

House Bill 214 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 116th, Parrish of the 156th, England of the 108th, Sheldon of the 105th, Cooper of the 41st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 create the Hemophilia Advisory Board; to provide for a short title; to provide for legislative
3 findings; to provide for duties, reporting, membership, and the selection of officers; to
4 establish the Department of Public Health; to reassign functions of the Division of Public
5 Health of the Department of Community Health to the Department of Public Health; to
6 provide for transition to the new agency; to create a Board of Public Health and a
7 commissioner of public health; to amend various titles for purposes of conformity; to provide
8 for related matters; to provide an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**
12 Hemophilia Advisory Board Act.

13 **SECTION 1-1.**
14 Parts I and II of this Act shall be known and may be cited as the "Hemophilia Advisory
15 Board Act."

16 **SECTION 1-2.**
17 The General Assembly finds that hemophilia and other bleeding disorders are devastating
18 health conditions that can cause serious financial, social, and emotional hardships for patients
19 and their families. Hemophilia and other bleeding disorders are incurable, so appropriate
20 lifetime care and treatment are necessities for maintaining optimum health. Advancements
21 in drug therapies are allowing individuals greater latitude in managing their conditions,
22 fostering independence, and minimizing chronic complications. As a result, individuals are
23 living longer and are healthier and more productive. However, the rarity of these disorders
24 coupled with the delicate processes of producing clotting factor concentrates makes treating

25 these disorders extremely costly. It is the intent of the General Assembly to establish an
 26 advisory board to provide expert advice to the state on health and insurance policies, plans,
 27 and programs that impact individuals with hemophilia and other bleeding disorders.

28 PART II

29 Creation of the Hemophilia Advisory Board.

30 SECTION 2-1.

31 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
 32 general provisions relative to health, is amended by adding a new Code section to read as
 33 follows:

34 "31-1-12.

35 (a) The commissioner of public health in conjunction with the commissioner of
 36 community health shall establish an independent advisory board known as the Hemophilia
 37 Advisory Board.

38 (b)(1) The following persons shall serve as nonvoting members of the Hemophilia
 39 Advisory Board:

40 (A) The commissioner of public health or a designee; and

41 (B) The commissioner of community health or a designee.

42 (2) The following voting members shall be appointed by the commissioner of public
 43 health, in consultation with the commissioner of community health, and shall serve a
 44 three-year term:

45 (A) One member who is a board certified physician licensed, practicing, and currently
 46 treating individuals with hemophilia and other bleeding disorders and who specializes
 47 in the treatment of these individuals;

48 (B) One member who is a nurse licensed, practicing, and currently treating individuals
 49 with hemophilia and other bleeding disorders;

50 (C) One member who is a social worker licensed, practicing, and currently treating
 51 individuals with hemophilia and other bleeding disorders;

52 (D) One member who is a representative of a federally funded hemophilia treatment
 53 center in this state;

54 (E) One member who is a representative of a nonprofit organization that has, as its
 55 primary purpose, the provision of services to the population of this state with
 56 hemophilia and other bleeding disorders;

57 (F) One member who is a person who has hemophilia;

58 (G) One member who is a caregiver of a person who has hemophilia; and

- 59 (H) One member who is a person who has a bleeding disorder other than hemophilia
60 or who is a caregiver of a person who has a bleeding disorder other than hemophilia.
- 61 (3) The Hemophilia Advisory Board may also have up to five additional nonvoting
62 members as determined appropriate by the commissioner and the commissioner of
63 community health. These nonvoting members may be persons with, or caregivers of a
64 person with, hemophilia or other bleeding disorder or persons experienced in the
65 diagnosis, treatment, care, and support of individuals with hemophilia or other bleeding
66 disorders.
- 67 (c)(1) Board members shall elect from among the voting board members a presiding
68 officer. The presiding officer retains all voting rights.
- 69 (2) A majority of the members shall constitute a quorum at any meeting held by the
70 Hemophilia Advisory Board.
- 71 (3) If there is a vacancy on the Hemophilia Advisory Board, such position shall be filled
72 in the same manner as the original appointment.
- 73 (4) Members of the Hemophilia Advisory Board shall receive no compensation for
74 service on the Hemophilia Advisory Board.
- 75 (d) The Hemophilia Advisory Board shall meet at least quarterly and at the call of the
76 commissioner, the commissioner of community health, or the presiding officer and follow
77 all policies and procedures of Chapter 14 of Title 50, relating to open and public meetings.
- 78 (e) The department shall provide reasonably necessary administrative support for
79 Hemophilia Advisory Board activities.
- 80 (f) The Hemophilia Advisory Board shall review and make recommendations to the
81 commissioner and the commissioner of community health with regard to issues that affect
82 the health and wellness of persons living with hemophilia and other bleeding disorders,
83 including, but not limited to, the following:
- 84 (1) Proposed legislative or administrative changes to policies and programs that are
85 integral to the health and wellness of individuals with hemophilia and other bleeding
86 disorders;
- 87 (2) Standards of care and treatment for persons living with hemophilia and other
88 bleeding disorders, taking into consideration the federal and state standards of care
89 guidelines developed by state and national organizations, including, but not limited to,
90 the Medical and Scientific Advisory Council of the National Hemophilia Foundation;
- 91 (3) The development of community based initiatives to increase awareness of care and
92 treatment for persons living with hemophilia and other bleeding disorders; and
- 93 (4) The coordination of public and private support networking systems.
- 94 (g) The Hemophilia Advisory Board shall, no later than six months after the effective date
95 of this Code section, and annually thereafter, submit to the Governor and the General

96 Assembly a report of its findings and recommendations. Annually thereafter, the
 97 commissioner of public health, in consultation with the commissioner of community health,
 98 shall report to the Governor and the General Assembly on the status of implementing the
 99 recommendations as proposed by the Hemophilia Advisory Board. The reports shall be
 100 made public and shall be subject to public review and comment."

101 **PART III**

102 Creation of the Department of Public Health.

103 **SECTION 3-1.**

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

106 "CHAPTER 2A

107 31-2A-1.

108 (a) There is created the Board of Public Health which shall establish the general policy to
 109 be followed by the Department of Public Health. The powers, functions, and duties of the
 110 Board of Community Health as they existed on June 30, 2011, with regard to the Division
 111 of Public Health and the Office of Health Improvement, unless otherwise provided in this
 112 Act, are transferred to the Board of Public Health effective July 1, 2011. The board shall
 113 consist of nine members appointed by the Governor and confirmed by the Senate.

114 (b) The Governor shall designate the initial terms of the members of the board as follows:
 115 three members shall be appointed for one year; three members shall be appointed for two
 116 years; and three members shall be appointed for three years. Thereafter, all succeeding
 117 appointments shall be for three-year terms from the expiration of the previous term.

118 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
 119 as the appointment to the position on the board which becomes vacant. An appointment
 120 to fill a vacancy other than by expiration of a term of office shall be for the balance of the
 121 unexpired term.

122 (d) Members of the board may be removed from office under the same conditions for
 123 removal from office of members of professional licensing boards provided in Code Section
 124 43-1-17.

125 (e) There shall be a chairperson of the board elected by and from the membership of the
 126 board who shall be the presiding officer of the board.

127 (f) The members of the board shall receive the same daily expense allowance and
128 reimbursement of expenses as provided in Code Section 45-7-21 for members of other state
129 boards.

130 31-2A-2.

131 (a) There is created a Department of Public Health. The powers, functions, and duties of
132 the Division of Public Health and the Office of Health Improvement of the Department of
133 Community Health as they existed on June 30, 2011, unless otherwise provided in this Act,
134 are transferred to the Department of Public Health effective July 1, 2011.

135 (b) There is created the position of commissioner of public health. The commissioner
136 shall be the chief administrative officer of the department and be both appointed and
137 removed by the Governor. Subject to the general policy established by the board, the
138 commissioner shall supervise, direct, account for, organize, plan, administer, and execute
139 the functions vested in the department.

140 (c) There shall be created in the department such divisions as may be found necessary for
141 its effective operation. The commissioner shall have the power to allocate and reallocate
142 functions among the divisions within the department.

143 31-2A-3.

144 (a) The Department of Public Health shall succeed to all rules, regulations, policies,
145 procedures, and administrative orders of the Department of Community Health that are in
146 effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which
147 relate to the functions transferred to the Department of Public Health pursuant to Code
148 Section 31-2A-2 and shall further succeed to any rights, privileges, entitlements,
149 obligations, and duties of the Department of Community Health that are in effect on June
150 30, 2011, which relate to the functions transferred to the Department of Public Health
151 pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and
152 administrative orders shall remain in effect until amended, repealed, superseded, or
153 nullified by the Department of Public Health by proper authority or as otherwise provided
154 by law.

155 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
156 agreements, and other transactions as identified by the Office of Planning and Budget
157 entered into before July 1, 2011, by the Department of Community Health which relate to
158 the functions transferred to the Department of Public Health pursuant to Code Section
159 31-2A-2 shall continue to exist; and none of these rights, privileges, entitlements, and
160 duties are impaired or diminished by reason of the transfer of the functions to the
161 Department of Public Health. In all such instances, the Department of Public Health shall

162 be substituted for the Department of Community Health, and the Department of Public
163 Health shall succeed to the rights and duties under such contracts, leases, agreements, and
164 other transactions.

165 (c) All persons employed by the Department of Community Health in capacities which
166 relate to the functions transferred to the Department of Public Health pursuant to Code
167 Section 31-2A-2 on June 30, 2011, shall, on July 1, 2011, become employees of the
168 Department of Public Health in similar capacities, as determined by the commissioner of
169 public health. Such employees shall be subject to the employment practices and policies
170 of the Department of Public Health on and after July 1, 2011, but the compensation and
171 benefits of such transferred employees shall not be reduced as a result of such transfer.
172 Employees who are subject to the rules of the State Personnel Board and thereby under the
173 State Personnel Administration and who are transferred to the department shall retain all
174 existing rights under the State Personnel Administration. Accrued annual and sick leave
175 possessed by the transferred employees on June 30, 2011, shall be retained by such
176 employees as employees of the Department of Public Health.

177 (d) On July 1, 2011, the Department of Public Health shall receive custody of the state
178 owned real property in the custody of the Department of Community Health on June 30,
179 2011, and which pertains to the functions transferred to the Department of Public Health
180 pursuant to Code Section 31-2A-2.

181 31-2A-4.

182 The Department of Public Health shall safeguard and promote the health of the people of
183 this state and is empowered to employ all legal means appropriate to that end. Illustrating,
184 without limiting, the foregoing grant of authority, the department is empowered to:

185 (1) Provide epidemiological investigations and laboratory facilities and services in the
186 detection and control of disease, disorders, and disabilities and to provide research,
187 conduct investigations, and disseminate information concerning reduction in the
188 incidence and proper control of disease, disorders, and disabilities;

189 (2) Forestall and correct physical, chemical, and biological conditions that, if left to run
190 their course, could be injurious to health;

191 (3) Regulate and require the use of sanitary facilities at construction sites and places of
192 public assembly and to regulate persons, firms, and corporations engaged in the rental
193 and service of portable chemical toilets;

194 (4) Isolate and treat persons afflicted with a communicable disease who are either unable
195 or unwilling to observe the department's rules and regulations for the suppression of such
196 disease and to establish, to that end, complete or modified quarantine, surveillance, or
197 isolation of persons and animals exposed to a disease communicable to man;

- 198 (5) Procure and distribute drugs and biologicals and purchase services from clinics,
199 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
200 and operate such facilities;
- 201 (6) Cooperate with agencies and departments of the federal government and of the state
202 by supplying consultant services in medical and hospital programs and in the health
203 aspects of civil defense, emergency preparedness, and emergency response;
- 204 (7) Prevent, detect, and relieve physical defects and deformities;
- 205 (8) Promote the prevention, early detection, and control of problems affecting the dental
206 and oral health of the citizens of Georgia;
- 207 (9) Contract with county boards of health to assist in the performance of services
208 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies
209 of more than local peril, to employ whatever means may be at its disposal to overcome
210 such emergencies;
- 211 (10) Contract and execute releases for assistance in the performance of its functions and
212 the exercise of its powers and to supply services which are within its purview to perform;
- 213 (11) Enter into or upon public or private property at reasonable times for the purpose of
214 inspecting same to determine the presence of disease and conditions deleterious to health
215 or to determine compliance with health laws and rules, regulations, and standards
216 thereunder;
- 217 (12) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
218 Administrative Procedure Act,' a schedule of fees for laboratory services provided,
219 schedules to be determined in a manner so as to help defray the costs incurred by the
220 department, but in no event to exceed such costs, both direct and indirect, in providing
221 such laboratory services, provided no person shall be denied services on the basis of his
222 or her inability to pay. All fees paid thereunder shall be paid into the general funds of the
223 State of Georgia. The individual who requests the services authorized in this paragraph,
224 or the individual for whom the laboratory services authorized in this paragraph are
225 performed, shall be responsible for payment of the service fees. As used in this
226 paragraph, the term 'individual' means a natural person or his or her responsible health
227 benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935; and
- 228 (13) Exchange data with the Department of Community Health for purposes of health
229 improvement and fraud prevention for programs operated by the Department of
230 Community Health pursuant to mutually agreed upon data sharing agreements and in
231 accordance with federal confidentiality laws relating to health care.

232 31-2A-5.

233 (a) There is created in the department the Office of Women's Health. Attached to the
 234 office shall be an 11 member advisory council. The members of the advisory council shall
 235 be appointed by the Governor and shall be representative of major public and private
 236 agencies and organizations in the state and shall be experienced in or have demonstrated
 237 particular interest in women's health issues. Each member shall be appointed for two years
 238 and until his or her successor is appointed. The members shall be eligible to succeed
 239 themselves. The council shall elect its chairperson from among the councilmembers for
 240 a term of two years. The Governor may name an honorary chairperson of the council.

241 (b) The Office of Women's Health shall serve in an advisory capacity to the Governor, the
 242 General Assembly, the board, the department, and all other state agencies in matters
 243 relating to women's health. In particular, the office shall:

244 (1) Raise awareness of women's nonreproductive health issues;

245 (2) Inform and engage in prevention and education activities relating to women's
 246 nonreproductive health issues;

247 (3) Serve as a clearing-house for women's health information for purposes of planning
 248 and coordination;

249 (4) Issue reports of the office's activities and findings; and

250 (5) Develop and distribute a state comprehensive plan to address women's health issues.

