency, center, facility, institution,  
298 community living arrangement, drug abuse treatment and education program, or entity  
299 subject to regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title;  
300 Chapter 5 of Title 26; ~~paragraph (8) of subsection (d) of Code Section 31-2-4;~~ and Article  
301 7 of Chapter 6 of Title 49. For purposes of this Code section, the term 'license' shall be  
302 used to refer to any license, permit, registration, or commission issued by the department  
303 pursuant to the provisions of the law cited in this subsection."

304 **SECTION 2-3.**

305 Said title is further amended by revising Code Section 31-7-2.2, relating to determination that  
306 patients or residents in an institution, community living arrangement, or treatment program  
307 are in danger, relocation of patients or residents, and suspension of admissions, as follows:

308 "31-7-2.2.

309 (a)(1) The commissioner may order the emergency relocation of patients or residents  
310 from an institution subject to licensure under this chapter, ~~a community living~~  
311 ~~arrangement subject to licensure under paragraph (8) of subsection (d) of Code Section~~  
312 ~~31-2-4, or a drug abuse treatment and education program subject to licensure under~~  
313 ~~Chapter 5 of Title 26~~ when the commissioner he or she has determined that the patients  
314 or residents are subject to an imminent and substantial danger.

315 (2) When an order is issued under this subsection, the commissioner shall provide for:

316 (A) Notice to the patient or resident, his or her next of kin or guardian, and his or her  
317 physician of the emergency relocation and the reasons therefor;

318 (B) Relocation to the nearest appropriate institution, ~~community living arrangement,~~  
319 ~~or drug abuse treatment and education program;~~ and

320 (C) Other protection designed to ensure the welfare and, when possible, the desires of  
321 the patient or resident.

322 (b)(1) The commissioner may order the emergency placement of a monitor in an  
323 institution subject to licensure under this chapter, ~~a community living arrangement~~  
324 ~~subject to licensure under paragraph (8) of subsection (d) of Code Section 31-2-4, or a~~  
325 ~~drug abuse treatment and education program subject to licensure under Chapter 5 of~~  
326 ~~Title 26~~ when one or more of the following conditions are present:

327 (A) The institution, ~~community living arrangement, or drug abuse treatment and~~  
328 ~~education program~~ is operating without a permit or a license;

329 (B) The department has denied application for a permit or a license or has initiated  
330 action to revoke the existing permit or license of the institution, ~~community living~~  
331 ~~arrangement, or drug abuse treatment and education program;~~

332 (C) The institution, ~~community living arrangement, or drug abuse treatment and~~  
333 ~~education program~~ is closing or plans to close and adequate arrangements for relocation  
334 of the patients or residents have not been made at least 30 days before the date of  
335 closure; or

336 (D) The health, safety, security, rights, or welfare of the patients or residents cannot  
337 be adequately assured by the institution, ~~community living arrangement, or drug abuse~~  
338 ~~treatment and education program.~~

339 (2) A monitor may be placed, pursuant to this subsection, in an institution, ~~community~~  
340 ~~living arrangement, or drug abuse treatment and education program~~ for no more than ten  
341 days, during which time the monitor shall observe conditions and compliance with any  
342 recommended remedial action of the department by the institution, ~~community living~~

343 ~~arrangement, or drug abuse treatment and education program.~~ The monitor shall report  
344 to the department. The monitor shall not assume any administrative responsibility within  
345 the institution, ~~community living arrangement, or drug abuse treatment and education~~  
346 ~~program~~ nor shall the monitor be liable for any actions of the institution, ~~community~~  
347 ~~living arrangement, or drug abuse treatment and education program.~~ The costs of placing  
348 a monitor in an institution, ~~community living arrangement, or drug abuse treatment and~~  
349 ~~education program~~ shall be paid by the institution, ~~community living arrangement, or~~  
350 ~~drug abuse treatment and education program~~ unless the order placing the monitor is  
351 determined to be invalid in a contested case proceeding under subsection (d) of this Code  
352 section, in which event the costs shall be paid by the state.

