

The Senate Committee on Health and Human Services offered the following substitute to HB 584:

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 provide protections for  
11 residents and former residents in community living arrangements; to require reports by  
12 certain persons concerning suspected abuse or exploitation; to provide for the Department  
13 of Behavioral Health and Developmental Disabilities and certain law enforcement agency  
14 duties; to provide for confidentiality of reports; to provide immunity for certain persons; to  
15 prohibit retaliation; to revise and provide definitions; to amend various titles of the Official  
16 Code of Georgia Annotated, so as to make conforming changes; to provide for related  
17 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**

20 *Drug Abuse Treatment and Education Programs and Narcotic Treatment Programs*

21 **SECTION 1-1.**

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

25 "26-5-3.

26 As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

55 **SECTION 1-2.**

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

58 "26-5-6.

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

64 **SECTION 1-3.**

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

67 "26-5-7.

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

73

#### SECTION 1-4.

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

76 "26-5-10.

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

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

88

#### SECTION 1-5.

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

91 "26-5-23.

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

98 **SECTION 1-6.**

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

101 "26-5-41.

102 As used in this article, the term:

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

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

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

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

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

117 partnership, corporation, association, or person or groups of persons engaged in such  
118 administration.

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

121 **SECTION 1-7.**

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

124 "26-5-43.

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

130 **SECTION 1-8.**

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

133 "26-5-44.

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

139

**SECTION 1-9.**

140 Said title is further amended in said chapter by revising subsection (a) of Code Section  
141 26-5-47, relating to application review and requirements and nontransferability, as follows:

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

146

**SECTION 1-10.**

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

149 "26-5-56.

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

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

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

167

**PART II**

168

*Departmental Reassignment*

169

**SECTION 2-1.**

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

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

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

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

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

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

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

190 (6) Is authorized to award grants, as funds are available, to hospital authorities, hospitals,  
191 and medical-legal partnerships for public health purposes, pursuant to Code Sections  
192 31-7-94 and 31-7-94.1 and paragraph (11) of this subsection;

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

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

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

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

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

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

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

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

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

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

287 (D) This paragraph shall not be construed to require any medical-legal partnership or  
288 similar entity to seek or attain approval pursuant to this paragraph in order to operate;  
289 ~~(12)~~(11) In cooperation with the Department of Corrections and the State Board of  
290 Pardons and Paroles, shall establish and implement a Medicaid eligibility determination  
291 procedure so that inmates being considered for parole who are eligible for long-term care  
292 services may apply for Medicaid; and

293 ~~(13)~~(12) Shall request federal approval for and facilitate the application of certificates  
294 of need for facilities capable of providing long-term care services, with Medicaid as the  
295 primary funding source, to inmates who are eligible for such services and funding upon

296 his or her release from a public institution, as such term is defined in Code Section  
 297 49-4-31."

298 **SECTION 2-2.**

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

301 "(a) This Code section shall be applicable to any agency, center, facility, institution,  
 302 community living arrangement, drug abuse treatment and education program, or entity  
 303 subject to regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title;  
 304 Chapter 5 of Title 26; ~~paragraph (8) of subsection (d) of Code Section 31-2-4;~~ and Article  
 305 7 of Chapter 6 of Title 49. For purposes of this Code section, the term 'license' shall be  
 306 used to refer to any license, permit, registration, or commission issued by the department  
 307 pursuant to the provisions of the law cited in this subsection."

308 **SECTION 2-3.**

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

312 "31-7-2.2.

313 (a)(1) The commissioner may order the emergency relocation of patients or residents  
 314 from an institution subject to licensure under this chapter, ~~a community living~~  
 315 ~~arrangement subject to licensure under paragraph (8) of subsection (d) of Code Section~~  
 316 ~~31-2-4, or a drug abuse treatment and education program subject to licensure under~~  
 317 ~~Chapter 5 of Title 26~~ when the commissioner he or she has determined that the patients  
 318 or residents are subject to an imminent and substantial danger.

