

Senate Bill 352

By: Senators Unterman of the 45th, Butler of the 55th and Millar of the 40th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the
2 powers, duties, functions, and responsibilities of the Department of Community Health, so
3 as to authorize the department to approve medical-legal partnerships; to provide for standards
4 and guidelines; to provide for statutory construction; to amend Title 31 of the Official Code
5 of Georgia Annotated, relating to health, so as to create the Georgia Council on Lupus
6 Education and Awareness; to provide for legislative findings; to provide for assignment to
7 the Department of Community Health; to provide for membership; to provide for terms of
8 office; to provide for duties and responsibilities; to provide for a directory; to provide for
9 reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the powers,
13 duties, functions, and responsibilities of the Department of Community Health, is amended
14 by revising subsection (d) as follows:

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

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

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

22 (3) Shall investigate the lack of availability of health insurance coverage and the issues
23 associated with the uninsured population of this state. In particular, the department is
24 authorized to investigate the feasibility of creating and administering insurance programs

25 for small businesses and political subdivisions of the state and to propose cost-effective
26 solutions to reducing the numbers of uninsured in this state;

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

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

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

35 (7) Shall make provision for meeting the cost of hospital care of persons eligible for
36 public assistance to the extent that federal matching funds are available for such
37 expenditures for hospital care. To accomplish this purpose, the department is authorized
38 to pay from funds appropriated for such purposes the amount required under this
39 paragraph into a trust fund account which shall be available for disbursement for the cost
40 of hospital care of public assistance recipients. The commissioner, subject to the
41 approval of the Office of Planning and Budget, on the basis of the funds appropriated in
42 any year, shall estimate the scope of hospital care available to public assistance recipients
43 and the approximate per capita cost of such care. Monthly payments into the trust fund
44 for hospital care shall be made on behalf of each public assistance recipient and such
45 payments shall be deemed encumbered for assistance payable. Ledger accounts
46 reflecting payments into and out of the hospital care fund shall be maintained for each of
47 the categories of public assistance established under Code Section 49-4-3. The balance
48 of state funds in such trust fund for the payment of hospital costs in an amount not to
49 exceed the amount of federal funds held in the trust fund by the department available for
50 expenditure under this paragraph shall be deemed encumbered and held in trust for the
51 payment of the costs of hospital care and shall be rebudgeted for this purpose on each
52 quarterly budget required under the laws governing the expenditure of state funds. The
53 state auditor shall audit the funds in the trust fund established under this paragraph in the
54 same manner that any other funds disbursed by the department are audited;

55 (8) Shall classify and license community living arrangements in accordance with the
56 rules and regulations promulgated by the department for the licensing and enforcement
57 of licensing requirements for persons whose services are financially supported, in whole
58 or in part, by funds authorized through the Department of Behavioral Health and
59 Developmental Disabilities. To be eligible for licensing as a community living
60 arrangement, the residence and services provided must be integrated within the local
61 community. All community living arrangements licensed by the department shall be

62 subject to the provisions of Code Sections 31-2-8 and 31-7-2.2. No person, business
 63 entity, corporation, or association, whether operated for profit or not for profit, may
 64 operate a community living arrangement without first obtaining a license or provisional
 65 license from the department. A license issued pursuant to this paragraph is not assignable
 66 or transferable. As used in this paragraph, the term 'community living arrangement'
 67 means any residence, whether operated for profit or not, which undertakes through its
 68 ownership or management to provide or arrange for the provision of housing, food, one
 69 or more personal services, support, care, or treatment exclusively for two or more persons
 70 who are not related to the owner or administrator of the residence by blood or marriage;
 71 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
 72 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
 73 and other health care related entities required to be licensed, permitted, registered, or
 74 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter
 75 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such
 76 schedules shall be determined in a manner so as to help defray the costs incurred by the
 77 department, but in no event to exceed such costs, both direct and indirect, in providing
 78 such licensure activities. Such fees may be annually adjusted by the department but shall
 79 not be increased by more than the annual rate of inflation as measured by the Consumer
 80 Price Index, as reported by the Bureau of Labor Statistics of the United States
 81 Department of Labor. All fees paid thereunder shall be paid into the general funds of the
 82 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees
 83 imposed pursuant to this paragraph be used to support and improve the quality of
 84 licensing services provided by the department; ~~and~~

85 (10)(A) May accept the certification or accreditation of an entity or program by a
 86 certification or accreditation body, in accordance with specific standards, as evidence
 87 of compliance by the entity or program with the substantially equivalent departmental
 88 requirements for issuance or renewal of a permit or provisional permit, provided that
 89 such certification or accreditation is established prior to the issuance or renewal of such
 90 permits. The department may not require an additional departmental inspection of any
 91 entity or program whose certification or accreditation has been accepted by the
 92 department, except to the extent that such specific standards are less rigorous or less
 93 comprehensive than departmental requirements. Nothing in this Code section shall
 94 prohibit either departmental inspections for violations of such standards or requirements
 95 or the revocation of or refusal to issue or renew permits, as authorized by applicable
 96 law, or for violation of any other applicable law or regulation pursuant thereto.