353 (c)(1) The commissioner may order the emergency prohibition of admissions to an  
354 institution subject to licensure under this chapter, ~~a community living arrangement~~  
355 ~~subject to licensure under paragraph (8) of subsection (d) of Code Section 31-2-4, or~~  
356 ~~program subject to licensure under Chapter 5 of Title 26~~ when such institution;  
357 ~~community living arrangement, or drug abuse treatment and education program~~ has failed  
358 to correct a violation of departmental permit rules or regulations within a reasonable  
359 period of time, as specified in the department's corrective order, and the violation:

360 (A) Could jeopardize the health and safety of the residents or patients in the institution;  
361 ~~community living arrangement, or drug abuse treatment and education program~~ if  
362 allowed to remain uncorrected; or

363 (B) Is a repeat violation over a 12 month period, which is intentional or due to gross  
364 negligence.

365 (2) Admission to an institution, ~~community living arrangement, or drug abuse treatment~~  
366 ~~and education program~~ may be suspended until the violation has been corrected or until  
367 the department has determined that the institution, ~~community living arrangement, or~~  
368 ~~drug abuse treatment and education program~~ has undertaken the action necessary to effect  
369 correction of the violation.

370 (d) The commissioner may issue emergency orders pursuant to this Code section only if  
371 authorized by rules and regulations of the department. Unless otherwise provided in the  
372 order, an emergency order shall become effective immediately. The department shall hold  
373 a preliminary hearing within ten days following a request therefor by any institution;  
374 ~~community living arrangement, or drug abuse treatment and education program~~ affected  
375 by an emergency order. If, at the preliminary hearing, the order is determined by the  
376 department to be invalid, that order shall thereupon become void and of no effect. If, at the  
377 preliminary hearing, the order is determined by the department to be valid, that  
378 determination shall constitute a contested case under Chapter 13 of Title 50, the 'Georgia  
379 Administrative Procedure Act,' and that order shall remain in effect until determined  
380 invalid in a proceeding regarding the contested case or until rescinded by the  
381 commissioner, whichever is earlier. For purposes of this subsection, an emergency order  
382 is valid only if the order is authorized to be issued under this Code section and rules and  
383 regulations relating thereto.

384 (e) The powers provided by this Code section are cumulative of all other powers of the  
385 department, board, and commissioner."

386 **SECTION 2-4.**

387 Said title is further amended by revising paragraph (3) of Code Section 31-7-430, relating  
388 to definitions, as follows:

389 "(3) 'Long-term care facility' means a skilled nursing home, intermediate care home,  
390 personal care home, assisted living community, ~~community living arrangement~~, or  
391 inpatient hospice facility licensed or permitted to operate pursuant to this chapter."

392 **SECTION 2-5.**

393 Said title is further amended by revising paragraph (3) of Code Section 31-8-81, relating to  
394 definitions, as follows:

395 "(3) 'Long-term care facility' or 'facility' means any skilled nursing home, intermediate  
 396 care home, assisted living community, or personal care home, ~~or community living~~  
 397 ~~arrangement~~ now or hereafter subject to regulation and licensure by the department."

398

**PART III**

399

*Departmental Regulation of Licensed Programs*

400

**SECTION 3-1.**

401 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
 402 adding a new article to Chapter 2, relating to administration of mental health, developmental  
 403 disabilities, addictive disabilities, and other disability services, to read as follows:

404

"ARTICLE 3405 37-2-70.406 (a) As used in this article, the term:

407 (1) 'Adult residential mental health program' means a program licensed by the  
 408 department under Article 7 of Chapter 3 of this title.

409 (2) 'Applicant' means any individual affiliated with a partnership, corporation,  
 410 association, or individuals or groups of individuals submitting an application to operate  
 411 an adult residential mental health program, community living arrangement, drug abuse  
 412 treatment and education program, or narcotic treatment program.

413 (3) 'Community living arrangement' means a group home licensed by the department  
 414 under Chapter 13 of this title.

415 (4) 'Drug abuse treatment and education program' means a treatment program licensed  
 416 by the department under Article 1 of Chapter 5 of Title 26.

417 (5) 'License' means the official permit issued by the department on or after January 1,  
418 2026; provided, however, that such term shall also include an official permit issued by  
419 the Department of Community Health on December 31, 2025.

420 (6) 'Licensee' means any person holding a license issued by the department to operate an  
421 adult residential mental health program, community living arrangement, drug abuse  
422 treatment and education program, or narcotic treatment program.