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

- 320 (A) Notice to the patient or resident, his or her next of kin or guardian, and his or her  
321 physician of the emergency relocation and the reasons therefor;
- 322 (B) Relocation to the nearest appropriate institution, ~~community living arrangement,~~  
323 ~~or drug abuse treatment and education program;~~ and
- 324 (C) Other protection designed to ensure the welfare and, when possible, the desires of  
325 the patient or resident.
- 326 (b)(1) The commissioner may order the emergency placement of a monitor in an  
327 institution subject to licensure under this chapter, ~~a community living arrangement~~  
328 ~~subject to licensure under paragraph (8) of subsection (d) of Code Section 31-2-4, or a~~  
329 ~~drug abuse treatment and education program subject to licensure under Chapter 5 of~~  
330 ~~Title 26~~ when one or more of the following conditions are present:
- 331 (A) The institution, ~~community living arrangement, or drug abuse treatment and~~  
332 ~~education program~~ is operating without a permit or a license;
- 333 (B) The department has denied application for a permit or a license or has initiated  
334 action to revoke the existing permit or license of the institution, ~~community living~~  
335 ~~arrangement, or drug abuse treatment and education program;~~
- 336 (C) The institution, ~~community living arrangement, or drug abuse treatment and~~  
337 ~~education program~~ is closing or plans to close and adequate arrangements for relocation  
338 of the patients or residents have not been made at least 30 days before the date of  
339 closure; or
- 340 (D) The health, safety, security, rights, or welfare of the patients or residents cannot  
341 be adequately assured by the institution, ~~community living arrangement, or drug abuse~~  
342 ~~treatment and education program.~~
- 343 (2) A monitor may be placed, pursuant to this subsection, in an institution, ~~community~~  
344 ~~living arrangement, or drug abuse treatment and education program~~ for no more than ten  
345 days, during which time the monitor shall observe conditions and compliance with any  
346 recommended remedial action of the department by the institution, ~~community living~~

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

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

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

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

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

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

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

390 **SECTION 2-4.**

391 Said title is further amended by revising paragraph (3) of Code Section 31-7-430, relating  
 392 to definitions relative to designated essential caregivers, as follows:

393 "(3) 'Long-term care facility' means a skilled nursing home, intermediate care home,  
 394 personal care home, assisted living community, ~~community living arrangement~~, or  
 395 inpatient hospice facility licensed or permitted to operate pursuant to this chapter and any  
 396 community living arrangement licensed by the Department of Behavioral Health and  
 397 Developmental Disabilities pursuant to Article 1 of Chapter 13 of Title 37."

398 **SECTION 2-5.**

399 Said title is further amended by revising paragraph (3) of Code Section 31-8-81, relating to  
400 definitions relative to reporting abuse or exploitation, as follows:

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

404

### PART III

405

#### *Departmental Regulation of Licensed Programs*

406

#### SECTION 3-1.

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

410

#### "ARTICLE 3

411 37-2-70.412 (a) As used in this article, the term:413 (1) 'Adult residential mental health program' means a program licensed by the  
414 department under Article 7 of Chapter 3 of this title.415 (2) 'Applicant' means any individual affiliated with a partnership, corporation,  
416 association, or individuals or groups of individuals submitting an application to operate  
417 an adult residential mental health program, community living arrangement, drug abuse  
418 treatment and education program, or narcotic treatment program.419 (3) 'Community living arrangement' means a group home licensed by the department  
420 under Chapter 13 of this title.

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

423 (5) 'License' means the official permit issued by the department on or after January 1,  
424 2026; provided, however, that such term shall also include an official permit issued by  
425 the Department of Community Health on December 31, 2025.

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

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

431 37-2-71.

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

445 37-2-72.

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

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

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

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

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

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

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

468 (2) Administer a public reprimand;

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

471 (4) Prohibit any applicant or licensee from allowing a person who previously was  
472 involved in the management or control, as defined by rule, of any adult residential mental

473 health program, community living arrangement, drug treatment and education program,  
474 or narcotic treatment program which has had its license or application revoked or denied  
475 within the past 12 months to be involved in the management or control of such program  
476 or arrangement;

477 (5) Revoke any license;

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

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

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

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

497 (d) With regard to any contested case instituted by the department pursuant to this Code  
498 section or other provisions of law which may now or hereafter authorize remedial or  
499 disciplinary grounds and action, the department may, in its discretion, dispose of the action

500 so instituted by settlement. In such cases, all parties, successors, and assigns to any  
501 settlement agreement shall be bound by the terms specified therein, and violation thereof  
502 by any applicant or licensee shall constitute grounds for any action enumerated in  
503 subsection (b) of this Code section.

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

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

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

526 enforcement actions result in adverse findings, as finally determined by the department,  
527 pursuant to administrative or legal action.