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

98 (i) 'Entity or program' means an agency, center, facility, institution, community living
 99 arrangement, drug abuse treatment and education program, or entity subject to
 100 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter
 101 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.

102 (ii) 'Permit' means any license, permit, registration, or commission issued by the
 103 department pursuant to the provisions of the law cited in division (i) of this
 104 subparagraph; and

105 (11)(A) Is authorized to approve medical-legal partnerships that comply with standards
 106 and guidelines established for such programs for purposes of determining eligibility for
 107 grants. The department shall seek input from legal services organizations, community
 108 health advocacy organizations, hospitals, diagnostic and treatment centers, and other
 109 primary and specialty health care providers in establishing such standards and
 110 guidelines.

111 (B) For purposes of this paragraph, the term 'medical-legal partnership' means a
 112 program conducted or established by a nonprofit entity through a collaboration pursuant
 113 to a written agreement between one or more medical service providers and one or more
 114 legal services programs, including those based within a law school, to provide legal
 115 services without charge to assist income-eligible individuals and their families in
 116 resolving legal matters or other needs that have an impact on the health of such
 117 individuals and families. Written agreements may include a memorandum of
 118 understanding or other agreement relating to the operations of the partnership and
 119 encompassing the rights and responsibilities of each party thereto. The medical service
 120 provider or providers may provide referrals of its patients to the legal services program
 121 or programs on matters that may potentially impact the health, health care, or the health
 122 care costs of a patient.

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

128 (D) This paragraph shall not be construed to require any medical-legal partnership or
 129 similar entity to seek or attain approval pursuant to this paragraph in order to operate."

130 **SECTION 2.**

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

133 "CHAPTER 49

134 31-49-1.

135 The General Assembly finds and declares that it is estimated that as many as 55,000
136 Georgia residents suffer from lupus, a life-long autoimmune disease in which the
137 immune system becomes unbalanced, causing inflammation, tissue damage, seizures,
138 strokes, heart attacks, miscarriages, and organ failure. Although anyone can develop
139 lupus, it strikes mostly women of childbearing age; African American, Hispanic,
140 Asian, and Native American women are two to three times more likely than
141 Caucasians to develop lupus. Lupus can be difficult to diagnose and often is
142 misdiagnosed because the symptoms are similar to those of other illnesses. It is in the
143 public interest for this state to establish an entity to develop and implement a
144 comprehensive program to improve education and awareness about lupus for health
145 care providers and the general public.

146 31-49-2.

147 (a) There is created the Georgia Council on Lupus Education and Awareness within
148 the Department of Community Health.

149 (b) The council shall consist of six members as follows:

150 (1) The commissioner of community health, or the commissioner's designee, as an
151 ex officio member;

152 (2) Three members to be appointed by the Governor. The Governor shall appoint
153 two members to serve for one year and one to serve for two years. Thereafter,
154 successors to such initial appointees shall serve for two years. Of these three
155 members, one shall be a physician who treats patients with lupus and one shall be
156 a lupus patient;

157 (3) One member to be appointed by the Speaker of the House of Representatives
158 to serve for two years; and

159 (4) One member to be appointed by the Lieutenant Governor to serve for two years;

160 (c) All vacancies on the council shall be filled for the balance of the unexpired term
161 in the same manner as the original appointment. A member of the council shall be
162 eligible for reappointment.

163 (d) The members of the council shall serve without compensation but may be
164 reimbursed for any expenses incurred by them in the performance of their duties,
165 subject to the availability of funds.

166 (e) The council shall organize as soon as practicable after the appointment of its
 167 members and shall select a chairperson from among its members.

168 31-49-3.

169 (a) The council shall have the following duties and responsibilities:

170 (1) To initially investigate the level of education concerning lupus in this state; and

171 (2) Based on the results of its initial investigation pursuant to paragraph (1) of this
 172 Code section, to develop information on lupus endorsed by government agencies,
 173 including, but not limited to, the National Institutes of Health and the Centers for
 174 Disease Control and Prevention.

175 (b) The council shall develop a directory of lupus related health care services, which
 176 shall be made available on the department's website and shall include a list of health
 177 care providers specializing in the diagnosis and treatment of lupus.

178 31-49-4.

179 (a) The department shall post the information developed by the council pursuant to
 180 paragraph (2) of subsection (a) of Code Section 31-49-3 on its website.

181 (b) Subject to appropriations or access to other private or public funds, the
 182 department may distribute such information to individuals with lupus, their family
 183 members, health care professionals, hospitals, local health departments, schools,
 184 agencies on aging, employers, health plans, women's health groups, and nonprofit and
 185 community based organizations.

186 31-49-5.

187 The council shall prepare annually a complete and detailed report to be submitted to the
 188 Governor, the chairperson of the House Committee on Health and Human Services, and
 189 the chairperson of the Senate Health and Human Services Committee detailing the
 190 activities of the council and may include any recommendations for legislative action it
 191 deems appropriate.

192 31-49-6.

193 The council may solicit and accept donations, gifts, grants, property, or matching funds
 194 from any public or private source for the use of the council in performing its functions
 195 under this chapter."

196 **SECTION 3.**

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