423 (7) 'Narcotic treatment program' means a treatment program licensed by the department  
424 under Article 2 of Chapter 5 of Title 26.

425 37-2-71.

426 The department shall establish by rule adopted pursuant to Chapter 13 of Title 50, the  
427 'Georgia Administrative Procedure Act,' a schedule of fees for licensure activities for adult  
428 residential mental health programs, community living arrangements, drug treatment and  
429 education programs, and narcotic treatment programs required to be licensed by the  
430 department. Such schedules shall be determined in a manner so as to help defray the costs  
431 incurred by the department, but in no event to exceed such costs, both direct and indirect,  
432 in providing such licensure activities. Such fees may be annually adjusted by the  
433 department but shall not be increased by more than the annual rate of inflation as measured  
434 by the Consumer Price Index as reported by the Bureau of Labor Statistics of the United  
435 States Department of Labor. All fees paid thereunder shall be paid into the general fund  
436 of the State of Georgia. It is the intent of the General Assembly that the proceeds from all  
437 fees imposed pursuant to this Code section be used to support and improve the quality of  
438 licensing services provided by the department.

439 37-2-72.

440 (a) The department shall have the authority to take any of the actions enumerated in  
441 subsection (b) of this Code section upon a finding that the applicant or licensee has:

442 (1) Knowingly made any false statement of material information in connection with the  
443 application for a license, or in statements made or on documents submitted to the  
444 department as part of an inspection, survey, or investigation, or in the alteration or  
445 falsification of records maintained by the adult residential mental health program,  
446 community living arrangement, drug treatment and education program, or narcotic  
447 treatment program;

448 (2) Failed or refused to provide the department with access to the premises subject to  
449 regulation or information pertinent to the initial or continued licensing of the adult  
450 residential mental health program, community living arrangement, drug treatment and  
451 education program, or narcotic treatment program;

452 (3) Failed to comply with the licensing requirements of this state; or

453 (4) Failed to comply with any provision of this Code section.

454 (b) When the department finds that any applicant or licensee has violated any provision  
455 of subsection (a) of this Code section or laws, rules, regulations, or formal orders related  
456 to the initial or continued licensing of an adult residential mental health program,  
457 community living arrangement, drug treatment and education program, or narcotic  
458 treatment program, the department, subject to notice and opportunity for hearing, may take  
459 any of the following actions:

460 (1) Refuse to grant a license; provided, however, that the department may refuse to grant  
461 a license without holding a hearing prior to taking such action;

462 (2) Administer a public reprimand;

463 (3) Suspend any license for a definite period or for an indefinite period in connection  
464 with any condition which may be attached to the restoration of such license;

465 (4) Prohibit any applicant or licensee from allowing a person who previously was  
466 involved in the management or control, as defined by rule, of any adult residential mental  
467 health program, community living arrangement, drug treatment and education program,  
468 or narcotic treatment program which has had its license or application revoked or denied

469 within the past 12 months to be involved in the management or control of such program  
470 or arrangement;

471 (5) Revoke any license;

472 (6) Impose a fine of up to \$2,000.00 per day for each violation of a law, rule, regulation,  
473 or formal order related to the initial or ongoing licensing of any applicant or licensee, up  
474 to a total of \$40,000.00; or

475 (7) Limit or restrict any license as the department deems necessary for the protection of  
476 the public, including, but not limited to, restricting some or all services of or admissions  
477 into an adult residential mental health program, community living arrangement, drug  
478 treatment and education program, or narcotic treatment program for a time certain.

479 In taking any of the actions enumerated in this subsection, the department shall consider  
480 the seriousness of the violation, including the circumstances, extent, and gravity of the  
481 prohibited acts, and the hazard or potential hazard created to the health or safety of the  
482 public.

483 (c) The department may deny a license or otherwise restrict a license from any applicant  
484 who has had a license denied, revoked, or suspended within one year of the date of an  
485 application or who has transferred ownership or governing authority of an adult residential  
486 mental health program, community living arrangement, drug treatment and education  
487 program, or narcotic treatment program subject to regulation by the department within one  
488 year of the date of a new application when such transfer was made in order to avert denial,  
489 revocation, or suspension of a license or to avert the payment of fines assessed by the  
490 department pursuant to this Code section.

