

Senate Bill 357

By: Senators Burke of the 11th, Unterman of the 45th, Rhett of the 33rd, Hill of the 4th, Hufstetler of the 52nd and others

AS PASSED

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 Health Coordination and Innovation Council of the State of Georgia; to provide
3 for legislative findings and declarations; to create the council and assign for administrative
4 purposes; to provide for membership, staggered terms, and vacancies; to provide for election
5 of a chairperson and vice chairperson, meetings, minutes and records, and rules; to provide
6 for member compensation and expense allowance; to provide for appointment of a director
7 and powers and duties; to provide for functions and authority of the council; to provide for
8 preparation of budget requests, appropriations, gifts, grants, and donations of property and
9 services; to establish an advisory board; to provide for membership and duties; to provide for
10 reporting requirements of certain boards, commissions, committees, and offices and each
11 entity's representation in an advisory capacity; to amend other provisions of the Official Code
12 of Georgia Annotated so as to provide for conforming changes; to provide for a short title;
13 to provide for related matters; to provide for a sunset date; to repeal conflicting laws; and for
14 other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

17 This Act shall be known and may be cited as "The Health Act."

18 **SECTION 2.**

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

21

"CHAPTER 5322 31-53-1.

23 The General Assembly finds that Georgia's major health challenges affecting access,
24 effectiveness, and cost of care are detrimental to the general welfare of the State of Georgia
25 and its citizens, and all components of our health care system must be better coordinated,
26 focused, and effective at all levels, including those of health agencies, academic
27 institutions, and public and private sectors. The General Assembly, therefore, declares it
28 to be the public policy of this state to unite the major stakeholders and components at all
29 levels of the state's health system under a strategic vision for Georgia's future by
30 establishing a state-wide coordinating platform.

31 31-53-2.

32 There is established the Health Coordination and Innovation Council of the State of
33 Georgia which shall be assigned to the Governor's Office of Planning and Budget for
34 administrative purposes only, as prescribed in Code Section 50-4-3.

35 31-53-3.

36 (a) The Health Coordination and Innovation Council of the State of Georgia shall consist
37 of 18 members, as follows:

38 (1) The following or their designees shall be members of the council, by reason of their
39 office or position:

40 (A) The director of health care policy and strategic planning;

41 (B) The commissioner of community health;

42 (C) The commissioner of public health;

43 (D) The commissioner of human services;

44 (E) The commissioner of behavioral health and developmental disabilities; and

45 (F) The executive director of substance abuse, addiction, and related disorders;

46 (2) Six members shall be appointed by the Governor; one member shall be appointed by
47 the Lieutenant Governor and such member shall be a professional actively engaged in
48 health care in this state; and one member shall be appointed by the Speaker of the House
49 of Representatives and such member shall be a professional actively engaged in health
50 care in this state. The members shall be appointed for terms of four years, with initial
51 appointments, however, of four members serving four-year terms, two members serving
52 three-year terms, and two members serving two-year terms. Appointments shall be made
53 to ensure that the council always includes the following persons:

54 (A) Three representatives from medical schools, universities, and academia;

55 (B) One practicing dentist;

56 (C) One practicing pharmacist; and

57 (D) One practicing primary care physician; and

58 (3) The following or their designees shall be ex officio members of the council by reason
59 of their office:

60 (A) The Commissioner of Insurance;

61 (B) The commissioner of corrections;

62 (C) The commissioner of economic development; and

63 (D) The Attorney General.

64 No person shall serve beyond the time he or she holds an office, title, or affiliation that
65 initially qualified him or her for appointment. Appointed members shall serve at the
66 pleasure of the Governor.

67 (b) In the event of death, resignation, disqualification, or removal for any reason of any
68 member of the council, vacancies shall be filled in the same manner as that of the original
69 appointment and successors shall serve for the remainder of the unexpired term.