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

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

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

537 (k) The provisions of this Code section shall be supplemental to and shall not operate to  
538 prohibit the department from acting pursuant to any provisions of law which may now or  
539 hereafter authorize remedial or disciplinary grounds and action for the department. In  
540 cases where such other provisions of law so authorize other disciplinary grounds and  
541 actions, but this Code section limits such grounds or actions, such other provisions shall  
542 apply.

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

545 37-2-73.

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

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

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

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

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

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

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

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

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

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

575 (2) A monitor may be placed, pursuant to this subsection, in an adult residential mental  
576 health program, community living arrangement, drug treatment and education program,  
577 or narcotic treatment program for no more than ten days, during which time the monitor  
578 shall observe conditions and compliance with any recommended remedial action of the

579 department. The monitor shall report to the department. The monitor shall not assume  
580 any administrative responsibility within the adult residential mental health program,  
581 community living arrangement, drug treatment and education program, or narcotic  
582 treatment program, nor shall the monitor be liable for any actions of the licensee. The  
583 costs of placing a monitor in an adult residential mental health program, community  
584 living arrangement, drug treatment and education program, or narcotic treatment program  
585 shall be paid by the licensee unless the order placing the monitor is determined to be  
586 invalid in a contested case proceeding under subsection (d) of this Code section, in which  
587 event, the costs shall be paid by the state.

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

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

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

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

600 (d) The commissioner may issue emergency orders pursuant to this Code section only if  
601 authorized by rules and regulations of the department. Unless otherwise provided in any  
602 such order, an emergency order shall become effective immediately. The department shall  
603 provide an opportunity for a preliminary hearing within ten days following a request  
604 therefor by any adult residential mental health program, community living arrangement,  
605 drug treatment and education program, or narcotic treatment program affected by an

606 emergency order. If, at the preliminary hearing, the order is determined by the department  
607 to be invalid, such order shall thereupon become void and of no effect. If, at the  
608 preliminary hearing, the order is determined by the department to be valid, such  
609 determination shall constitute a contested case under Chapter 13 of Title 50, the 'Georgia  
610 Administrative Procedure Act,' and such order shall remain in effect until determined  
611 invalid in a proceeding regarding the contested case or until rescinded by the  
612 commissioner, whichever is earlier. For purposes of this subsection, an emergency order  
613 is valid only if the order is authorized to be issued under this Code section and rules and  
614 regulations relating thereto.  
615 (e) The powers provided by this Code section shall be in addition to all other powers of  
616 the department, board, and commissioner."

617 **SECTION 3-2.**

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

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

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

632 **SECTION 3-3.**

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

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

638 **SECTION 3-4.**

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

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

647 **SECTION 3-5.**

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

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

655 **SECTION 3-6.**

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

658 "(a) The department is authorized to deny, suspend, or revoke a license issued under this  
659 chapter for a violation of this chapter or a rule or regulation adopted under this chapter or  
660 to take other disciplinary actions against ~~licensees~~ a licensee as provided in ~~Code Section~~  
661 ~~31-2-8~~ Article 3 of Chapter 2 of this title."

662 **SECTION 3-7.**

663 Said title is further amended by revising subsections (a), (c), and (d) of Code Section  
664 37-3-215, relating to unlicensed residential mental health program and penalty, as follows:

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

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

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

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

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

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

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

682 **SECTION 3-8.**

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

686 "(7) 'Long-term care facility' means any skilled nursing facility, intermediate care home,  
 687 assisted living community, ~~community living arrangement~~, or personal care home subject  
 688 to regulation and licensure by the Department of Community Health and any community  
 689 living arrangement licensed by the Department of Behavioral Health and Developmental  
 690 Disabilities pursuant to Article 1 of Chapter 13 of Title 37."

691 **SECTION 3-9.**

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

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

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

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

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

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

707 **PART IV**  
708 *Community Living Arrangements*  
709 **SECTION 4-1.**

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

712 "CHAPTER 13  
713 ARTICLE 1

714 37-13-1.

715 As used in this article, the term:

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

721 (A) Eating and drinking;

722 (B) Toileting;

723 (C) Personal grooming and healthcare;

724 (D) Dressing;

725 (E) Communication;

726 (F) Interpersonal relationships;

727 (G) Mobility;

728 (H) Home management; and

729 (I) Use of leisure time.

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

732 (3) 'Licensee' means any person holding a license issued by the department under this  
733 article.

734 37-13-2.

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

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

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

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

754 37-13-3.

755 (a) No person, business entity, corporation, or association, whether operated for profit or  
756 not for profit, may operate a community living arrangement without first obtaining a  
757 license or provisional license issued by the department. A license issued by the department  
758 is neither assignable nor transferable.