491 (d) With regard to any contested case instituted by the department pursuant to this Code  
492 section or other provisions of law which may now or hereafter authorize remedial or  
493 disciplinary grounds and action, the department may, in its discretion, dispose of the action  
494 so instituted by settlement. In such cases, all parties, successors, and assigns to any  
495 settlement agreement shall be bound by the terms specified therein, and violation thereof

496 by any applicant or licensee shall constitute grounds for any action enumerated in  
497 subsection (b) of this Code section.

498 (e) The department shall have the authority to make public or private investigations or  
499 examinations inside or outside of this state to determine whether the provisions of this  
500 Code section or any other law, rule, regulation, or formal order relating to the licensing of  
501 any adult residential mental health program, community living arrangement, drug treatment  
502 and education program, or narcotic treatment program has been violated. Such  
503 investigations may be initiated at any time, in the discretion of the department, and may  
504 continue during the pendency of any action initiated by the department pursuant to  
505 subsection (b) of this Code section.

506 (f) For the purpose of conducting any investigation, inspection, or survey, the department  
507 shall have the authority to require the production of any books, records, papers, or other  
508 information related to the initial or continued licensing of any adult residential mental  
509 health program, community living arrangement, drug treatment and education program, or  
510 narcotic treatment program.

511 (g) Pursuant to the investigation, inspection, and enforcement powers given to the  
512 department by this Code section and other applicable laws, the department may assess  
513 against an adult residential mental health program, community living arrangement, drug  
514 treatment and education program, or narcotic treatment program reasonable and necessary  
515 expenses incurred by the department pursuant to any administrative or legal action required  
516 by the failure of such program or arrangement to fully comply with the provisions of any  
517 law, rule, regulation, or formal order related to the initial or continued licensing.  
518 Assessments shall not include attorney's fees and expenses of litigation, shall not exceed  
519 other actual expenses, and shall only be assessed if such investigation, inspection, or  
520 enforcement actions result in adverse findings, as finally determined by the department,  
521 pursuant to administrative or legal action.

522 (h) For any action taken or any proceeding held under this Code section or under color of  
523 law, except for gross negligence or willful or wanton misconduct, the department, when  
524 acting in its official capacity, shall be immune from liability and suit to the same extent that  
525 any judge of any court of general jurisdiction in this state would be immune.

526 (i) In an administrative or legal proceeding under this Code section, a person or entity  
527 claiming an exemption or an exception granted by law, rule, regulation, or formal order has  
528 the burden of proving such exemption or exception.

529 (j) This Code section and all actions resulting from its provisions shall be administered in  
530 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

531 (k) The provisions of this Code section shall be supplemental to and shall not operate to  
532 prohibit the department from acting pursuant to any provisions of law which may now or  
533 hereafter authorize remedial or disciplinary grounds and action for the department. In  
534 cases where such other provisions of law so authorize other disciplinary grounds and  
535 actions, but this Code section limits such grounds or actions, such other provisions shall  
536 apply.

537 (l) The department is authorized to promulgate rules and regulations to implement the  
538 provisions of this Code section.

539 37-2-73.

540 (a)(1) The commissioner may order the emergency relocation of residents from an adult  
541 residential mental health program, community living arrangement, drug treatment and  
542 education program, or narcotic treatment program subject to licensure by the department  
543 when he or she has determined that the residents are subject to an imminent and  
544 substantial danger.

545 (2) When an order is issued under this subsection, the commissioner shall provide for:

546 (A) Notice to the resident and his or her next of kin or guardian of the emergency  
547 relocation and the reasons therefor;

548 (B) Relocation to the nearest appropriate adult residential mental health program,  
549 community living arrangement, drug treatment and education program, narcotic  
550 treatment program, or other appropriate setting; and

551 (C) Other protection designed to ensure the welfare and, when possible, the desires of  
552 the resident.

