

House Bill 248

By: Representatives Stover of the 71st, Smith of the 70th, and Spencer of the 180th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated,
2 relating to the powers and duties of the Department of Behavioral Health and Developmental
3 Disabilities regarding the regulation of mental health, so as to provide for the regulation and
4 licensure of short-term mental health facilities by the Department of Behavioral Health and
5 Developmental Disabilities; to provide for a transfer of duties and obligations from the
6 Department of Community Health; to provide for rules and regulations; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to the
11 powers and duties of the Department of Behavioral Health and Developmental Disabilities
12 regarding the regulation of mental health, is amended by adding a new Code section to read
13 as follows:

14 "37-1-30.

15 (a) Effective July 1, 2016, all matters relating to the licensure and regulation of short-term
16 mental health facilities by the Department of Community Health pursuant to Chapter 7 of
17 Title 31 shall be transferred to the Department of Behavioral Health and Developmental
18 Disabilities. The Department of Behavioral Health and Developmental Disabilities shall
19 further succeed to any rights, privileges, entitlements, obligations, and duties of the
20 Department of Human Resources that are in effect on June 30, 2016, which relate to the
21 licensure and regulation of short-term mental health facilities.

22 (b) As used in this Code section, the term 'short-term mental health facility' means a
23 mental health facility which treats patients with mental illnesses with inpatient stays of
24 seven days or less.

25 (c) On and after July 1, 2016, the department shall provide for the licensure of short-term
26 mental health facilities pursuant to this Code section. The department shall establish

27 minimum standards and requirements for the licensure of short-term mental health
 28 facilities.

29 (d) Application for a license to operate a short-term mental health facility shall be
 30 submitted to the department in the manner prescribed by the department's rules and
 31 regulations.

32 (e) The department shall issue a license to an applicant that meets all the rules and
 33 regulations for the licensure of short-term mental health facilities. The license shall be
 34 nontransferable for a change of location or governing body.

35 (f) No entity shall operate as a short-term mental health facility without having a valid
 36 license issued pursuant to this Code section.

37 (g) Each licensee shall permit authorized department representatives to enter upon and
 38 inspect any and all premises for which a license has been granted or applied for so that
 39 verification of compliance with all relevant laws or regulations can be made.

40 (h) The department may deny any license application which does not meet all the rules and
 41 regulations for the licensure of short-term mental health facilities and may suspend or
 42 revoke a license which has been issued if an applicant or a licensee violates any such rules
 43 and regulations; provided, however, that before any order is entered denying a license
 44 application or suspending or revoking a license previously granted, the applicant or license
 45 holder, as the case may be, shall be afforded an opportunity for a hearing as provided for
 46 in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

47 (i) The Department of Behavioral Health and Developmental Disabilities and the
 48 commissioner of behavioral health and developmental disabilities shall, with respect to
 49 short-term mental health facilities, have the same powers to regulate in the same manner
 50 as is provided to the Department of Community Health and the commissioner of
 51 community health pursuant to Code Sections 31-2-8, 31-5-20, 31-5-21, and 31-7-2.2 for
 52 the regulation of other health care facilities.

53 (j) Any program licensed as a short-term mental health facility pursuant to this Code
 54 section shall be exempt from the requirements to obtain a certificate of need pursuant to
 55 Article 3 of Chapter 6 of Title 31.

56 (k) The department shall promulgate rules and regulations to implement the provisions of
 57 this Code section."

58 **SECTION 2.**

59 This Act shall become effective on July 1, 2016.

60 **SECTION 3.**

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