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

762 37-13-4.

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

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

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

773

## ARTICLE 2

774 37-13-20.

775 As used in this article, the term:

776 (1) 'Abuse' means any intentional or grossly negligent act or series of acts or intentional  
777 or grossly negligent omission to act which causes injury to a resident, including, but not

778 limited to, assault or battery, failure to provide treatment or care, or sexual harassment  
779 of a resident.

780 (2) 'Community living arrangement' means any group home licensed by the department  
781 pursuant to Article 1 of this chapter.

782 (3) 'Exploitation' means the illegal or improper use of a resident or a resident's resources  
783 through undue influence, coercion, harassment, duress, deception, false representation,  
784 false pretenses, or other similar means for one's own or another's profit or advantage.

785 (4) 'Resident' means any person receiving treatment or care in a community living  
786 arrangement.

787 37-13-21.

788 (a) Any of the following persons who have reasonable cause to believe that a resident or  
789 former resident has been abused or exploited while residing in a community living  
790 arrangement shall immediately make a report as described in subsection (d) of this Code  
791 section by telephone or in person to the department and to the appropriate law enforcement  
792 agency or prosecuting attorney:

793 (1) Administrators, managers, or other employees of a community living arrangement;

794 (2) Physical therapists;

795 (3) Occupational therapists;

796 (4) Coroners;

797 (5) Medical examiners;

798 (6) Emergency medical services personnel, as such individuals are defined in Code  
799 Section 31-11-49;

800 (7) Any person who is certified as an emergency medical technician, cardiac technician,  
801 paramedic, or first responder pursuant to Chapter 11 of Title 31;

802 (8) Employees of a public or private agency engaged in professional health related  
803 services to residents; and

804 (9) Clergy members.

805 (b) Persons required to make a report pursuant to subsection (a) of this Code section shall  
806 also make a written report to the department within 24 hours after making the initial report.

807 (c) Any other person who has knowledge that a resident or former resident has been  
808 abused or exploited while residing in a community living arrangement may report or cause  
809 a report to be made to the department or the appropriate law enforcement agency.

810 (d) An initial report of suspected abuse or exploitation shall include the following:

811 (1) The name and address of the person making the report, unless such person is not  
812 required to make a report pursuant to subsection (a) of this Code section;

813 (2) The name and address of the resident or former resident for which abuse or  
814 exploitation is suspected;

815 (3) The name and address of the community living arrangement;

816 (4) The name and extent of any known injuries or the condition relating to, or resulting  
817 from, the suspected abuse or exploitation;

818 (5) The suspected cause of the abuse or exploitation; and

819 (6) Any other information which the reporter reasonably believes might be helpful in  
820 determining the cause of the resident's or former resident's injuries or condition and in  
821 determining the identity of the person or persons responsible for the suspected abuse or  
822 exploitation.

823 (e) The department shall maintain accurate records which shall include all reports of  
824 suspected abuse or exploitation, the results of all investigations and administrative or  
825 judicial proceedings, and a summary of actions taken to assist the resident or former  
826 resident.

827 (f) Any suspected abuse or exploitation which is required to be reported by any person  
828 pursuant to this Code section shall be reported notwithstanding that the reasonable cause  
829 to believe such abuse or exploitation has occurred or is occurring is based in whole or in  
830 part upon any communication to that person which is otherwise made privileged or

831 confidential by law; provided, however, that a member of the clergy shall not be required  
832 to report such matters confided to him or her solely within the context of confession or  
833 other similar communication required to be kept confidential under church doctrine or  
834 practice. When a clergy member receives information about abuse or exploitation from  
835 any other source, such clergy member shall comply with the reporting requirements of this  
836 Code section, even though the clergy member may have also received a report of such  
837 matters from the confession of the perpetrator.

838 37-13-22.

839 (a) Immediately after the receipt of any report of suspected abuse or exploitation, the  
840 department shall make and document a determination as to whether such report requires  
841 an investigation. The department may, through its rules, regulations, or policies, limit the  
842 scope of any investigation and may delegate all or part of its authority to investigate to the  
843 appropriate law enforcement agency or other appropriate investigating agencies. If such  
844 delegation occurs, the agency to which authority has been delegated shall report the results  
845 of its investigation to the department immediately upon completion of such investigation.