251 (c) The council shall meet upon the call of its chairperson, the board, or the commissioner.

252 31-2A-6.

253 (a) The department is authorized to adopt and promulgate rules and regulations to effect
 254 prevention, abatement, and correction of situations and conditions which, if not promptly
 255 checked, would militate against the health of the people of this state. Such rules and
 256 regulations shall be adapted to the purposes intended, within the purview of the powers and
 257 duties imposed upon the department by this chapter, and supersede conflicting rules,
 258 regulations, and orders adopted pursuant to the authority of Chapter 3 of this title.

259 (b) The department upon application or petition may grant variances and waivers to
 260 specific rules and regulations which establish standards for facilities or entities regulated
 261 by the department as follows:

262 (1) The department may authorize departure from the literal requirements of a rule or
 263 regulation by granting a variance upon a showing by the applicant or petitioner that the
 264 particular rule or regulation that is the subject of the variance request should not be
 265 applied as written because strict application would cause undue hardship. The applicant
 266 or petitioner additionally must show that adequate standards affording protection of

267 health, safety, and care exist and will be met in lieu of the exact requirements of the rule
268 or regulation in question;

269 (2) The department may dispense entirely with the enforcement of a rule or regulation
270 by granting a waiver upon a showing by the applicant or petitioner that the purpose of the
271 rule or regulation is met through equivalent standards affording equivalent protection of
272 health, safety, and care;

273 (3) The department may grant waivers and variances to allow experimentation and
274 demonstration of new and innovative approaches to delivery of services upon a showing
275 by the applicant or petitioner that the intended protections afforded by the rule or
276 regulation which is the subject of the request are met and that the innovative approach has
277 the potential to improve service delivery;

278 (4) Waivers or variances which affect an entire class of facilities may only be approved
279 by the Board of Public Health and shall be for a time certain, as determined by the board.
280 A notice of the proposed variance or waiver affecting an entire class of facilities shall be
281 made in accordance with the requirements for notice of rule making in Chapter 13 of
282 Title 50, the 'Georgia Administrative Procedure Act'; or

283 (5) Variances or waivers which affect only one facility in a class may be approved or
284 denied by the department and shall be for a time certain, as determined by the
285 department. The department shall maintain a record of such action and shall make this
286 information available to the board and all other persons who request it.

287 (c) The department may exempt classes of facilities from regulation when, in the
288 department's judgment, regulation would not permit the purpose intended or the class of
289 facilities is subject to similar requirements under other rules and regulations. Such
290 exemptions shall be provided in rules and regulations promulgated by the board.

291 31-2A-7.

292 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
293 verdict of guilty or a plea of guilty or a plea of nolo contendere with regard to any crime,
294 regardless of whether an appeal of the conviction has been sought.

295 (b) The department may receive from any law enforcement agency conviction data that is
296 relevant to a person whom the department, its contractors, or a district or county health
297 agency is considering as a final selectee for employment in a position the duties of which
298 involve direct care, treatment, custodial responsibilities, or any combination thereof for its
299 clients. The department may also receive conviction data which is relevant to a person
300 whom the department, its contractors, or a district or county health agency is considering
301 as a final selectee for employment in a position if, in the judgment of the department, a
302 final employment decision regarding the selectee can only be made by a review of

303 conviction data in relation to the particular duties of the position and the security and safety
304 of clients, the general public, or other employees.

305 (c) The department shall establish a uniform method of obtaining conviction data under
306 subsection (b) of this Code section which shall be applicable to the department and its
307 contractors. Such uniform method shall require the submission to the Georgia Crime
308 Information Center of fingerprints and the records search fee in accordance with Code
309 Section 35-3-35. Upon receipt thereof, the Georgia Crime Information Center shall
310 promptly transmit fingerprints to the Federal Bureau of Investigation for a search of bureau
311 records and an appropriate report and shall promptly conduct a search of its own records
312 and records to which it has access. After receiving the fingerprints and fee, the Georgia
313 Crime Information Center shall notify the department in writing of any derogatory finding,
314 including, but not limited to, any conviction data regarding the fingerprint records check
315 or if there is no such finding.

316 (d) All conviction data received shall be for the exclusive purpose of making employment
317 decisions or decisions concerning individuals in the care of the department and shall be
318 privileged and shall not be released or otherwise disclosed to any other person or agency.
319 Immediately following the employment decisions or upon receipt of the conviction data,
320 all such conviction data collected by the department or its agent shall be maintained by the
321 department or agent pursuant to laws regarding and the rules or regulations of the Federal
322 Bureau of Investigation and the Georgia Crime Information Center, as is applicable.
323 Penalties for the unauthorized release or disclosure of any conviction data shall be as
324 prescribed pursuant to laws regarding and rules or regulations of the Federal Bureau of
325 Investigation and the Georgia Crime Information Center, as is applicable. Nothing in this
326 Code section shall be construed to allow criminal history information, including arrest and
327 conviction date, to be released or disclosed to any individual, including members of county
328 boards of health, who is not directly involved in the hiring process.

329 (e) The department may promulgate written rules and regulations to implement the
330 provisions of this Code section.

331 (f) The department may receive from any law enforcement agency criminal history
332 information, including arrest and conviction data, and any and all other information which
333 it may be provided pursuant to state or federal law which is relevant to any person in the
334 care of the department. The department shall establish a uniform method of obtaining
335 criminal history information under this subsection. Such method shall require the
336 submission to the Georgia Crime Information Center of fingerprints together with any
337 required records search fee in accordance with Code Section 35-3-35. Upon receipt
338 thereof, the Georgia Crime Information Center shall promptly transmit the fingerprints
339 submitted by the department to the Federal Bureau of Investigation for a search of bureau

340 records and an appropriate report and shall promptly conduct a search of its own records
 341 and records to which it has access. Such method shall also permit the submission of the
 342 names alone of such persons to the proper law enforcement agency for a name based check
 343 of such person's criminal history information as maintained by the Georgia Crime
 344 Information Center and the Federal Bureau of Investigation. In such circumstances, the
 345 department shall submit fingerprints of those persons together with any required records
 346 search fee to the Federal Bureau of Investigation within 15 calendar days of the date of the
 347 name based check on that person. The fingerprints shall be forwarded to the Federal
 348 Bureau of Investigation through the Georgia Crime Information Center in accordance with
 349 Code Section 35-3-35. Following the submission of such fingerprints, the department may
 350 receive the criminal history information, including arrest and conviction data, relevant to
 351 such person.
 352 (g) The department shall be authorized to conduct a name or descriptor based check of any
 353 person's criminal history information, including arrest and conviction data, and other
 354 information from the Georgia Crime Information Center regarding any adult person who
 355 provides care or is in contact with persons under the care of the department without the
 356 consent of such person and without fingerprint comparison to the fullest extent permissible
 357 by federal and state law."

358 **SECTION 3-2.**

359 Code Sections 31-2-7, 31-2-8, 31-2-10, 31-2-12, 31-2-13, 31-2-17, 31-2-17.1, and 31-2-18
 360 of the Official Code of Georgia Annotated, relating to the Department of Community Health
 361 as the agency of the state for receipt and administration of federal and other funds, studies
 362 and surveys of programs, venue of actions against the department or board, standards for
 363 sewage management systems, rules and regulations governing operation of land disposal sites
 364 for septic tank waste from one business, a diabetes coordinator, the Georgia Diabetes Control
 365 Grant Program, and the director of the Division of Public Health, respectively, are
 366 redesignated and amended as follows:

367 ~~"31-2-7. 31-2A-8.~~

368 The department is designated and empowered as the agency of this state to apply for,
 369 receive, and administer grants and donations for health purposes from the federal
 370 government and from any of its departments, agencies, and instrumentalities; from
 371 appropriations of the state; and from any other sources in conformity with law, ~~including~~
 372 ~~but not limited to Code Section 49-4-152.~~ The department shall have the authority to
 373 prescribe the purposes for which such funds may be used in order to:

374 (1) Provide, extend, and improve maternal and child health services;

- 375 (2) Locate children already disabled or suffering from conditions leading to a disability
 376 and provide for such children medical, surgical, corrective, and other services and to
 377 provide for facilities for diagnosis, hospitalization, and aftercare;
- 378 (3) Advance the prevention and control of cancer and of venereal, tubercular, and other
 379 diseases;
- 380 (4) Forestall and correct conditions that, if left to run their course, could be injurious to
 381 health;
- 382 (5) Conduct programs which lie within the scope and the power of the department
 383 relating to industrial hygiene, control of ionizing radiation, occupational health, water
 384 quality, water pollution control, and planning and development of water resources;
- 385 (6) Administer grants-in-aid to assist in the construction of publicly owned and operated
 386 general and special medical facilities;
- 387 (7) Conduct programs:
- 388 (A) Relating to chronic illness;
- 389 (B) Relating to the dental and oral health of the people of this state which are
 390 appropriate to the purpose of the department; and
- 391 (C) Relating to the physical health of the people of this state which are appropriate to
 392 the purpose of the department; and
- 393 (8) Develop the health aspects of emergency preparedness and emergency response.
 394 When a plan is required to be approved by any department, agency, or instrumentality of
 395 the federal government as condition precedent to the making of grants for health purposes,
 396 the department, as agent of this state, is directed to formulate, submit, and secure approval
 397 of that plan and thereafter, upon its approval and the receipt of funds payable thereunder,
 398 to carry the plan into effect in accordance with its terms, applying thereto the funds so
 399 received as well as other applicable amounts from whatever source.

400 ~~31-2-8:~~ 31-2A-9.

401 The department, from time to time, shall make or cause to be made studies and surveys to
 402 determine the quality, scope, and reach of its programs.

403 ~~31-2-10:~~ 31-2A-10.

404 Actions at law and in equity against the department, the board, or any of its members
 405 predicated upon omissions or acts done in their official capacity or under color thereof shall
 406 be brought in the appropriate county; provided, however, that nothing in this Code section
 407 shall be construed as waiving the immunity of the state to be sued without its consent.

408 ~~31-2-12.~~ 31-2A-11.

409 (a) As used in this Code section, the term:

410 (1) 'Chamber system' means a system of chambers with each chamber being a molded
411 polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid
412 top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall
413 soil areas. Chambers may be of different sizes and configurations to obtain desired
414 surface areas.

415 (2) 'Conventional system' means a system traditionally used composed of perforated pipe
416 surrounded by gravel or stone masking for the infiltration of effluent into adjoining
417 bottom and side soil areas.

418 (3) 'On-site sewage management system' means a sewage management system other than
419 a public or community sewage treatment system serving one or more buildings, mobile
420 homes, recreational vehicles, residences, or other facilities designed or used for human
421 occupancy or congregation. Such term shall include, without limitation, conventional and
422 chamber septic tank systems, privies, and experimental and alternative on-site sewage
423 management systems which are designed to be physically incapable of a surface
424 discharge of effluent that may be approved by the department.

425 (4) 'Prior approved system' means only a chamber system or conventional system or
426 component of such system which is designed to be physically incapable of a surface
427 discharge of effluent and which was properly approved pursuant to subparagraph
428 (a)(2)(B) of this Code section, as such Code section became law on April 19, 1994, for
429 use according to manufacturers' recommendations, prior to April 14, 1997.

430 (5) 'Unsatisfactory service' means documented substandard performance as compared
431 to other approved systems or components.

432 (b) The department shall have the authority as it deems necessary and proper to adopt
433 state-wide regulations for on-site sewage management systems, including but not limited
434 to experimental and alternative systems. The department is authorized to require that any
435 such on-site sewage management system be examined and approved prior to allowing the
436 use of such system in the state; provided, however, that any prior approved system shall
437 continue to be approved for installation in every county of the state pursuant to the
438 manufacturer's recommendations, including sizing of no less than 50 percent of trench
439 length of a conventional system designed for equal flows in similar soil conditions. Upon
440 written request of one-half or more of the health districts in the state, the department is
441 authorized to require the reexamination of any such system or component thereof, provided
442 that documentation is submitted indicating unsatisfactory service of such system or
443 component thereof. Before any such examination or reexamination, the department may

444 require the person, persons, or organization manufacturing or marketing the system to
445 reimburse the department or its agent for the reasonable expenses of such examination.

446 (c)(1) This subsection shall not be construed to prohibit the governing authority of any
447 county or municipality in the state from adopting and enforcing codes at the local level;
448 provided, however, that no county, municipality, or state agency may require any
449 certified septic tank installer or certified septic tank pumper who has executed and
450 deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or
451 execute any code compliance bond or similar bond for the purpose of ensuring that all
452 construction, installation, or modifications are made or completed in compliance with the
453 county or municipal ordinances or building and construction codes.

454 (2) In order to protect the public from damages arising from any work by a certified
455 septic tank installer or certified septic tank pumper, ~~which work~~ that fails to comply with
456 any state construction codes or with the ordinances or building and construction codes
457 adopted by any county or municipal corporation, any such certified septic tank installer
458 or certified septic tank pumper may execute and deposit with the judge of the probate
459 court in the county of his or her principal place of business a bond in the sum of
460 \$10,000.00. Such bond shall be a cash bond of \$10,000.00 or executed by a surety
461 authorized and qualified to write surety bonds in the State of Georgia and shall be
462 approved by the local county or municipal health department. Such bond shall be
463 conditioned upon all work done or supervised by such certificate holder complying with
464 the provisions of any state construction codes or any ordinances or building and
465 construction codes of any county or municipal corporation wherein the work is
466 performed. Action on such bond may be brought against the principal and surety thereon
467 in the name of and for the benefit of any person who suffers damages as a consequence
468 of said certificate holder's work not conforming to the requirements of any ordinances or
469 building and construction codes; provided, however, that the aggregate liability of the
470 surety to all persons so damaged shall in no event exceed the sum of such bond.

471 (3) In any case where a bond is required under this subsection, the certified septic tank
472 installer or certified septic tank pumper shall file a copy of the bond with the county or
473 municipal health department in the political subdivision wherein the work is being
474 performed.

475 (4) The provisions of this subsection shall not apply to or affect any bonding
476 requirements involving contracts for public works as provided in Chapter 10 of Title 13.

477 (d) This Code section does not restrict the work of a plumber licensed by the State
478 Construction Industry Licensing Board to access any on-site sewage management system
479 for the purpose of servicing or repairing any plumbing system or connection to the on-site
480 sewage management system.