553 (b)(1) The commissioner may order the emergency placement of a monitor in an adult  
554 residential mental health program, community living arrangement, drug treatment and  
555 education program, or narcotic treatment program, subject to licensure by the department,  
556 when one or more of the following conditions are present:

557 (A) The adult residential mental health program, community living arrangement, drug  
558 treatment and education program, or narcotic treatment program is operating without  
559 a permit or a license;

560 (B) The department has denied application for a permit or a license or has initiated  
561 action to revoke the existing permit or license of the licensee;

562 (C) The adult residential mental health program, community living arrangement, drug  
563 treatment and education program, or narcotic treatment program is closing or plans to  
564 close and adequate arrangements for relocation of the residents have not been made at  
565 least 30 days before the date of closure; or

566 (D) The health, safety, security, rights, or welfare of the residents cannot be adequately  
567 assured by the adult residential mental health program, community living arrangement,  
568 drug treatment and education program, or narcotic treatment program.

569 (2) A monitor may be placed, pursuant to this subsection, in an adult residential mental  
570 health program, community living arrangement, drug treatment and education program,  
571 or narcotic treatment program for no more than ten days, during which time the monitor  
572 shall observe conditions and compliance with any recommended remedial action of the  
573 department. The monitor shall report to the department. The monitor shall not assume  
574 any administrative responsibility within the adult residential mental health program,

575 community living arrangement, drug treatment and education program, or narcotic  
576 treatment program, nor shall the monitor be liable for any actions of the licensee. The  
577 costs of placing a monitor in an adult residential mental health program, community  
578 living arrangement, drug treatment and education program, or narcotic treatment program  
579 shall be paid by the licensee unless the order placing the monitor is determined to be  
580 invalid in a contested case proceeding under subsection (d) of this Code section, in which  
581 event, the costs shall be paid by the state.

582 (c)(1) The commissioner may order the emergency prohibition of admissions to an adult  
583 residential mental health program, community living arrangement, drug treatment and  
584 education program, or narcotic treatment program when such licensee has failed to  
585 correct a violation of departmental permit rules or regulations within a reasonable period  
586 of time, as specified in the department's corrective order, and the violation:

587 (A) Could jeopardize the health and safety of the residents if allowed to remain  
588 uncorrected; or

589 (B) Is a repeat violation over a 12 month period, which is intentional or due to gross  
590 negligence.

591 (2) Admission to new residents may be suspended until the violation has been corrected  
592 or until the department has determined that the licensee has undertaken the action  
593 necessary to effect correction of the violation.

594 (d) The commissioner may issue emergency orders pursuant to this Code section only if  
595 authorized by rules and regulations of the department. Unless otherwise provided in any  
596 such order, an emergency order shall become effective immediately. The department shall  
597 provide an opportunity for a preliminary hearing within ten days following a request  
598 therefor by any adult residential mental health program, community living arrangement,  
599 drug treatment and education program, or narcotic treatment program affected by an  
600 emergency order. If, at the preliminary hearing, the order is determined by the department  
601 to be invalid, such order shall thereupon become void and of no effect. If, at the

602 preliminary hearing, the order is determined by the department to be valid, such  
603 determination shall constitute a contested case under Chapter 13 of Title 50, the 'Georgia  
604 Administrative Procedure Act,' and such order shall remain in effect until determined  
605 invalid in a proceeding regarding the contested case or until rescinded by the  
606 commissioner, whichever is earlier. For purposes of this subsection, an emergency order  
607 is valid only if the order is authorized to be issued under this Code section and rules and  
608 regulations relating thereto.

609 (e) The powers provided by this Code section shall be in addition to all other powers of  
610 the department, board, and commissioner."

611 **SECTION 3-2.**

612 Said title is further amended by revising paragraphs (1) and (3) of Code Section 37-3-202,  
613 relating to definitions regarding adult residential mental health services licenses, as follows:

614 "(1) 'Adult residential mental health program' means a subacute residential alternative  
615 service of four or more residential beds authorized to provide psychiatric services for  
616 mentally ill persons 18 years of age or older that operates 24 hours per day, 7 days per  
617 week to provide intensive short-term noninstitutional treatment to individuals who are  
618 temporarily in need of a 24-hour-per-day supportive therapeutic setting for prevention of  
619 or transition from or after acute psychiatric hospitalization. Such term shall not include  
620 crisis stabilization units, as defined in Code Section 37-1-29; community living  
621 arrangements, as defined by the ~~Department of Behavioral Health and Developmental~~  
622 ~~Disabilities in Code Section 37-13-1~~; mental health programs conducted by accountability  
623 courts; or residential beds operated by a state or local public entity."