846 (b) The investigation shall determine the nature, cause, and extent of the suspected abuse  
847 or exploitation reported, an assessment of the current condition of the resident or former  
848 resident, and an assessment of any needed action or service. Where appropriate, the  
849 investigation shall include a prompt in-person visit to the resident or former resident.

850 (c) The investigating agency shall collect and preserve all evidence relating to, or resulting  
851 from, the suspected abuse or exploitation.

852 (d) All state, county, and municipal law enforcement agencies, employees of community  
853 living arrangements, and other appropriate persons shall cooperate with the department or  
854 investigating agency in the administration of this article.

855 37-13-23.

856 (a) Upon the receipt of the results of an investigation conducted pursuant to Code Section  
857 37-13-22, the department, in cooperation with the investigating agency, shall immediately  
858 evaluate such results to determine what actions, if any, shall be taken to assist the resident  
859 or former resident.

860 (b) The department or agency designated by the department shall assist to prevent further  
861 harm to a resident or former resident who has been abused or exploited. The department  
862 may also take appropriate legal actions to assure the safety and welfare of all other  
863 residents of the community living arrangement where necessary.

864 (c) Within a reasonable time, not to exceed 30 days, after it has initiated action to assist  
865 a resident or former resident, the department shall determine the current condition of the  
866 resident or former resident, whether the abuse or exploitation has been abated, and whether  
867 continued assistance is necessary.

868 (d) If, as a result of any investigation pursuant to this article, a determination is made that  
869 a resident or former resident has been abused or exploited, the department shall contact the  
870 appropriate prosecuting authority and provide all information and evidence to such  
871 prosecuting authority.

872 37-13-24.

873 (a) Any agency or person who in good faith makes a report or provides information or  
874 evidence pursuant to this article shall be immune from liability for such actions.

875 (b) Neither the department nor its employees, when acting in good faith and with  
876 reasonable diligence, shall have any liability for defamation, invasion of privacy,  
877 negligence, or any other claim in connection with the collection or release of information  
878 pursuant to this article and neither shall be subject to suit based upon any such claims.

879 37-13-25.

880 The identities of the resident or former resident, the alleged perpetrator, and the person or  
881 persons making a report or providing information or evidence pursuant to this article shall  
882 not be disclosed to the public unless required to be revealed in court proceedings or upon  
883 the written consent of the person whose identity is to be revealed or as otherwise required  
884 by law. Upon the resident's or the former resident's, or his or her representative's, request,  
885 the department shall make information obtained in an abuse or exploitation report and  
886 investigation available to the allegedly abused or exploited resident, the allegedly abused  
887 or exploited former resident, or his or her representative for inspection or duplication,  
888 except that such disclosure shall be made without revealing the identity of any other  
889 resident, the person making the report, or persons providing information by name or  
890 inference. For the purpose of this Code section, the term 'representative' means any person  
891 authorized in writing by the resident or former resident or appointed by an appropriate  
892 court to act upon the resident's or former resident's behalf. The term 'representative' also  
893 means a family member of a deceased or physically or mentally impaired resident or  
894 former resident unable to grant authorization; provided, however, that such family  
895 members who do not have written or court authorization shall not be authorized by this  
896 Code section to receive the resident's or former resident's clinical records as defined in  
897 Code Section 37-3-1, 37-4-2, or 37-7-1. Nothing in this Code section shall be construed  
898 to deny agencies participating in joint investigations at the request of and with the  
899 department, or conducting separate investigations of abuse or exploitation within an  
900 agency's scope of authority, or law enforcement personnel who are conducting an  
901 investigation into any criminal offense in which a resident or former resident is a victim  
902 from having access to such records.

903 37-13-26.

904 No person or community living arrangement shall discriminate or retaliate in any manner  
905 against any person for making a report or providing information pursuant to this article or

906 against any resident or former resident who is the subject of a report. Nothing in this Code  
907 section shall be construed to prohibit the termination of the relationship between the  
908 community living arrangement and the resident for reasons other than that the community  
909 living arrangement has been made the subject of a report, that such a report has been made,  
910 or that information has been provided pursuant to this article.

911 37-13-27.

912 The department shall prepare a written notice describing the reporting requirements set  
913 forth in this article. Such notice shall be distributed to all community living arrangements  
914 in this state, and copies thereof shall be posted in conspicuous locations within community  
915 living arrangements."

916

**PART V**

917

*Effective date*

918

**SECTION 5-1.**

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

920

**PART VI**

921

*Repealer*

922

**SECTION 6-1.**

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