481 ~~31-2-13.~~ 31-2A-12.

482 Until July 1, 2012, the department shall provide by rule or regulation for the regulation of
 483 any land disposal site that receives septic tank waste from only one septic tank pumping
 484 and hauling business and which as of June 30, 2007, operated under a valid permit for such
 485 activity as issued by the department (previously known as the Department of Human
 486 Resources for these purposes) under this Code section. No new permit shall be issued by
 487 the department under this Code section for such type of site on or after July 1, 2007, but
 488 instead any new permit issued for such type of site on or after such date shall be issued by
 489 the Department of Natural Resources under Code Section 12-8-41. This Code section shall
 490 stand repealed on July 1, 2012.

491 ~~31-2-17.~~ 31-2A-13.

492 The commissioner is authorized to appoint a diabetes coordinator within the ~~Division of~~
 493 ~~Public Health~~ department to coordinate with other state departments and agencies to ensure
 494 that all programs that impact the prevention and treatment of diabetes are coordinated, that
 495 duplication of efforts is minimized, and that the impact of such programs is maximized in
 496 an attempt to reduce the health consequences and complications of diabetes in Georgia.
 497 The ~~Division of Public Health~~ department shall serve as the central repository for this
 498 state's departments and agencies for data related to the prevention and treatment of
 499 diabetes.

500 ~~31-2-17.1.~~ 31-2A-14.

501 (a) There is established within the ~~department's Division~~ Department of Public Health the
 502 Georgia Diabetes Control Grant Program. The purpose of the grant program shall be to
 503 develop, implement, and promote a state-wide effort to combat the proliferation of Type
 504 2 diabetes and pre-diabetes.

505 (b) The program shall be under the direction of a seven-member advisory committee,
 506 appointed by the Governor. The Governor, in making such appointments, shall ensure to
 507 the greatest extent possible that the membership of the advisory committee is representative
 508 of this state's geographic and demographic composition, with appropriate attention to the
 509 representation of women, minorities, and rural Georgia. The appointments made by the
 510 Governor shall include one member who is:

- 511 (1) A physician licensed in this state;
- 512 (2) A registered nurse licensed in this state;
- 513 (3) A dietitian licensed in this state;
- 514 (4) A diabetes educator;
- 515 (5) A representative of the business community;

516 (6) A pharmacist licensed in this state; and

517 (7) A consumer who has diabetes.

518 The commissioner of the ~~Department of Community Health~~, or his or her designee, shall
519 serve as an ex officio, nonvoting member of the advisory committee. Appointed advisory
520 committee members shall be named for five-year terms staggered so that one term will
521 expire each year, except for the fourth and fifth year, when two terms will expire. Their
522 successors shall be named for five-year terms.

523 (c) The Georgia Diabetes Control Grant Program shall be authorized to administer two
524 grant programs targeted at new, expanded, or innovative approaches to address diabetes as
525 follows:

526 (1) A program to provide grants to middle schools and high schools to promote the
527 understanding and prevention of diabetes may be established by the program. Such
528 grants shall be provided through the appropriate local board of education. Grant requests
529 shall contain specific information regarding requirements as to how the grant should be
530 spent and how such spending promotes the understanding and prevention of diabetes.
531 Grant recipients shall be required to provide the advisory committee with quarterly
532 reports of the results of the grant program; and

533 (2) A program to provide grants to health care providers for support of evidence based
534 diabetes programs for education, screening, disease management, and self-management
535 targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of
536 diabetes; and grants may also be awarded to address evidence based activities that focus
537 on policy, systems, and environmental changes that support prevention, early detection,
538 and treatment of diabetes. Eligible entities shall include community and faith based
539 clinics and other organizations, federally qualified health centers, regional and county
540 health departments, hospitals, and other public entities, and other health related service
541 providers which are qualified as exempt from taxation under the provisions of Section
542 501(c)(3) of the Internal Revenue Code of 1986. Such entities shall have been in
543 existence for at least three years, demonstrate financial stability, utilize evidence based
544 practices, and show measurable results in their programs.

545 (d) The advisory committee shall work with the department to establish grant criteria and
546 make award decisions, with the goal of creating a state-wide set of resources to assist
547 residents of Georgia in their efforts to prevent or treat diabetes. Grants shall not be used
548 for funding existing programs.

549 (e) The grant program shall be under the direction of the diabetes coordinator appointed
550 pursuant to Code Section ~~31-2-17~~ 31-2A-13. The department shall provide sufficient staff,
551 administrative support, and such other resources as may be necessary for the diabetes
552 coordinator to carry out the duties required by this Code section.

553 (f) This Code section shall be subject to appropriation from the General Assembly.

554 ~~31-2-18.~~ 31-2A-15.

555 (a) ~~The Division of Public Health shall have a director who shall be appointed by the~~
 556 ~~Governor and serve at the pleasure of the Governor. The director shall report to the Office~~
 557 ~~of the Governor and to the commissioner.~~ In addition to other authority and duties granted
 558 in this title, the ~~director~~ commissioner shall:

559 (1) Provide a written report of expenditures made for public health purposes in the prior
 560 fiscal year to the Governor, the Speaker of the House of Representatives, and the
 561 Lieutenant Governor no later than December 1 of each year beginning December 1, 2010;
 562 and

563 (2) Serve as the chief liaison to county boards of health through their directors on matters
 564 related to the operations and programmatic responsibilities of such county boards of
 565 health; provided, however, the ~~director~~ commissioner may designate a person from within
 566 the ~~division~~ department to serve as such chief liaison.

567 (b) The ~~director~~ commissioner shall be authorized to convene one or more panels of
 568 experts to address various public health issues and may consult with experts on
 569 epidemiological and emergency preparedness issues.

570 **SECTION 3-3.**

571 The following Code sections of the Official Code of Georgia Annotated are amended by
 572 replacing "Code Section 31-2-12" wherever it occurs with "Code Section 31-2A-11":

- 573 (1) Code Section 31-3-5, relating to functions of county boards of health;
 574 (2) Code Section 31-3-5.1, relating to conformity prerequisite to building permit; and
 575 (3) Code Section 50-13-4, relating to procedural requirements for adoption, amendment,
 576 or repeal of rules.

577 **SECTION 3-4.**

578 The following Code section of the Official Code of Georgia Annotated is amended by
 579 replacing "Code Section 31-2-13" wherever it occurs with "Code Section 31-2A-12":

- 580 (1) Code Section 12-8-41, relating to permits issued by the Department of Natural
 581 Resources for land disposal sites.

582 **SECTION 3-5.**

583 Code Section 31-1-1 of the Official Code of Georgia Annotated, relating to definitions
 584 relative to health generally, is revised as follows:

585 "31-1-1.

586 Except as specifically provided otherwise, as used in this title, the term:

587 (1) 'Board' means the Board of ~~Community~~ Public Health.

588 (2) 'Commissioner' means the commissioner of ~~community~~ public health.

589 (3) 'Department' means the Department of ~~Community~~ Public Health."

590 **SECTION 3-6.**

591 Code Section 31-1-10 of the Official Code of Georgia Annotated, relating to the state health
592 officer, is amended as follows:

593 "31-1-10.

594 (a) The position of ~~State Health Officer~~ state health officer is created. ~~The commissioner~~
595 ~~of community health or the director of the Division of Public Health of the Department of~~
596 ~~Community Health shall be the State Health Officer, as designated by the Governor. The~~
597 Governor may appoint the commissioner of public health to serve simultaneously as the
598 state health officer or may appoint another individual to serve as state health officer. Such
599 officer shall serve at the pleasure of the Governor.

600 (b) The ~~State Health Officer~~ state health officer shall perform such health emergency
601 preparedness and response duties as assigned by the Governor."

602 **PART IV**

603 Changes to the Department of Community Health.

604 **SECTION 4-1.**

605 Said title is further amended by revising Code Section 31-2-1, relating to legislative intent
606 and the grant of authority to the Department of Community Health, as follows:

607 "31-2-1.

608 Given the growing concern and complexities of health issues in this state, it is the intent
609 of the General Assembly to create a Department of Community Health dedicated to health
610 issues. ~~The Department of Community Health shall safeguard and promote the health of~~
611 ~~the people of this state and is empowered to employ all legal means appropriate to that end.~~
612 Illustrating, without limiting, the foregoing grant of authority, the department is
613 empowered to:

614 (1) Serve as the lead planning agency for all health issues in the state to remedy the
615 current situation wherein the responsibility for health care policy, purchasing, planning,
616 and regulation is spread among many different agencies;

- 617 (2) Permit the state to maximize its purchasing power and to administer its operations
618 in a manner so as to receive the maximum amount of federal financial participation
619 available in expenditures of the department;
- 620 (3) Minimize duplication and maximize administrative efficiency in the state's health
621 care systems by removing overlapping functions and streamlining uncoordinated
622 programs;
- 623 (4) Allow the state to develop a better health care infrastructure that is more responsive
624 to the consumers it serves while improving access to and coverage for health care;
- 625 (5) Focus more attention and departmental procedures on the issue of wellness, including
626 diet, exercise, and personal responsibility;
- 627 ~~(6) Provide epidemiological investigations and laboratory facilities and services in the
628 detection and control of disease, disorders, and disabilities and to provide research,
629 conduct investigations, and disseminate information concerning reduction in the
630 incidence and proper control of disease, disorders, and disabilities;~~
- 631 ~~(7) Forestall and correct physical, chemical, and biological conditions that, if left to run
632 their course, could be injurious to health;~~
- 633 ~~(8) Regulate and require the use of sanitary facilities at construction sites and places of
634 public assembly and to regulate persons, firms, and corporations engaged in the rental
635 and service of portable chemical toilets;~~
- 636 ~~(9) Isolate and treat persons afflicted with a communicable disease who are either unable
637 or unwilling to observe the department's rules and regulations for the suppression of such
638 disease and to establish, to that end, complete or modified quarantine, surveillance, or
639 isolation of persons and animals exposed to a disease communicable to man;~~
- 640 ~~(10) Procure and distribute drugs and biologicals and purchase services from clinics,
641 laboratories, hospitals, and other health facilities and, when authorized by law, to acquire
642 and operate such facilities;~~
- 643 ~~(11) Cooperate with agencies and departments of the federal government and of the state
644 by supplying consultant services in medical and hospital programs and in the health
645 aspects of civil defense, emergency preparedness, and emergency response;~~
- 646 ~~(12) Prevent, detect, and relieve physical defects and deformities;~~
- 647 ~~(13) Promote the prevention, early detection, and control of problems affecting the dental
648 and oral health of the citizens of Georgia;~~
- 649 ~~(14) Contract with county boards of health to assist in the performance of services
650 incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies
651 of more than local peril, to employ whatever means may be at its disposal to overcome
652 such emergencies;~~

653 ~~(15) Contract and execute releases for assistance in the performance of its functions and~~
 654 ~~the exercise of its powers and to supply services which are within its purview to perform;~~
 655 ~~(16)(6) Enter into or upon public or private property at reasonable times for the purpose~~
 656 ~~of inspecting same to determine the presence of disease and conditions deleterious to~~
 657 ~~health or to determine compliance with health applicable laws and rules, regulations, and~~
 658 ~~standards thereunder; and~~
 659 ~~(17)(7) Promulgate and enforce rules and regulations for the licensing of medical~~
 660 ~~facilities wherein abortion procedures under subsections (b) and (c) of Code Section~~
 661 ~~16-12-141 are to be performed; and, further, to disseminate and distribute educational~~
 662 ~~information and medical supplies and treatment in order to prevent unwanted pregnancy;~~
 663 ~~and.~~
 664 ~~(18) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia~~
 665 ~~Administrative Procedure Act,' a schedule of fees for laboratory services provided;~~
 666 ~~schedules to be determined in a manner so as to help defray the costs incurred by the~~
 667 ~~department, but in no event to exceed such costs, both direct and indirect, in providing~~
 668 ~~such laboratory services, provided no person shall be denied services on the basis of his~~
 669 ~~or her inability to pay. All fees paid thereunder shall be paid into the general funds of the~~
 670 ~~State of Georgia. The individual who requests the services authorized in this paragraph,~~
 671 ~~or the individual for whom the laboratory services authorized in this paragraph are~~
 672 ~~performed, shall be responsible for payment of the service fees. As used in this~~
 673 ~~paragraph, the term 'individual' means a natural person or his or her responsible health~~
 674 ~~benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935."~~

675 **SECTION 4-2.**

676 Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the powers,
 677 duties, functions, and responsibilities of the Department of Community Health, is amended
 678 as follows:

679 "31-2-4.

680 (a)(1)(A) The Department of Community Health is re-created and established to
 681 perform the functions and assume the duties and powers exercised on June 30, 2009,
 682 by the Department of Community Health, the Division of Public Health of the
 683 Department of Human Resources, and the Office of Regulatory Services of the
 684 Department of Human Resources, unless specifically transferred to the Department of
 685 Human Services, and such department, division, and office shall be reconstituted as the
 686 Department of Community Health effective July 1, 2009. The department shall retain
 687 powers and responsibility with respect to the expenditure of any funds appropriated to
 688 the department including, without being limited to, funds received by the state pursuant

689 to the settlement of the lawsuit filed by the state against certain tobacco companies,
 690 *State of Georgia, et al. v. Philip Morris, Inc., et al.*, Civil Action #E-61692, V19/246
 691 (Fulton County Superior Court, December 9, 1998).

692 (B) On and after July 1, 2011, the functions, duties, and powers of the Department of
 693 Community Health relating to the former Division of Public Health of the Department
 694 of Human Resources shall be performed and exercised by the Department of Public
 695 Health pursuant to Code Section 31-2A-2. No power, function, responsibility, duty, or
 696 similar authority held by the Department of Community Health as of June 30, 2009,
 697 shall be diminished or lost due to the creation of the Department of Public Health.

698 (2) The director of the Division of Public Health in office on June 30, 2009, and the
 699 director of the Office of Regulatory Services in office on June 30, 2009, shall become
 700 directors of the respective division or office which those predecessor agencies or units
 701 have become on and after July 1, 2009, and until such time as the commissioner appoints
 702 other directors of such divisions or units. The position of director of the Division of
 703 Public Health shall be abolished effective July 1, 2011.