624 "(3) 'Department' means the Department of ~~Community Behavioral Health and~~  
625 ~~Developmental Disabilities."~~

626 **SECTION 3-3.**

627 Said title is further amended by revising subsection (b) of Code Section 37-3-205, relating  
628 to regulatory and licensing authority, as follows:

629 "(b) The department is further authorized to issue, deny, suspend, or revoke ~~licenses a~~  
630 license or take other enforcement actions against ~~licensees or applicants~~ a licensee or  
631 applicant as provided in ~~Code Section 31-2-8~~ Article 3 of Chapter 2 of this title."

632 **SECTION 3-4.**

633 Said title is further amended by revising subsection (a) of Code Section 37-3-206, relating  
634 to licensing requirements and funding contingency, as follows:

635 "(a) On and after ~~July 1, 2025~~ January 1, 2026, no governing body shall operate an adult  
636 residential mental health program without having a valid license or provisional license  
637 issued pursuant to this article; provided, however, that hospitals licensed in accordance  
638 with Chapter 7 of Title 31 are exempt from this article unless the hospital is operating an  
639 adult residential mental health program that is separate and distinct from the licensed  
640 hospital."

641 **SECTION 3-5.**

642 Said title is further amended by revising Code Section 37-3-208.1, relating to one-time  
643 provisional license, as follows:

644 "~~Between July 1, 2022, and June 30, 2025;~~ December 31, 2025, the ~~department~~ Department  
645 of Community Health shall be authorized to grant a one-time provisional license for an  
646 adult residential mental health program to an existing licensed personal care home that  
647 substantially complies with the requirements of this article for a period not to extend  
648 beyond ~~June 30,~~ December 31, 2025."

649 **SECTION 3-6.**

650 Said title is further amended by revising subsection (a) of Code Section 37-3-211, relating  
651 to denial, suspension, or revocation of license, as follows:

652 "(a) The department is authorized to deny, suspend, or revoke a license issued under this  
653 chapter for a violation of this chapter or a rule or regulation adopted under this chapter or  
654 to take other disciplinary actions against ~~licensees~~ a licensee as provided in ~~Code Section~~  
655 ~~31-2-8~~ Article 3 of Chapter 2 of this title."

656 **SECTION 3-7.**

657 Said title is further amended by revising subsections (a), (c), and (d) of Code Section  
658 37-3-215, relating to unlicensed residential mental health program and penalty, as follows:

659 "(a) On and after ~~July 1, 2025,~~ January 1, 2026, a facility program shall be deemed to be  
660 an 'unlicensed adult residential mental health program' if it is unlicensed and not exempt  
661 from licensure under this article and:

662 (1) The facility program is providing services and is operating as an adult residential  
663 mental health program;

664 (2) The facility program is held out as or represented as providing services and operating  
665 as an adult residential mental health program; or

666 (3) The facility program represents itself as a licensed adult residential mental health  
667 program."

668 "(c) In addition to other remedies available to the department, the civil penalty authorized  
669 by subsection (b) of this Code section shall be doubled if the program owner or operator  
670 continues to operate the unlicensed adult residential mental health program; after receipt  
671 of notice pursuant to subsection (b) of this Code section.

672 (d) The program owner or operator of an unlicensed adult residential mental health  
673 program who is assessed a civil penalty in accordance with this Code section may ~~have~~

674 ~~review of such civil penalty by appeal~~ such civil penalty to the superior court in the county  
 675 in which the action arose or to the Superior Court of Fulton County."

676 **SECTION 3-8.**

677 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 678 amended by revising paragraph (7) of Code Section 16-5-100, relating to definitions relevant  
 679 to protection of elder persons, as follows:

680 "(7) 'Long-term care facility' means any skilled nursing facility, intermediate care home,  
 681 assisted living community, ~~community living arrangement~~, or personal care home subject  
 682 to regulation and licensure by the Department of Community Health."

