

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.