704 ~~(b)(1) There is created in the department the Office of Women's Health. Attached to the~~
 705 ~~office shall be an 11 member advisory council. The members of the advisory council~~
 706 ~~shall be appointed by the Governor and shall be representative of major public and~~
 707 ~~private agencies and organizations in the state and shall be experienced in or have~~
 708 ~~demonstrated particular interest in women's health issues. Each member shall be~~
 709 ~~appointed for two years and until his or her successor is appointed. The members shall~~
 710 ~~be eligible to succeed themselves. The council shall elect its chairperson from among the~~
 711 ~~councilmembers for a term of two years. The Governor may name an honorary~~
 712 ~~chairperson of the council.~~

713 ~~(2) The Office of Women's Health shall serve in an advisory capacity to the Governor,~~
 714 ~~the General Assembly, the board, the department, and all other state agencies in matters~~
 715 ~~relating to women's health. In particular, the office shall:~~

716 ~~(A) Raise awareness of women's nonreproductive health issues;~~

717 ~~(B) Inform and engage in prevention and education activities relating to women's~~
 718 ~~nonreproductive health issues;~~

719 ~~(C) Serve as a clearing-house for women's health information for purposes of planning~~
 720 ~~and coordination;~~

721 ~~(D) Issue reports of the office's activities and findings; and~~

722 ~~(E) Develop and distribute a state comprehensive plan to address women's health~~
 723 ~~issues.~~

724 ~~(3) The council shall meet upon the call of its chairperson, the board, or the~~
 725 ~~commissioner. Reserved.~~

726 (c) The Board of Regents of the University System of Georgia is authorized to contract
727 with the department for health benefits for members, employees, and retirees of the board
728 of regents and the dependents of such members, employees, and retirees and for the
729 administration of such health benefits. The department is also authorized to contract with
730 the board of regents for such purposes.

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

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

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

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

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

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

748 (6) Is authorized to award grants, as funds are available, to hospital authorities and
749 hospitals for public health purposes, pursuant to Code Sections 31-7-94 and 31-7-94.1;

750 (7) Shall make provision for meeting the cost of hospital care of persons eligible for
751 public assistance to the extent that federal matching funds are available for such
752 expenditures for hospital care. To accomplish this purpose, the department is authorized
753 to pay from funds appropriated for such purposes the amount required under this
754 paragraph into a trust fund account which shall be available for disbursement for the cost
755 of hospital care of public assistance recipients. The commissioner, subject to the
756 approval of the Office of Planning and Budget, on the basis of the funds appropriated in
757 any year, shall estimate the scope of hospital care available to public assistance recipients
758 and the approximate per capita cost of such care. Monthly payments into the trust fund
759 for hospital care shall be made on behalf of each public assistance recipient and such
760 payments shall be deemed encumbered for assistance payable. Ledger accounts
761 reflecting payments into and out of the hospital care fund shall be maintained for each of
762 the categories of public assistance established under Code Section 49-4-3. The balance

763 of state funds in such trust fund for the payment of hospital costs in an amount not to
764 exceed the amount of federal funds held in the trust fund by the department available for
765 expenditure under this paragraph shall be deemed encumbered and held in trust for the
766 payment of the costs of hospital care and shall be rebudgeted for this purpose on each
767 quarterly budget required under the laws governing the expenditure of state funds. The
768 state auditor shall audit the funds in the trust fund established under this paragraph in the
769 same manner that any other funds disbursed by the department are audited;

770 (8) Shall classify and license community living arrangements in accordance with the
771 rules and regulations promulgated by the department for the licensing and enforcement
772 of licensing requirements for persons whose services are financially supported, in whole
773 or in part, by funds authorized through the Department of Behavioral Health and
774 Developmental Disabilities. To be eligible for licensing as a community living
775 arrangement, the residence and services provided must be integrated within the local
776 community. All community living arrangements licensed by the department shall be
777 subject to the provisions of Code Sections ~~31-2-11~~ 31-2-8 and 31-7-2.2. No person,
778 business entity, corporation, or association, whether operated for profit or not for profit,
779 may operate a community living arrangement without first obtaining a license or
780 provisional license from the department. A license issued pursuant to this paragraph is
781 not assignable or transferable. As used in this paragraph, the term 'community living
782 arrangement' means any residence, whether operated for profit or not, which undertakes
783 through its ownership or management to provide or arrange for the provision of housing,
784 food, one or more personal services, support, care, or treatment exclusively for two or
785 more persons who are not related to the owner or administrator of the residence by blood
786 or marriage;

787 (9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
788 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
789 and other health care related entities required to be licensed, permitted, registered, or
790 commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter
791 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such
792 schedules shall be determined in a manner so as to help defray the costs incurred by the
793 department, but in no event to exceed such costs, both direct and indirect, in providing
794 such licensure activities. Such fees may be annually adjusted by the department but shall
795 not be increased by more than the annual rate of inflation as measured by the Consumer
796 Price Index, as reported by the Bureau of Labor Statistics of the United States
797 Department of Labor. All fees paid thereunder shall be paid into the general funds of the
798 State of Georgia. It is the intent of the General Assembly that the proceeds from all fees

799 imposed pursuant to this paragraph be used to support and improve the quality of
800 licensing services provided by the department; and

801 (10)(A) ~~The department may~~ May accept the certification or accreditation of an entity
802 or program by a certification or accreditation body, in accordance with specific
803 standards, as evidence of compliance by the entity or program with the substantially
804 equivalent departmental requirements for issuance or renewal of a permit or provisional
805 permit, provided that such certification or accreditation is established prior to the
806 issuance or renewal of such permits. The department may not require an additional
807 departmental inspection of any entity or program whose certification or accreditation
808 has been accepted by the department, except to the extent that such specific standards
809 are less rigorous or less comprehensive than departmental requirements. Nothing in
810 this Code section shall prohibit either departmental inspections for violations of such
811 standards or requirements or the revocation of or refusal to issue or renew permits, as
812 authorized by applicable law, or for violation of any other applicable law or regulation
813 pursuant thereto.

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

815 (i) 'Entity or program' means an agency, center, facility, institution, community living
816 arrangement, drug abuse treatment and education program, or entity subject to
817 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter
818 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.
819 (ii) 'Permit' means any license, permit, registration, or commission issued by the
820 department pursuant to the provisions of the law cited in division (i) of this
821 subparagraph."

822 **SECTION 4-3.**

823 Code Section 31-2-6 of the Official Code of Georgia Annotated, relating to the creation of
824 the commissioner of community health, is amended by revising subsection (b) as follows:

825 "(b) There shall be created in the department such divisions as may be found necessary for
826 its effective operation. ~~Except for the Division of Public Health, the~~ The commissioner
827 shall have the power to allocate and reallocate functions among the divisions within the
828 department."

829 **SECTION 4-4.**

830 Code Sections 31-2-9, 31-2-11, 31-2-14, 31-2-15, and 31-2-16 of the Official Code of
831 Georgia Annotated, relating to rules and regulations, actions against certain applicants or
832 licensees, records check requirements for certain facilities, information and comparisons

833 regarding state-wide cost and quality of health care, and biopharmaceuticals, respectively,
834 are redesignated as Code Sections 31-2-7, 31-2-8, 31-2-9, 31-2-10, and 31-2-11, respectively.

835 **SECTION 4-5.**

836 Code Section 31-2-19 of the Official Code of Georgia Annotated, relating to the Advisory
837 Council for Public Health, is repealed.

838 **SECTION 4-6.**

839 The following Code section of the Official Code of Georgia Annotated is amended by
840 replacing "Code Section 31-2-9" wherever it occurs with "Code Section 31-2-7":

841 (1) Code Section 10-1-393, relating to unfair or deceptive practices in consumer
842 transactions which are unlawful.

843 **SECTION 4-7.**

844 The following Code sections of the Official Code of Georgia Annotated are amended by
845 replacing "Code Section 31-2-11" wherever it occurs with "Code Section 31-2-8":

846 (1) Code Section 25-2-40, relating to smoke detectors required in new dwellings and
847 dwelling units;

848 (2) Code Section 31-7-2.1, relating to rules and regulations relating to hospitals and other
849 health care facilities;

850 (3) Code Section 31-7-302, relating to rules and regulations relating to private home care
851 providers;

852 (4) Code Section 31-8-60, relating to retaliation against a resident and interference with
853 the long-term care ombudsman prohibited;

854 (5) Code Section 31-8-135, relating to hearings for residents of personal care homes;

855 (6) Code Section 31-44-11, relating to the authority of the Department of Community
856 Health to deal with violations relating to renal disease facilities;

857 (7) Code Section 49-4-153, relating to administrative hearings and appeals under
858 Medicaid; and

859 (8) Code Section 49-6-84, relating to the authority of the Department of Community
860 Health relating to adult day centers.

861 **SECTION 4-8.**

862 Code Section 31-8-2 of the Official Code of Georgia Annotated, relating to definitions
863 relative to hospital care for the indigent generally, is amended by adding a new paragraph
864 to read as follows:

865 "(0.5) 'Department' means the Department of Community Health."

866 **SECTION 4-9.**

867 Code Section 31-8-31 of the Official Code of Georgia Annotated, relating to definitions
 868 relative to hospital care for nonresident indigents, is amended by adding a new paragraph to
 869 read as follows:

870 "(2.1) 'Department' means the Department of Community Health."

871 **SECTION 4-10.**

872 Code Section 31-8-41 of the Official Code of Georgia Annotated, relating to definitions
 873 relative to hospital care for pregnant women, is amended by adding a new paragraph to read
 874 as follows:

875 "(1.1) 'Department' means the Department of Community Health."

876 **SECTION 4-11.**

877 Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to definitions
 878 relative to the "Long-term Care Facility Resident Abuse Reporting Act," is amended by
 879 adding a new paragraph to read as follows:

880 "(1.1) 'Department' means the Department of Community Health."

881 **SECTION 4-12.**

882 Code Section 31-8-102 of the Official Code of Georgia Annotated, relating to definitions
 883 relative to the "Bill of Rights for Residents of Long-term Care Facilities," is amended by
 884 adding a new paragraph to read as follows:

885 "(1.1) 'Department' means the Department of Community Health."

886 **SECTION 4-13.**

887 Code Section 31-8-132 of the Official Code of Georgia Annotated, relating to definitions
 888 relative to the "Remedies for Residents of Personal Care Homes Act," is amended by adding
 889 a new paragraph to read as follows:

890 "(2.1) 'Department' means the Department of Community Health."

891 **SECTION 4-14.**

892 Code Section 31-8-180 of the Official Code of Georgia Annotated, relating to definitions
 893 relative to disclosure of treatment of Alzheimer's disease or Alzheimer's related dementia,
 894 is amended by adding a new paragraph to read as follows:

895 "(3) 'Department' means the Department of Community Health."

896 **SECTION 4-15.**

897 Code Section 31-13-3 of the Official Code of Georgia Annotated, relating to definitions
 898 relative to the "Georgia Radiation Control Act," is amended by adding a new paragraph to
 899 read as follows:

900 "(1.2) 'Department' means the Department of Community Health."

901 **SECTION 4-16.**

902 Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions
 903 relative to clinical laboratories, is amended by adding new paragraphs to read as follows:

904 "(2.1) 'Commissioner' means the commissioner of community health."

905 "(2.2) 'Department' means the Department of Community Health."

906 **SECTION 4-17.**

907 Code Section 31-23-1 of the Official Code of Georgia Annotated, relating to definitions
 908 relative to eye banks, is amended by redesignating paragraphs (1) and (2) as paragraphs (2)
 909 and (3), respectively, and adding a new subsection to read as follows:

910 "(1) 'Department' means the Department of Community Health."

911 **SECTION 4-18.**

912 Code Section 31-44-1 of the Official Code of Georgia Annotated, relating to definitions
 913 relative to renal disease facilities, is amended by redesignating paragraphs (1) through (6) as
 914 paragraphs (3) through (8), respectively, and adding new paragraphs to read as follows:

915 "(1) 'Board' means the Board of Community Health."

916 "(2) 'Department' means the Department of Community Health."

917 **PART V**

918 Various Code Sections Affected.

919 **SECTION 5-1.**

920 Code Section 12-5-4 of the Official Code of Georgia Annotated, relating to programs for
 921 voluntary water conservation and enhancing water supply, is amended by revising subsection
 922 (a) as follows:

923 "(a) As used in this Code section, the term 'agency' or 'agencies' means the ~~Georgia~~
 924 Department of Natural Resources, including its Environmental Protection Division, the
 925 Georgia Environmental Finance Authority, the ~~Georgia~~ Department of Community Affairs,
 926 the ~~Georgia~~ State Forestry Commission, the ~~Georgia~~ Department of Community Health,
 927 ~~including its Division of the Department of Public Health~~, the ~~Georgia~~ Department of

928 Agriculture, and the ~~Georgia State~~ Soil and Water Conservation Commission individually
 929 or collectively as the text requires."

930 **SECTION 5-2.**

931 Code Section 15-21-143 of the Official Code of Georgia Annotated, relating to appointment
 932 of members and personnel of the Brain and Spinal Injury Trust Fund Commission, is
 933 amended by revising subsection (a) as follows:

934 "(a) The Brain and Spinal Injury Trust Fund Commission shall consist of ~~15~~ 16 members
 935 who shall serve for terms of two years, except that with respect to the first members
 936 appointed, five members shall be appointed for a term of three years, five for a term of two
 937 years, and five for a term of one year. The following agencies may each appoint one
 938 member of the commission:

- 939 (1) The Division of Rehabilitation Services of the Department of Labor;
 940 (2) The State Board of Education;
 941 (3) The Department of Public Safety;
 942 (4) The Department of Community Health;
 943 (5) The Department of Public Health; and
 944 ~~(5)~~(6) The Department of Human Services.

945 The remaining ten members of the commission shall be appointed by the Governor, seven
 946 of whom shall be citizens who have sustained brain or spinal cord injury or members of
 947 such persons' immediate families, no more than one of whom shall reside in the same
 948 geographic area of the state which constitutes a health district established by the
 949 Department of ~~Community~~ Public Health. The Governor is authorized but not required to
 950 appoint the remaining three members from recommendations submitted by the Private
 951 Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury
 952 Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical
 953 Association. The Governor shall also establish initial terms of office for all ~~15~~ 16
 954 members of the board within the limitations of this subsection."