683 **SECTION 3-9.**

684 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 685 by revising subsection (d) of Code Section 50-18-160, relating to individuals or nonprofit  
 686 organizations, as follows:

687 "(12) Collection and use of personal information as permitted by statute, rule, or  
 688 regulation for purposes of administration of programs and services, regulatory oversight,  
 689 and ensuring compliance by prospective and approved contractors:

690 (A) By the Department of Human Services for purposes authorized in Article 1 of  
 691 Chapter 2 of Title 49;

692 (B) By the Department of Behavioral Health and Developmental Disabilities for  
 693 purposes authorized in Chapter 5 of Title 26 and Title 37;

694 (C) By the Department of Community Health for purposes authorized in ~~Chapter 5 of~~  
 695 ~~Title 26, Title 31, Article 7 of Chapter 3 of Title 37,~~ Article 1 of Chapter 18 of Title 45,  
 696 Article 7 of Chapter 4 of Title 49, or Article 7 of Chapter 6 of Title 49; and

697 (D) By the Department of Juvenile Justice for purposes authorized in Chapter 4A of  
 698 Title 49."

699

**PART IV**

700

*Community Living Arrangements*

701

**SECTION 4-1.**

702 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
 703 adding a new chapter to read as follows:

704

"CHAPTER 13705 37-13-1.706 As used in this chapter, the term:

707 (1) 'Community living arrangement' means a group home that serves up to four  
 708 individuals with a developmental disability who require intense levels of residential  
 709 support and which services are financially supported, in whole or in part, by funds  
 710 authorized through the department and provides a range of interventions that focuses on  
 711 training and support in one or more of the following areas:

712 (A) Eating and drinking;713 (B) Toileting;714 (C) Personal grooming and healthcare;715 (D) Dressing;716 (E) Communication;717 (F) Interpersonal relationships;718 (G) Mobility;719 (H) Home management; and720 (I) Use of leisure time.

721 (2) 'License' means the official permit issued by the department which authorizes the  
 722 holder to operate a community living arrangement for the term provided therein.

723 (3) 'Licensee' means any person holding a license issued by the department under this  
724 chapter.

725 37-13-2.

726 (a) The department is authorized and directed to create and promulgate all rules and  
727 regulations necessary for the implementation of this chapter; provided, however, that such  
728 rules and regulations shall include physical plant health and safety standards, supplies,  
729 services, staffing, admission agreements, resident rights, records, medications, nutrition,  
730 discharge and transfer, and procedures addressing changes in condition or serious or  
731 unusual incidents.

732 (b)(1) The department shall require a licensee to have a regularly rehearsed disaster  
733 preparedness plan with which staff and residents shall comply in cases of emergent  
734 events including, but not limited to, natural disasters, pandemics, fires, or interruption of  
735 essential services such as a electrical power, heat, and water supply.

736 (2) Such disaster preparedness plan shall include written procedures with which staff  
737 shall comply in the event of an emergency and shall include care of the resident,  
738 notification of other individuals responsible for the resident, and plans for transportation,  
739 alternative living arrangements or sheltering in place, emergency energy sources, or other  
740 appropriate services.

741 (c) Any rule and regulation relating to community living arrangements created by the  
742 Department of Community Health and in effect on December 31, 2025, shall continue to  
743 be in effect and shall be enforceable by the department until such time as such rule or  
744 regulation is amended or revoked by the department.

745 37-13-3.

746 (a) No person, business entity, corporation, or association, whether operated for profit or  
747 not for profit, may operate a community living arrangement without first obtaining a

748 license or provisional license issued by the department. A license issued by the department  
749 is neither assignable nor transferable.

750 (b) Any license issued to a community living arrangement by the Department of  
751 Community Health on December 31, 2025, shall be valid until renewed or revoked by the  
752 department, surrendered by the licensee, or otherwise terminated.

753 37-13-4.

754 (a) The department shall be authorized to conduct periodic on-site inspections of any  
755 licensee in this state.

756 (b) The department may accept proof of accreditation by a nationally recognized  
757 healthcare accreditation body, in accordance with specific standards, as evidence of  
758 compliance with one or more departmental requirements for issuance or renewal of a  
759 license or provisional license.

760 (c) The department shall not be bound by any policy or practice of the Department of  
761 Community Health in effect on December 31, 2025, in determining whether to issue a  
762 license based on the findings of an accreditation agency pursuant to subsection (b) of this  
763 Code section."

764

## **PART V**

765

*Effective date*

766

### **SECTION 5-1.**

767 This Act shall become effective on January 1, 2026.

768  
769  
770

**PART VI**  
*Repealer*  
**SECTION 6-1.**

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