955 **SECTION 5-3.**

956 Code Section 17-18-1 of the Official Code of Georgia Annotated, relating to duty of certain
 957 officials to offer written statement of information to victims of rape or forcible sodomy, is
 958 amended as follows:

959 "17-18-1.

960 When any employee of the Department of Human Services, Department of Community
 961 Health, Department of Public Health, Department of Behavioral Health and Developmental
 962 Disabilities, a law enforcement agency, or a court has reason to believe that he or she in the

963 course of official duties is speaking to an adult who is or has been a victim of a violation
 964 of Code Section 16-6-1, relating to rape, or Code Section 16-6-2, relating to aggravated
 965 sodomy, such employee shall offer or provide such adult a written statement of information
 966 for victims of rape or aggravated sodomy. Such written statement shall, at a minimum,
 967 include the information set out in Code Section 17-18-2 and may include additional
 968 information regarding resources available to victims of sexual assault. Information for
 969 victims of rape or aggravated sodomy may be provided in any language."

970 **SECTION 5-4.**

971 Code Section 19-15-4 of the Official Code of Georgia Annotated, relating to the Georgia
 972 Child Fatality Review Panel, is amended by revising paragraph (15) of subsection (c) as
 973 follows:

974 "(15) ~~The director of the Division of Public Health of the Department of Community~~
 975 ~~Health~~ commissioner of public health; and"

976 **SECTION 5-5.**

977 Code Section 24-9-40 of the Official Code of Georgia Annotated, relating to when medical
 978 information may be released by a physician, hospital, health care facility, or pharmacist, is
 979 amended by revising subsection (a) as follows:

980 "(a) No physician licensed under Chapter 34 of Title 43 and no hospital or health care
 981 facility, including those operated by an agency or bureau of the state or other governmental
 982 unit, shall be required to release any medical information concerning a patient except to the
 983 Department of ~~Community~~ Public Health, its divisions, agents, or successors when required
 984 in the administration of public health programs pursuant to Code Section 31-12-2 and
 985 where authorized or required by law, statute, or lawful regulation or to the Department of
 986 Community Health, its divisions, agents, or successors where authorized or required by
 987 law, statute, or lawful regulation; or on written authorization or other waiver by the patient,
 988 or by his or her parents or duly appointed guardian ad litem in the case of a minor, or on
 989 appropriate court order or subpoena; provided, however, that any physician, hospital, or
 990 health care facility releasing information under written authorization or other waiver by the
 991 patient, or by his or her parents or guardian ad litem in the case of a minor, or pursuant to
 992 law, statute, or lawful regulation, or under court order or subpoena shall not be liable to the
 993 patient or any other person; provided, further, that the privilege shall be waived to the
 994 extent that the patient places his or her care and treatment or the nature and extent of his
 995 or her injuries at issue in any civil or criminal proceeding. This Code section shall not
 996 apply to psychiatrists or to hospitals in which the patient is being or has been treated solely
 997 for mental illness."

SECTION 5-6.

998
 999 Code Section 24-9-47 of the Official Code of Georgia Annotated, relating to disclosure of
 1000 AIDS confidential information, is amended by revising subsections (h), (t), (x), and (aa) as
 1001 follows:

1002 "(h)(1) An administrator of an institution licensed as a hospital by the Department of
 1003 Community Health or a physician having a patient who has been determined to be
 1004 infected with HIV may disclose to the Department of ~~Community Health~~ Public Health:

- 1005 (A) The name and address of that patient;
 1006 (B) That such patient has been determined to be infected with HIV; and
 1007 (C) The name and address of any other person whom the disclosing physician or
 1008 administrator reasonably believes to be a person at risk of being infected with HIV by
 1009 that patient.

1010 (2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to
 1011 the Department of ~~Community Health~~ Public Health is determined by that department to
 1012 be reasonably necessary, that department shall establish by regulation a date on and after
 1013 which such reporting shall be required. On and after the date so established, each health
 1014 care provider, health care facility, or any other person or legal entity which orders an HIV
 1015 test for another person shall report to the Department of ~~Community Health~~ Public Health
 1016 the name and address of any person thereby determined to be infected with HIV. No
 1017 such report shall be made regarding any confirmed positive HIV test provided at any
 1018 anonymous HIV test site operated by or on behalf of the Department of ~~Community~~
 1019 ~~Health~~ Public Health.

1020 (3) The Department of ~~Community Health~~ Public Health may disclose that a person has
 1021 been reported, under paragraph (1) or (2) of this subsection, to have been determined to
 1022 be infected with HIV to the board of health of the county in which that person resides or
 1023 is located if reasonably necessary to protect the health and safety of that person or other
 1024 persons who may have come in contact with the body fluids of the HIV infected person.
 1025 The Department of ~~Community Health~~ Public Health or county board of health to which
 1026 information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this
 1027 subsection:

- 1028 (A) May contact any person named in such disclosure as having been determined to
 1029 be an HIV infected person for the purpose of counseling that person and requesting
 1030 therefrom the name of any other person who may be a person at risk of being infected
 1031 with HIV by that HIV infected person;
 1032 (B) May contact any other person reasonably believed to be a person at risk of being
 1033 infected with HIV by that HIV infected person for the purposes of disclosing that such

1034 infected person has been determined to be infected with HIV and counseling such
 1035 person to submit to an HIV test; and

1036 (C) Shall contact and provide counseling to the spouse of any HIV infected person
 1037 whose name is thus disclosed if both persons are reasonably likely to have engaged in
 1038 sexual intercourse or any other act determined by the department likely to have resulted
 1039 in the transmission of HIV between such persons within the preceding seven years and
 1040 if that spouse may be located and contacted without undue difficulty."

1041 "(t)(1) A superior court of this state may order a person or legal entity to disclose AIDS
 1042 confidential information in its custody or control to:

1043 (A) A prosecutor in connection with a prosecution for the alleged commission of
 1044 reckless conduct under subsection (c) of Code Section 16-5-60;

1045 (B) Any party in a civil cause of action; or

1046 (C) A public safety agency or the Department of ~~Community Health~~ Public Health if
 1047 that agency or department has an employee thereof who has, in the course of that
 1048 employment, come in contact with the body fluids of the person identified by the AIDS
 1049 confidential information sought in such a manner reasonably likely to cause that
 1050 employee to become an HIV infected person and provided the disclosure is necessary
 1051 for the health and safety of that employee,

1052 and for purposes of this subsection the term 'petitioner for disclosure' means any person
 1053 or legal entity specified in subparagraph (A), (B), or (C) of this paragraph.

1054 (2) An order may be issued against a person or legal entity responsible for recording,
 1055 reporting, or maintaining AIDS confidential information to compel the disclosure of that
 1056 information if the petitioner for disclosure demonstrates by clear and convincing evidence
 1057 a compelling need for the information which cannot be accommodated by other means.
 1058 In assessing compelling need, the court shall weigh the public health, safety, or welfare
 1059 needs or any other public or private need for the disclosure against the privacy interest
 1060 of the person identified by the information and the public interest which may be disserved
 1061 by disclosures which may deter voluntary HIV tests.

1062 (3) A petition seeking disclosure of AIDS confidential information under this subsection
 1063 shall substitute a pseudonym for the true name of the person concerning whom the
 1064 information is sought. The disclosure to the parties of that person's true name shall be
 1065 communicated confidentially, in documents not filed with the court.

1066 (4) Before granting any order under this subsection, the court shall provide the person
 1067 concerning whom the information is sought with notice and a reasonable opportunity to
 1068 participate in the proceedings if that person is not already a party.

1069 (5) Court proceedings as to disclosure of AIDS confidential information under this
 1070 subsection shall be conducted in camera unless the person concerning whom the
 1071 information is sought agrees to a hearing in open court.

1072 (6) Upon the issuance of an order that a person or legal entity be required to disclose
 1073 AIDS confidential information regarding a person named in that order, that person or
 1074 entity so ordered shall disclose to the ordering court any such information which is in the
 1075 control or custody of that person or entity and which relates to the person named in the
 1076 order for the court to make an in camera inspection thereof. If the court determines from
 1077 that inspection that the person named in the order is an HIV infected person, the court
 1078 shall disclose to the petitioner for disclosure that determination and shall impose
 1079 appropriate safeguards against unauthorized disclosure which shall specify the persons
 1080 who may have access to the information, the purposes for which the information shall be
 1081 used, and appropriate prohibitions on future disclosure.

1082 (7) The record of the proceedings under this subsection shall be sealed by the court.

1083 (8) An order may not be issued under this subsection against the Department of
 1084 ~~Community Health~~ Public Health, any county board of health, or any anonymous HIV
 1085 test site operated by or on behalf of that department."

1086 "(x) Neither the Department of ~~Community Health~~ Public Health nor any county board of
 1087 health shall disclose AIDS confidential information contained in its records unless such
 1088 disclosure is authorized or required by this Code section or any other law, except that such
 1089 information in those records shall not be a public record and shall not be subject to
 1090 disclosure through subpoena, court order, or other judicial process."

1091 "(aa) In connection with any civil or criminal action in which AIDS confidential
 1092 information is disclosed as authorized or required by this Code section, the party to whom
 1093 that information is thereby disclosed may subpoena any person to authenticate such AIDS
 1094 confidential information, establish a chain of custody relating thereto, or otherwise testify
 1095 regarding that information, including but not limited to testifying regarding any
 1096 notifications to the patient regarding results of an HIV test. The provisions of this
 1097 subsection shall apply as to records, personnel, or both of the Department of ~~Community~~
 1098 Health Public Health or a county board of health notwithstanding Code Section 50-18-72,
 1099 but only as to test results obtained by a prosecutor under subsection (q) of this Code section
 1100 and to be used thereby in a prosecution for reckless conduct under subsection (c) of Code
 1101 Section 16-5-60."

SECTION 5-7.

1102
 1103 Code Section 26-4-85 of the Official Code of Georgia Annotated, relating to patient
 1104 counseling and optimizing drug therapy, is amended by revising paragraph (3) of subsection
 1105 (d) as follows:

1106 "(3) Patients receiving drugs from the Department of ~~Community Health Division~~ of
 1107 Public Health; provided, however, that pharmacists who provide drugs to patients in
 1108 accordance with Code Section 43-34-23 shall include in all dispensing procedures a
 1109 written process whereby the patient or the caregiver of the patient is provided with the
 1110 information required under this Code section."

SECTION 5-8.

1111
 1112 Code Section 26-4-192 of the Official Code of Georgia Annotated, relating to the state-wide
 1113 program for distribution of unused prescription drugs for the benefit of medically indigent
 1114 persons, is amended as follows:

1115 "26-4-192.

1116 (a) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 1117 Department of Community Health shall jointly develop and implement a state-wide
 1118 program consistent with public health and safety standards through which unused
 1119 prescription drugs, other than prescription drugs defined as controlled substances, may be
 1120 transferred from health care facilities to pharmacies designated or approved by the
 1121 Department of ~~Community Health~~ Public Health for the purpose of distributing such drugs
 1122 to residents of this state who are medically indigent persons.

1123 (b) The Georgia State Board of Pharmacy, the Department of Public Health, and the
 1124 Department of Community Health shall be authorized to develop and implement a pilot
 1125 program to determine the safest and most beneficial manner of implementing the program
 1126 prior to the state-wide implementation of the program required in subsection (a) of this
 1127 Code section.

1128 (c) The Georgia State Board of Pharmacy, in consultation with the Department of Public
 1129 Health and the Department of Community Health, shall develop and promulgate rules and
 1130 regulations to establish procedures necessary to implement the program and pilot program,
 1131 if applicable, provided for in this Code section. The rules and regulations shall provide,
 1132 at a minimum:

1133 (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant
 1134 to the program;

1135 (2) For the protection of the privacy of the individual for whom a prescription drug was
 1136 originally prescribed;

- 1137 (3) For the integrity and safe storage and safe transfer of the prescription drugs, which
 1138 may include, but shall not be limited to, limiting the drugs made available through the
 1139 program to those that were originally dispensed by unit dose or an individually sealed
 1140 dose and that remain in intact packaging; provided, however, that the rules and
 1141 regulations shall authorize the use of any remaining prescription drugs;
- 1142 (4) For the tracking of and accountability for the prescription drugs; and
- 1143 (5) For other matters necessary for the implementation of the program.
- 1144 ~~(d) The state-wide program required by this Code section shall be implemented no later~~
 1145 ~~than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of~~
 1146 ~~this Code section, in which case state-wide implementation shall occur no later than July~~
 1147 ~~1, 2008."~~

1148 SECTION 5-9.

1149 Code Section 31-1-3.1 of the Official Code of Georgia Annotated, relating to reporting
 1150 disabled newborn persons, is amended by revising subsections (e) and (g) as follows:

1151 "(e) ~~The Division of Public Health of the~~ department shall:

- 1152 (1) Maintain records of reports, notifications, and referrals made under this article; and
- 1153 (2) Maintain and update rosters of public and private departments or agencies which
 1154 provide services to persons who have disabilities like those of disabled newborn persons
 1155 and send copies of such rosters and an annual update thereof to each county board of
 1156 health for those boards of health to make such rosters available to the public."

1157 "(g) Any person or entity with whom the department enters into a contract after June 30,
 1158 1987, for services shall, as a condition of that contract, register with the department
 1159 (formerly the Division of Public Health of the Department of Community Health) the
 1160 various services that person or entity is capable of or is already providing to disabled
 1161 newborn persons and persons having disabilities like those of disabled newborn persons
 1162 for purposes of the roster of services the ~~division~~ department maintains under paragraph
 1163 (2) of subsection (e) of this Code section."

1164 SECTION 5-10.

1165 Code Section 31-5-9 of the Official Code of Georgia Annotated, relating to injunctions for
 1166 enjoining violations of the provisions of Title 31, is amended as follows:

1167 "31-5-9.

- 1168 (a) The Department of ~~Community~~ Public Health and all county boards of health and the
 1169 Department of Community Health, as appropriate, are empowered to institute appropriate
 1170 proceedings for injunction in the courts of competent jurisdiction in this state for the
 1171 purpose of enjoining a violation of any provision of this title as now existing or as may be

1172 hereafter amended or of any regulation or order duly issued by the department, ~~or~~ any
 1173 county board of health, or the Department of Community Health provided that this Code
 1174 section shall not apply to violations of the provisions of Chapter 20 of this title. The
 1175 department, ~~and~~ the county boards of health, and the Department of Community Health,
 1176 as appropriate, are also empowered to maintain action for injunction to abate any public
 1177 nuisance which is injurious to the public health, safety, or comfort. Such actions may be
 1178 maintained notwithstanding the fact that such violation also constitutes a crime and
 1179 notwithstanding that other adequate remedies at law exist. Such actions may be instituted
 1180 in the name of the department, ~~or~~ any county board, or the Department of Community
 1181 Health, as the case may be, in the county in which a violation of any provision of this title
 1182 occurs. For purposes of this Code section, the county boards of health are declared to be
 1183 legal entities capable of maintaining actions in their respective names without naming the
 1184 individuals constituting such board, or acting on behalf of the department, as the case may
 1185 be.

1186 (b) Notwithstanding the provisions of Code Section 5-6-13, an appeal or a notice of intent
 1187 to appeal an adjudication of contempt of court of a party subject to an interlocutory or final
 1188 judgment in a court action for an injunction instituted under authority of this Code section
 1189 for a violation of a licensing requirement of this title shall not operate as a supersedeas
 1190 unless it is so ordered by the court; provided, however, that the court may grant a
 1191 supersedeas in such a case after making a finding that the health, safety, or welfare of the
 1192 recipients of the services will not be substantially harmed by the issuance of the stay.

1193 (c) Unless otherwise ordered by the court pursuant to subsection (b) of this Code section,
 1194 an interlocutory or final judgment in an action granting an injunction under this Code
 1195 section may be enforced by attachment for contempt."

1196 SECTION 5-11.

1197 Code Section 31-5-20 of the Official Code of Georgia Annotated, relating to the definition
 1198 of the term "inspection warrant," is amended as follows:

1199 "31-5-20.

1200 As used in this chapter, the term 'inspection warrant' means a warrant authorizing a search
 1201 or inspection of private property where such a search or inspection is one that is necessary
 1202 for the enforcement of any of the provisions of laws authorizing licensure, inspection, or
 1203 regulation by the Department of ~~Community~~ Public Health or a local agency thereof or by
 1204 the Department of Community Health."

SECTION 5-12.

1205
 1206 Code Section 31-5-21 of the Official Code of Georgia Annotated, relating to persons who
 1207 may obtain inspection warrants, is amended as follows:

1208 "31-5-21.

1209 The commissioner or the commissioner of community health or his or her delegate or the
 1210 director of any county board of health, in addition to other procedures now or hereafter
 1211 provided, may obtain an inspection warrant under the conditions specified in this chapter.
 1212 Such warrant shall authorize the commissioner or the commissioner of community health
 1213 or the director of any county board of health, or the agents of ~~either~~ any, or the Department
 1214 of Agriculture, as appropriate, to conduct a search or inspection of property, either with or
 1215 without the consent of the person whose property is to be searched or inspected, if such
 1216 search or inspection is one that is elsewhere authorized under the rules and regulations duly
 1217 promulgated under this title or any provision of law which authorizes licensure, inspection,
 1218 or regulation by the Department of ~~Community~~ Public Health or a local agency thereof or
 1219 by the Department of Community Health."

SECTION 5-13.

1220
 1221 Code Section 31-8-52 of the Official Code of Georgia Annotated, relating to duties of the
 1222 state long-term care ombudsman, is amended as follows:

1223 "31-8-52.

1224 Pursuant to the Older Americans Act of 1965 (P.L. 89-73, 79 Stat. 219), as amended, and
 1225 as a condition of receiving funds under that act for various programs for older citizens of
 1226 this state, the Department of Human Services has been required to establish and operate a
 1227 long-term care ombudsman program. In order to receive such funds, the department has
 1228 already established a position of state ombudsman within the state Office of Special
 1229 Programs. The state ombudsman shall be under the direct supervision of the commissioner
 1230 of human services or his or her designee and shall be given the powers and duties hereafter
 1231 provided by this article. The state ombudsman shall be a person qualified by training and
 1232 experience in the field of aging or long-term care, or both. The state ombudsman shall
 1233 promote the well-being and quality of life of residents in long-term care facilities and
 1234 encourage the development of community ombudsman activities at the local level. The
 1235 state ombudsman may certify community ombudsmen and such certified ombudsmen shall
 1236 have the powers and duties set forth in Code Sections 31-8-54 and 31-8-55. The state
 1237 ombudsman shall require such community ombudsmen to receive appropriate training as
 1238 determined and approved by the department prior to certification. Such training shall
 1239 include an internship of at least seven working days in a nursing home and at least three
 1240 working days in a personal care home. Upon certification, the state ombudsman shall issue

1241 an identification card which shall be presented upon request by community ombudsmen
 1242 whenever needed to carry out the purposes of this article. Two years after first being
 1243 certified and every two years thereafter, each such community ombudsman, in order to
 1244 carry out his or her duties under this article, shall be recertified by the state ombudsman as
 1245 continuing to meet the department's standards as community ombudsman."

1246 **SECTION 5-14.**

1247 Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to reporting
 1248 requirements, is amended as follows:

1249 "31-9A-6.

1250 (a) The Department of ~~Community~~ Public Health shall prepare a reporting form for
 1251 physicians performing abortions in a health facility licensed as an abortion facility by the
 1252 Department of Community Health containing a reprint of this chapter and listing:

1253 (1) The number of females to whom the physician provided the information described
 1254 in paragraph (1) of Code Section 31-9A-3; of that number, the number to whom the
 1255 information was provided by telephone and the number to whom the information was
 1256 provided in person; and of each of those numbers, the number to whom the information
 1257 was provided by a referring physician and the number to whom the information was
 1258 provided by a physician who is to perform the abortion;

1259 (2) The number of females to whom the physician or a qualified agent of the physician
 1260 provided the information described in paragraph (2) of Code Section 31-9A-3; of that
 1261 number, the number to whom the information was provided by telephone and the number
 1262 to whom the information was provided in person; of each of those numbers, the number
 1263 to whom the information was provided by a referring physician and the number to whom
 1264 the information was provided by a physician who is to perform the abortion; and of each
 1265 of those numbers, the number to whom the information was provided by the physician
 1266 and the number to whom the information was provided by a qualified agent of the
 1267 physician;

1268 (3) The number of females who availed themselves of the opportunity to obtain a copy
 1269 of the printed information described in Code Section 31-9A-4, other than on the website,
 1270 and the number who did not; and of each of those numbers, the number who, to the best
 1271 of the reporting physician's information and belief, went on to obtain the abortion; and

1272 (4) The number of females who were provided the opportunity to view the fetal image
 1273 and hear the fetal heartbeat; of that number, the number who elected to view the
 1274 sonogram and the number who elected to listen to the fetal heartbeat, if present.

1275 (b) The Department of ~~Community~~ Public Health shall ensure that copies of the reporting
 1276 forms described in subsection (a) of this Code section are provided:

- 1277 (1) Not later than September 7, 2005, to all health facilities licensed as an abortion
1278 facility by the Department of Community Health;
- 1279 (2) To each physician licensed or who subsequently becomes licensed to practice in this
1280 state, at the same time as official notification to that physician that the physician is so
1281 licensed; and
- 1282 (3) By December 1 of each year, other than the calendar year in which forms are
1283 distributed in accordance with paragraph (1) of this subsection, to all health facilities
1284 licensed as an abortion facility by the Department of Community Health.
- 1285 (c) By February 28 of each year following a calendar year in any part of which this chapter
1286 was in effect, each physician who provided, or whose qualified agent provided, information
1287 to one or more females in accordance with Code Section 31-9A-3 during the previous
1288 calendar year shall submit to the Department of ~~Community~~ Public Health a copy of the
1289 form described in subsection (a) of this Code section with the requested data entered
1290 accurately and completely.
- 1291 (d) Nothing in this Code section shall be construed to preclude the voluntary or required
1292 submission of other reports or forms regarding abortions.
- 1293 (e) Reports that are not submitted within a grace period of 30 days following the due date
1294 shall be subject to a late fee of \$500.00 for that period and the same fee for each additional
1295 30 day period or portion of a 30 day period the reports are overdue. Any physician
1296 required to submit a report in accordance with this Code section who submits an
1297 incomplete report or fails to submit a report for more than one year following the due date
1298 may, in an action brought by the Department of ~~Community~~ Public Health, be directed by
1299 a court of competent jurisdiction to submit a complete report within a period stated by court
1300 order or may be subject to sanctions for civil contempt.
- 1301 (f) By June 30 of each year, the Department of ~~Community~~ Public Health shall issue a
1302 public report providing statistics for the previous calendar year compiled from all of the
1303 reports covering that year submitted in accordance with this Code section for each of the
1304 items listed in subsection (a) of this Code section. Each report shall also provide the
1305 statistics for all previous calendar years adjusted to reflect any additional information from
1306 late or corrected reports. The Department of ~~Community~~ Public Health shall ensure that
1307 none of the information included in the public reports could reasonably lead to the
1308 identification of any individual who provided information in accordance with Code Section
1309 31-9A-3 or 31-9A-4.
- 1310 (g) The Department of ~~Community~~ Public Health may, by regulation, alter the dates
1311 established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b)
1312 of this Code section or may consolidate the forms or reports described in this Code section
1313 with other forms or reports for reasons including, but not limited to, achieving

1314 administrative convenience or fiscal savings or reducing the burden of reporting
 1315 requirements, so long as reporting forms are sent to all facilities licensed as an abortion
 1316 facility by the Department of Community Health at least once every year and the report
 1317 described in subsection (f) of this Code section is issued at least once every year.

1318 (h) The Department of ~~Community~~ Public Health shall ensure that the names and identities
 1319 of the physicians filing reports under this chapter shall remain confidential. The names and
 1320 identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50."

1321 SECTION 5-15.

1322 Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions
 1323 relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1)
 1324 as follows:

1325 "(3) 'Ambulance provider' means an agency or company providing ambulance service
 1326 which is operating under a valid license from the Emergency Health Section of the
 1327 ~~Division of Public Health of the~~ Department of ~~Community~~ Public Health."

1328 "(5) 'Cardiac technician' means a person who, having been trained and certified as an
 1329 emergency medical technician and having completed additional training in advanced
 1330 cardiac life support techniques in a training course approved by the department, is so
 1331 certified by the Composite State Board of Medical Examiners, now known as the Georgia
 1332 Composite Medical Board, prior to January 1, 2002, or the Department of Human
 1333 Resources (now known as the Department of ~~Community~~ Public Health for these
 1334 purposes) on and after January 1, 2002."

1335 "(6.1) 'Department' means the Department of ~~Community~~ Public Health."

1336 SECTION 5-16.

1337 Code Section 31-11-9 of the Official Code of Georgia Annotated, relating to enforcement
 1338 and inspections relative to emergency medical services, is amended as follows:

1339 "31-11-9.

1340 The department and its duly authorized agents are authorized to enforce compliance with
 1341 this chapter and rules and regulations promulgated under this chapter as provided in Article
 1342 1 of Chapter 5 of this title and, in connection therewith during the reasonable business
 1343 hours of the day, to enter upon and inspect in a reasonable manner the premises of persons
 1344 providing ambulance service. All inspections under this Code section shall be in
 1345 compliance with the provisions of Article 2 of Chapter 5 of this title. The department is
 1346 also authorized to enforce compliance with this chapter, including but not limited to
 1347 compliance with the EMSC Program and furnishing of emergency services within
 1348 designated territories, by imposing fines in the same manner as provided in paragraph (6)

1349 of subsection (c) of Code Section ~~31-2-11~~, which 31-2-8; this enforcement action shall be
 1350 a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1351 **SECTION 5-17.**

1352 Code Section 31-11-81 of the Official Code of Georgia Annotated, relating to definitions
 1353 relative to emergency services, is amended by revising paragraph (2) as follows:

1354 "(2) 'Emergency medical provider' means any provider of emergency medical
 1355 transportation licensed or permitted by the Department of ~~Community Health~~ Public
 1356 Health, any hospital licensed or permitted by the Department of Community Health, any
 1357 hospital based service, or any physician licensed by the Georgia Composite Medical
 1358 Board who provides emergency services."

1359 **SECTION 5-18.**

1360 Code Section 31-41-12 of the Official Code of Georgia Annotated, relating to definitions
 1361 relative to the "Childhood Lead Exposure Control Act", is amended by revising paragraph
 1362 (3) as follows:

1363 "(3) '~~Division~~ Department' means the ~~Division~~ Department of Public Health."

1364 **SECTION 5-19.**

1365 Code Section 32-12-4 of the Official Code of Georgia Annotated, relating to the State
 1366 Advisory Subcommittee for Rural and Human Services Transportation, is amended as
 1367 follows:

1368 "32-12-4.

1369 The Georgia Coordinating Committee for Rural and Human Services Transportation shall
 1370 establish the State Advisory Subcommittee for Rural and Human Services Transportation
 1371 which shall consist of the State School Superintendent and the commissioners of the
 1372 Department of Transportation, Department of Human Services, Department of Behavioral
 1373 Health and Developmental Disabilities, Department of Community Health, Department of
 1374 Public Health, Department of Labor, the Governor's Development Council, and the
 1375 Department of Community Affairs or their respective designees. The commissioner of
 1376 transportation or his or her designee shall serve as chairperson of the State Advisory
 1377 Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating
 1378 Committee for Rural and Human Services Transportation may also establish such
 1379 additional advisory subcommittees as it deems appropriate to fulfill its mission which shall
 1380 consist of a representative of each metropolitan planning organization and representatives
 1381 from each regional commission in this state and may include other local government
 1382 representatives; private and public sector transportation providers, both for profit and

1383 nonprofit; voluntary transportation programs representatives; public transit system
 1384 representatives, both rural and urban; and representatives of the clients served by the
 1385 various programs administered by the agencies represented on the State Advisory
 1386 Subcommittee for Rural and Human Services Transportation. Members of advisory
 1387 committees shall be responsible for their own expenses and shall receive no compensation
 1388 or reimbursement of expenses from the Georgia Coordinating Committee for Rural and
 1389 Human Services Transportation, the State Advisory Subcommittee for Rural and Human
 1390 Services Transportation, or the state for their services as members of an advisory
 1391 committee."

1392 **SECTION 5-20.**

1393 Code Section 37-1-27 of the Official Code of Georgia Annotated, relating to the Suicide
 1394 Prevention Program, is amended by revising paragraph (1) of subsection (c) and subsection
 1395 (d) as follows:

1396 "(1) Establish a link between state agencies and offices, including but not limited to the
 1397 Division of Aging Services and Division of Family and Children Services of the
 1398 Department of Human Services, the Department of ~~Community Health~~ Public Health,
 1399 local government agencies, health care providers, hospitals, nursing homes, and jails to
 1400 collect data on suicide deaths and attempted suicides;"

1401 "(d) The Suicide Prevention Program shall coordinate with and receive technical assistance
 1402 from epidemiologists and other staff of the ~~Division of Public Health of the Department of~~
 1403 ~~Community Health~~ Department of Public Health to support the research and outreach
 1404 efforts related to this program."

1405 **SECTION 5-21.**

1406 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral
 1407 Health Coordinating Council, is amended by revising subsection (a) as follows:

1408 "(a) There is created the Behavioral Health Coordinating Council. The council shall
 1409 consist of the commissioner of behavioral health and developmental disabilities; the
 1410 commissioner of community health; the commissioner of public health; the commissioner
 1411 of human services; the commissioner of juvenile justice; the commissioner of corrections;
 1412 the commissioner of community affairs; the Commissioner of Labor; the State School
 1413 Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman
 1414 appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health
 1415 services, appointed by the Governor; a family member of a consumer of public behavioral
 1416 health services, appointed by the Governor; a parent of a child receiving public behavioral
 1417 health services, appointed by the Governor; a member of the House of Representatives,

1418 appointed by the Speaker of the House of Representatives; and a member of the Senate,
 1419 appointed by the Lieutenant Governor."

1420 **SECTION 5-22.**

1421 Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to community
 1422 mental health, developmental disabilities, and addictive diseases service boards, is amended
 1423 by revising subsections (a) and (b.1) and subparagraph (b)(4)(A) as follows:

1424 "(a) Community service boards in existence on June 30, 2006, are re-created effective July
 1425 1, 2006, to provide mental health, developmental disabilities, and addictive diseases
 1426 services. Effective July 1, 2009, such community service boards may enroll and contract
 1427 with the department, the Department of Human Services, the Department of Public Health,
 1428 or the Department of Community Health to become a provider of mental health,
 1429 developmental disabilities, and addictive diseases services or health, recovery, housing, or
 1430 other supportive services. Such boards shall be considered public agencies. Each
 1431 community service board shall be a public corporation and an instrumentality of the state;
 1432 provided, however, that the liabilities, debts, and obligations of a community service board
 1433 shall not constitute liabilities, debts, or obligations of the state or any county or municipal
 1434 corporation and neither the state nor any county or municipal corporation shall be liable for
 1435 any liability, debt, or obligation of a community service board. Each community service
 1436 board re-created pursuant to this Code section is created for nonprofit and public purposes
 1437 to exercise essential governmental functions. The re-creation of community service boards
 1438 pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which
 1439 shall apply to those re-created community service boards and their employees covered by
 1440 that Code section and those employees' rights are retained."

1441 "(A) A person shall not be eligible to be appointed to or serve on a community service
 1442 board if such person is:

- 1443 (i) A member of the regional planning board which serves the region in which that
 1444 community service board is located;
- 1445 (ii) An employee or board member of a public or private entity which contracts with
 1446 the department, the Department of Human Services, the Department of Public Health,
 1447 or the Department of Community Health to provide mental health, developmental
 1448 disabilities, and addictive diseases services or health services within the region; or
- 1449 (iii) An employee of that community service board or employee or board member of
 1450 any private or public group, organization, or service provider which contracts with or
 1451 receives funds from that community service board."

1452 "(b.1) A county governing authority may appoint the school superintendent, a member of
 1453 the county board of health, a member of the board of education, or any other elected or

1454 appointed official to serve on the community service board provided that such person meets
 1455 the qualifications of paragraph (1) of subsection (b) of this Code section and such
 1456 appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office
 1457 which begin July 1, 1994, or later, an employee of the Department of Human Resources
 1458 (now known as the Department of Behavioral Health and Developmental Disabilities for
 1459 these purposes) or an employee of a county board of health shall not serve on a community
 1460 service board. For terms of office which begin July 1, 2009, or later, an employee of the
 1461 department, the Department of Human Services, the Department of Public Health, or the
 1462 Department of Community Health or a board member of the respective boards of each
 1463 department shall not serve on a community service board."

1464 **SECTION 5-23.**

1465 Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program
 1466 director, staff, budget, and facilities of community service boards, is amended by revising
 1467 paragraphs (9) and (15) of subsection (b) as follows:

1468 "(9) Each community service board may establish fees for the provision of disability
 1469 services or health services according to the terms of contracts entered into with the
 1470 department, Department of Human Services, Department of Public Health, or Department
 1471 of Community Health, as appropriate;"

1472 "(15) Each community service board may establish fees, rates, rents, and charges for the
 1473 use of facilities of the community service board for the provision of disability services
 1474 or of health services ~~through the Department of Community Health~~, in accordance with
 1475 the terms of contracts entered into with the department, Department of Human Services,
 1476 Department of Public Health, or Department of Community Health, as appropriate;"

1477 **SECTION 5-24.**

1478 Code Section 37-2-11.2 of the Official Code of Georgia Annotated, relating to access by the
 1479 department, Department of Human Services, Department of Community Health, or regional
 1480 office to records of any program receiving public funds, is amended by revising subsections
 1481 (a) and (b) as follows:

1482 "(a) Notwithstanding any other law to the contrary, to ensure the quality and integrity of
 1483 patient and client care, any program receiving any public funds from, or subject to
 1484 licensing, certification, or facility approval by, the department, the Department of Human
 1485 Services, the Department of Public Health, the Department of Community Health, or a
 1486 regional office shall be required to provide the department or the appropriate regional
 1487 office or both, upon request, complete access to, including but not limited to authorization
 1488 to examine and reproduce, any records required to be maintained in accordance with

1489 contracts, standards, or rules and regulations of the department, the Department of Human
 1490 Services, the Department of Public Health, or the Department of Community Health or
 1491 pursuant to the provisions of this title.

1492 (b) Records obtained pursuant to subsection (a) of this Code section shall not be
 1493 considered public records and shall not be released by the department, the Department of
 1494 Human Services, the Department of Public Health, the Department of Community Health,
 1495 or any regional office unless otherwise specifically authorized by law."

1496 **SECTION 5-25.**

1497 Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing
 1498 requirements for professional counselors, social workers, and marriage and family therapists,
 1499 is amended by revising subparagraph (b)(3)(C) as follows:

1500 "(C) Persons who engage in the practice of professional counseling as employees of
 1501 privately owned correctional facilities, the Department of Corrections, Department of
 1502 Community Health, Department of Public Health, Department of Behavioral Health and
 1503 Developmental Disabilities, Department of Human Services, any county board of
 1504 health, or any community service board or similar entity created by general law to
 1505 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but
 1506 only when engaged in that practice as employees of such privately owned correctional
 1507 facility, department, board, or entity and persons or entities which contract to provide
 1508 professional counseling services with such department or county board of health, but
 1509 such contracting persons and entities shall only be exempt under this subparagraph
 1510 when engaged in providing professional counseling services pursuant to those contracts
 1511 and shall only be exempt until January 1, 1996;"

1512 **SECTION 5-26.**

1513 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to authority of
 1514 physician assistants, is amended by revising subparagraph (e.1)(7)(B) and subsection (f) as
 1515 follows:

1516 "(B) Except in facilities operated by the ~~Division of Public Health of the Department~~
 1517 ~~of Community Health~~ Department of Public Health, the supervising physician shall
 1518 review the prescription drug or device order copy and medical record entry for
 1519 prescription drug or device orders issued within the past 30 days by the physician
 1520 assistant. Such review may be achieved with a sampling of no less than 50 percent of
 1521 such prescription drug or device order copies and medical record entries."

1522 "(f) A physician employed by the Department of ~~Community Health~~ Public Health or by
 1523 any institution thereof or by a local health department whose duties are administrative in

1524 nature and who does not normally provide health care to patients as such employee shall
 1525 not be authorized to apply for or utilize the services of any physician assistant employed
 1526 by the Department of ~~Community Health~~ Public Health or by any institution thereof or by
 1527 a local health department."

1528 **SECTION 5-27.**

1529 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of
 1530 certain medical acts to advanced practice registered nurses, is amended by revising
 1531 subsection (g) as follows:

1532 "(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this
 1533 Code section with more than four advanced practice registered nurses at any one time,
 1534 except this limitation shall not apply to an advanced practice registered nurse that is
 1535 practicing:

- 1536 (1) In a hospital licensed under Title 31;
 1537 (2) In any college or university as defined in Code Section 20-8-1;
 1538 (3) In the Department of ~~Community Health~~ Public Health;
 1539 (4) In any county board of health;
 1540 (5) In any free health clinic;
 1541 (6) In a birthing center;
 1542 (7) In any entity:
 1543 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 1544 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
 1545 indigent Medicaid and medicare patients; or
 1546 (B) Which has been established under the authority of or is receiving funds pursuant
 1547 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
 1548 (8) In any local board of education which has a school nurse program; or
 1549 (9) In a health maintenance organization that has an exclusive contract with a medical
 1550 group practice and arranges for the provision of substantially all physician services to
 1551 enrollees in health benefits of the health maintenance organization."

1552 **SECTION 5-28.**

1553 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to state purchases
 1554 without competitive bidding, is amended in subsection (a) as follows:

1555 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected
 1556 to be acquired for less than \$5,000.00 and is not available on state contracts or through
 1557 statutorily required sources, the purchase may be effectuated without competitive bidding.
 1558 The commissioner of administrative services may by rule and regulation authorize the

1559 various offices, agencies, departments, boards, bureaus, commissions, institutions,
 1560 authorities, or other entities of the state to make purchases in their own behalf and may
 1561 provide the circumstances and conditions under which such purchases may be effected.
 1562 In order to assist and advise the commissioner of administrative services in making
 1563 determinations to allow offices, agencies, departments, boards, bureaus, commissions,
 1564 institutions, authorities, or other entities of the state to make purchases in their own behalf,
 1565 there is created a Purchasing Advisory Council consisting of the executive director of the
 1566 Georgia Technology Authority or his or her designee; the director of the Office of Planning
 1567 and Budget or his or her designee; the chancellor of the University System of Georgia or
 1568 his or her designee; the commissioner of technical and adult education or his or her
 1569 designee; the commissioner of transportation or his or her designee; the Secretary of State
 1570 or his or her designee; the commissioner of human services or his or her designee; the
 1571 commissioner of community health or his or her designee; the commissioner of public
 1572 health or his or her designee; the commissioner of behavioral health and developmental
 1573 disabilities or his or her designee; and one member to be appointed by the Governor. The
 1574 commissioner of administrative services shall promulgate the necessary rules and
 1575 regulations governing meetings of such council and the method and manner in which such
 1576 council will assist and advise the commissioner of administrative services."

1577 **SECTION 5-29.**

1578 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 1579 disclosure is not required under open records laws, is amended by revising paragraph (2) of
 1580 subsection (c) as follows:

1581 "(2) All state officers and employees shall have a privilege to refuse to disclose the
 1582 identity or personally identifiable information of any person participating in research on
 1583 commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the
 1584 Department of Community Health, the Department of Public Health, the Department of
 1585 Behavioral Health and Developmental Disabilities, or a state institution of higher
 1586 education whether sponsored by the institution alone or in conjunction with a
 1587 governmental body or private entity. Personally identifiable information shall mean any
 1588 information which if disclosed might reasonably reveal the identity of such person
 1589 including but not limited to the person's name, address, and social security number. The
 1590 identity of such informant shall not be admissible in evidence in any court of the state
 1591 unless the court finds that the identity of the informant already has been disclosed
 1592 otherwise."

1593 PART VI
1594 Name Changes.

1595 **SECTION 6-1.**

1596 The following Code sections of the Official Code of Georgia Annotated are amended by
1597 replacing "Division of Public Health of the Department of Community Health" wherever it
1598 occurs with "Department of Public Health":

- 1599 (1) Code Section 15-11-154, relating to appointment of plan manager for dependent child
1600 and development of mental competency plan;
- 1601 (2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and
1602 officers of the State Commission on Family Violence;
- 1603 (3) Code Section 31-3-11, relating to appointments of directors and staff for county
1604 boards of health;
- 1605 (4) Code Section 31-11-50, relating to medical advisers relative to emergency medical
1606 services;
- 1607 (5) Code Section 31-15-4, relating to the cancer control officer;
- 1608 (6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;
- 1609 (7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of
1610 morbidly obese patients;
- 1611 (8) Code Section 43-34-23, relating to delegation of authority to nurse or physician
1612 assistant; and
- 1613 (9) Code Section 49-5-225, relating to local interagency committees.

1614 **SECTION 6-2.**

1615 The following Code sections of the Official Code of Georgia Annotated are amended by
1616 replacing "Division of Public Health" wherever it occurs with "Department of Public
1617 Health":

- 1618 (1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood
1619 Lead Exposure Control Act"; and
- 1620 (2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood
1621 Lead Exposure Control Act."

1622 **SECTION 6-3.**

1623 The following Code sections of the Official Code of Georgia Annotated are amended by
1624 replacing "Department of Community Health" wherever it occurs with "Department of Public
1625 Health":

- 1626 (1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors
1627 in livestock;
- 1628 (2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of
1629 exotic or pet birds;
- 1630 (3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures
1631 for protection of natural resources, environment, and vital areas of the state;
- 1632 (4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural
1633 Resources of rules and regulations regarding parks, historic sites, and recreational areas;
- 1634 (5) Code Section 12-5-175, relating to fluoridation of public water systems;
- 1635 (6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal
1636 permits;
- 1637 (7) Code Section 12-8-41, relating to permits issued by the Department of Natural
1638 Resources for land disposal sites;
- 1639 (8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act
1640 constituting AIDS transmitting crime;
- 1641 (9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury
1642 Trust Fund Commission;
- 1643 (10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;
- 1644 (10.1) Subsection (d) of Code Section 16-12-141, relating to when abortion is legal;
- 1645 (10.2) Code Section 16-12-141.1, relating to disposal of aborted fetuses, except for
1646 paragraphs (1) and (3) of subsection (d) and the second reference in subsection (h);
- 1647 (11) Code Section 17-10-15, relating to AIDS transmitting crimes;
- 1648 (12) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage
1649 license;
- 1650 (13) Code Section 19-3-40, relating to blood tests for sickle cell disease;
- 1651 (14) Code Section 19-3-41, relating to preparation by the Department of Human
1652 Resources of a marriage manual on family planning and other material;
- 1653 (15) Code Section 19-15-1, relating to definitions relative to child abuse;
- 1654 (16) Code Section 20-2-142, relating to prescribed courses in elementary and secondary
1655 schools on alcohol, tobacco, and drug use;
- 1656 (17) Code Section 20-2-143, relating to sex education and AIDS prevention instruction
1657 in elementary and secondary schools;
- 1658 (18) Code Section 20-2-144, relating to mandatory instruction in elementary and
1659 secondary schools concerning alcohol and drug use;
- 1660 (19) Code Section 20-2-260, relating to capital outlay funds generally;
- 1661 (20) Code Section 20-2-770, relating to rules and regulations for nutritional screening
1662 and eye, ear, and dental examinations of students;

- 1663 (21) Code Section 20-2-771, relating to immunization of students in elementary and
1664 secondary education;
- 1665 (22) Code Section 20-2-772, relating to rules and regulations for screening of students
1666 for scoliosis;
- 1667 (23) Code Section 20-2-778, relating to required information to parents of students
1668 regarding meningococcal meningitis;
- 1669 (24) Reserved;
- 1670 (25) Code Section 25-3-6, relating to the effect of certain laws relating to local fire
1671 departments on the powers and duties of other officials and departments;
- 1672 (26) Code Section 26-2-371, relating to permits required for food service establishments;
- 1673 (27) Code Section 26-2-372, relating to the issuance of permits for food service
1674 establishments;
- 1675 (28) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards
1676 by the Department of Community Health and county boards of health for food service
1677 establishments;
- 1678 (29) Code Section 26-2-374, relating to contents and posting of notices relating to
1679 assistance to persons choking;
- 1680 (30) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of
1681 food service establishments;
- 1682 (31) Code Section 26-2-376, relating to review of final order or determination by
1683 Department of Community Health regarding regulation of a food service establishment;
- 1684 (32) Code Section 26-2-377, relating to penalties for violation of laws regarding the
1685 regulation of food service establishments;
- 1686 (33) Code Section 26-3-18, relating to assistance in enforcement from Department of
1687 Agriculture or Department of Community Health with respect to standards, labeling, and
1688 adulteration of drugs and cosmetics;
- 1689 (34) Code Section 26-4-116, relating to emergency service providers with respect to
1690 dangerous drugs and controlled substances;
- 1691 (35) Code Section 29-4-18, relating to the appointment of a temporary medical consent
1692 guardian;
- 1693 (36) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1694 (37) Code Section 31-3-4, relating to powers of county boards of health;
- 1695 (38) Code Section 31-5-1, relating to adoption of rules and regulations by the
1696 Department of Community Health and county boards of health;
- 1697 (39) Code Section 31-8-192, relating to definitions relative to the "'Health Share'
1698 Volunteers in Medicine Act";

- 1699 (39.1) Code Section 31-8-193, relating to the establishment of a program to provide
1700 health care services to low-income recipients;
- 1701 (40) Code Section 31-9A-4, relating to information to be made available by the
1702 Department of Community Health under the "Woman's Right to Know Act";
- 1703 (41) Code Section 31-10-1, relating to definitions relative to vital records;
- 1704 (42) Code Section 31-11-1, relating to findings of the General Assembly and declaration
1705 of policy with respect to emergency medical services;
- 1706 (43) Code Section 31-11-3, relating to recommendations by local coordinating entity as
1707 to administration of the Emergency Medical Systems Communication Program;
- 1708 (44) Code Section 31-11-53.1, relating to automated external defibrillator program;
- 1709 (45) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care
1710 Network Commission;
- 1711 (46) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care
1712 Network Commission;
- 1713 (47) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia
1714 Trauma Care Network Commission;
- 1715 (48) Code Section 31-11-110, relating to legislative findings relative to a system of
1716 certified stroke centers;
- 1717 (49) Code Section 31-12-1, relating to the power to conduct research and studies relative
1718 to the control of hazardous conditions, preventable diseases, and metabolic diseases;
- 1719 (50) Code Section 31-12A-9, relating to a continuing education program relative to the
1720 "Georgia Smokefree Air Act of 2005";
- 1721 (51) Code Section 31-12A-10, relating to enforcement by the Department of Community
1722 Health and county boards of health of the "Georgia Smokefree Air Act of 2005";
- 1723 (52) Code Section 31-14-2, relating to petition for commitment of a person who has
1724 active tuberculosis;
- 1725 (53) Code Section 31-14-9, relating to procedure for securing discharge of a person
1726 committed for active tuberculosis;
- 1727 (54) Code Section 31-15-2, relating to the establishment of a program for the prevention,
1728 control, and treatment of cancer;
- 1729 (55) Code Section 31-16-2, relating to the establishment of a program for the prevention,
1730 control, and treatment of kidney disease;
- 1731 (56) Code Section 31-17-2, relating to the report of diagnosis or treatment to health
1732 authorities of a case of venereal disease;
- 1733 (57) Code Section 31-17-3, relating to examination and treatment by health authorities
1734 for venereal disease;
- 1735 (58) Code Section 31-17-4.2, relating to HIV pregnancy screening;

- 1736 (59) Code Section 31-17A-2, relating to examination of persons infected or suspected
1737 of being infected with HIV;
- 1738 (60) Code Section 31-17A-3, relating to refusal to consent to an HIV test;
- 1739 (61) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust
1740 Fund Commission;
- 1741 (62) Code Section 31-22-9.1, relating to who may perform HIV tests;
- 1742 (63) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood
1743 Labeling Act";
- 1744 (64) Code Section 31-26-2, relating to the requirement of a certificate to practice
1745 midwifery;
- 1746 (65) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;
- 1747 (66) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;
- 1748 (67) Code Section 31-28-5, relating to standards for health, sanitation, and safety of
1749 tourist courts;
- 1750 (68) Code Section 31-28-6, relating to inspection of premises of tourist courts;
- 1751 (69) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans
1752 exposed to agent orange;
- 1753 (70) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for
1754 Rural Areas Assistance Act";
- 1755 (71) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
1756 emergency providers;
- 1757 (72) Code Section 31-40-2, relating to issuance of permits for tattoo studios;
- 1758 (73) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;
- 1759 (74) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;
- 1760 (75) Code Section 31-40-8, relating to a public education program relative to tattoo
1761 studios;
- 1762 (76) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- 1763 (77) Code Section 31-45-8, relating to inspections by the county board of health of
1764 public swimming pools;
- 1765 (78) Code Section 31-45-9, relating to suspension or revocation of permit for a public
1766 swimming pool;
- 1767 (79) Code Section 31-45-10, relating to rules and regulations relative to public
1768 swimming pools;
- 1769 (80) Code Section 31-45-11, relating to enforcement of rules and regulations relative to
1770 public swimming pools;
- 1771 (81) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control
1772 Program;

- 1773 (82) Code Section 33-24-59.2, relating to insurance coverage for equipment and
1774 self-management training for individuals with diabetes;
- 1775 (83) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health
1776 Insurance Plan;
- 1777 (84) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- 1778 (85) Code Section 35-1-8, relating to acquisition, collection, classification, and
1779 preservation of information assisting in identifying deceased persons and locating missing
1780 persons;
- 1781 (86) Code Section 37-2-2, relating to definitions relative to the administration of mental
1782 health, developmental disabilities, addictive diseases, and other disability services;
- 1783 (87) Code Section 37-2-3, relating to designation of boundaries for mental health,
1784 developmental disabilities, and addictive diseases regions;
- 1785 (88) Code Section 37-2-5, relating to regional planning boards establishing policy and
1786 direction for disability services;
- 1787 (89) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions
1788 which became duties or functions of a community service board on July 1, 1994;
- 1789 (90) Code Section 37-2-6.4, relating to reconstituting or converting of organizational
1790 structure of community service boards;
- 1791 (91) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- 1792 (92) Code Section 38-3-22, relating to the Governor's emergency management powers
1793 and duties;
- 1794 (93) Code Section 38-3-51, relating to emergency powers of the Governor;
- 1795 (94) Code Section 40-5-25, relating to applications for instruction permits and drivers'
1796 licenses;
- 1797 (95) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood
1798 relating to violations of driving under the influence of alcohol, drugs, or other
1799 intoxicating substances;
- 1800 (96) Code Section 42-1-7, relating to notification to transporting law enforcement agency
1801 of inmate's or patient's infectious or communicable disease;
- 1802 (97) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- 1803 (98) Code Section 42-4-32, relating to sanitation and health requirements for jails;
- 1804 (99) Code Section 42-5-52, relating to classification and separation of inmates generally;
- 1805 (100) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;
- 1806 (101) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements
1807 of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of
1808 hair design, and schools of nail care;

- 1809 (102) Code Section 43-11-74, relating to direct supervision requirement of dental
 1810 hygienists by a licensed dentist;
- 1811 (103) Code Section 43-14-2, relating to definitions relative to the regulation of electrical
 1812 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
 1813 contractors;
- 1814 (104) Code Section 43-18-46, relating to grounds for denial or revocation of license or
 1815 registration to operate a funeral establishment or to practice embalming or funeral
 1816 directing;
- 1817 (105) Reserved;
- 1818 (106) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;
- 1819 (107) Code Section 45-9-1, relating to general provisions relative to insuring and
 1820 indemnification of state officers and employees;
- 1821 (108) Code Section 45-18-1, relating to definitions relative to the state employees' health
 1822 insurance plan;
- 1823 (109) Code Section 45-18-32, relating to administration of deferred compensation plans
 1824 for employees of the state;
- 1825 (110) Code Section 46-11-4, relating to regulation of transportation of hazardous
 1826 materials on public roads of the state generally;
- 1827 (111) Code Section 50-13-4, relating to procedural requirements for adoption,
 1828 amendment, or repeal of rules by a state agency;
- 1829 (112) Code Section 50-16-3, relating to property of state boards and departments;
- 1830 (113) Reserved; and
- 1831 (114) Code Section 50-18-76, relating to written matter exempt from disclosure under
 1832 vital records laws.

1833 **SECTION 6-4.**

1834 The following Code sections of the Official Code of Georgia Annotated are amended by
 1835 replacing "Board of Community Health" wherever it occurs with "Board of Public Health":

- 1836 (1) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- 1837 (2) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- 1838 (3) Code Section 31-11-3, relating to recommendations by local coordinating entity as
 1839 to administration of the Emergency Medical Systems Communication Program;
- 1840 (4) Code Section 31-11-31.1, relating to license fees on ambulance services;
- 1841 (5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer
 1842 research program fund;
- 1843 (6) Code Section 42-9-12, relating to appointment of replacement for incapacitated
 1844 member on the State Board of Pardons and Paroles; and

1845 (7) Code Section 43-7-9, relating to general powers and duties of the State Board of
 1846 Barbers.

1847 **SECTION 6-5.**

1848 The following Code sections of the Official Code of Georgia Annotated are amended by
 1849 replacing "commissioner of community health" and "commissioner of the department of
 1850 community health" wherever either term occurs with "commissioner of public health":

- 1851 (1) Code Section 8-2-24, relating to appointment of advisory committee relating to state
 1852 building, plumbing, and electrical codes;
- 1853 (2) Code Section 12-5-524, relating to the creation of the Water Council;
- 1854 (3) Code Section 16-12-141, relating to when abortion is legal;
- 1855 (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;
- 1856 (5) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons
 1857 declared mentally incompetent, and deceased persons provided to Secretary of State with
 1858 respect to registration of voters;
- 1859 (6) Code Section 26-2-393, relating to enforcement of article relating to nonprofit food
 1860 sales and food service;
- 1861 (7) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know
 1862 Act";
- 1863 (8) Code Section 31-10-1, relating to definitions relative to vital records;
- 1864 (9) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- 1865 (10) Code Section 31-11-36, relating to suspension or revocation of licenses for
 1866 ambulance services;
- 1867 (11) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory
 1868 Committee;
- 1869 (12) Code Section 31-27-7, relating to emergency powers of the Governor regarding
 1870 mass gatherings;
- 1871 (13) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for
 1872 emergency responders;
- 1873 (14) Code Section 31-36A-7, relating to petition for health care placement transfer,
 1874 admission, or discharge order by health care facility;
- 1875 (15) Code Section 31-47-2, relating to the role and duties of the commissioner relative
 1876 to the arthritis prevention and control program;
- 1877 (16) Code Section 31-47-3, relating to the acceptance of grants for the arthritis prevention
 1878 and control program;

- 1879 (17) Code Section 38-2-10, relating to use of National Guard in drug law enforcement,
 1880 provision of medical care in medically underserved areas, and for youth opportunity
 1881 training programs;
- 1882 (18) Code Section 42-4-32, relating to sanitation and health requirements in jails
 1883 generally;
- 1884 (19) Code Section 42-9-12, relating to appointment of replacement for incapacitated
 1885 member on the State Board of Pardons and Paroles;
- 1886 (20) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;
- 1887 (21) Code Section 43-45-3, relating to creation of the State Structural Pest Control
 1888 Commission;
- 1889 (22) Code Section 45-9-73, relating to the creation of the Georgia Public School
 1890 Personnel Indemnification Commission;
- 1891 (23) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification
 1892 Commission; and
- 1893 (24) Code Section 45-9-110, relating to authorization for consolidation of unemployment
 1894 compensation claim matters under the commissioner of administrative services.

1895 **SECTION 6-6.**

1896 The following Code sections of the Official Code of Georgia Annotated are amended by
 1897 replacing "division" and "division's" with "department" and "department's", respectively:

- 1898 (1) Code Section 31-41-13, relating to notice of lead poisoning hazard;
- 1899 (2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;
- 1900 (3) Code Section 31-41-16, relating to certificate evidencing compliance; and
- 1901 (4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes
 1902 occupied by children with elevated blood lead levels.

1903 **PART VII**

1904 **Effective Date and Repealer.**

1905 **SECTION 7-1.**

1906 This Act shall become effective on July 1, 2011.

1907 **SECTION 7-2.**

1908 All laws and parts of laws in conflict with this Act are repealed.