70 (c) The initial terms for all 18 original members of the council shall begin July 1, 2018.

71 31-53-4.

72 The business of the council shall be conducted in the following manner:

73 (1) The councilmembers pursuant to paragraph (1) of subsection (a) of Code Section
74 31-53-3 shall adopt rules for the council's internal procedures, bylaws, and transaction
75 of the council's business;

76 (2) The council shall maintain minutes of its meetings and such other records as it deems
77 necessary; and

78 (3) The council shall produce and distribute a detailed annual report, including annual
79 expenditures, no later than December 1, 2018, and annually thereafter. The report shall
80 be distributed to the Governor, General Assembly, and made publicly available.

81 31-53-5.

82 Members of the council shall serve without compensation but shall receive for each day of
83 attendance at council meetings a daily expense allowance in the amount specified in
84 subsection (b) of Code Section 45-7-21 plus reimbursement for actual transportation costs
85 while traveling by public carrier, or the legal mileage rate for use of a personal car in
86 connection with such attendance pursuant to the Office of Planning and Budget guidelines.

87 31-53-6.

88 (a) There is created the position of director of health care policy and strategic planning
89 who shall be an employee of the Office of Planning and Budget and shall report directly
90 to the Governor.

91 (b) The director shall have the following qualifications:

92 (1) Extensive experience in health care policy which shall include having held a position
93 as a health care clinician and administrator; and

94 (2) Additional education, experience, and other qualifications as determined by the
95 Governor.

96 (c) The director's duties shall include, but not be limited to:

97 (1) Management, oversight, and coordination of innovation within Georgia's health care
98 system;

99 (2) In consultation with the Governor, identification of the health priorities of the state
100 and adoption of strategies to ensure effective implementation of such priorities;

101 (3) Monitoring the effectiveness of adopted strategies to ensure appropriate models are
102 utilized in consideration of local, regional, and state disparities; and

103 (4) Oversight of the facilitation of partnerships to foster collaboration and efficient use
104 of available resources at the federal, state, regional, and local levels.

105 (d) The director may contract with other agencies, public and private, or persons as he or
106 she deems necessary for the rendering and affording of such services, facilities, studies,
107 research, and reports to the council as will provide the best assistance for carrying out its
108 duties and responsibilities.

109 (e) The director may employ such other professional, technical, and clerical personnel as
110 deemed necessary to carry out the purposes of this chapter.

111 31-53-7.

112 The council is vested with the following functions and authority:

113 (1) To bring together experts from academic institutions and industry, as well as state
114 elected and appointed leaders to provide a forum to share information, coordinate the
115 major functions of the state's health care system, and develop innovative approaches for
116 stabilizing costs while improving access to quality care;

117 (2) To serve as a forum for identifying Georgia's specific health issues of greatest
118 concern and to promote cooperation from both public and private agencies to test new
119 and innovative ideas;

120 (3) To evaluate the effectiveness of previously enacted and ongoing health programs and
121 determine how best to achieve the goal of promoting innovation and improving Georgia's
122 health care system;

123 (4) To maximize the effectiveness of existing resources, expertise, and opportunities for
124 improvement;
125 (5) To create an organized approach to coordinating health care functions and programs;
126 (6) To carry out such duties that may be required by federal law or regulation so as to
127 enable this state to receive and disburse federal funds for health care programs; and
128 (7) To provide detailed and regular reports to the director.

129 31-53-8.

130 (a) The council shall prepare a budget request in the same manner as that described under
131 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' and a separate appropriation
132 shall be provided for the council in the General Appropriations Act.
133 (b) The council shall be authorized to accept and use gifts, grants, and donations for the
134 purpose of carrying out the provisions of this chapter. The council shall also be authorized
135 to accept and use property, both real and personal, and services for the purpose of carrying
136 out the provisions of this chapter. Such funds, property, or services so received as gifts,
137 grants, or donations shall be the property and funds of the council and, as such, shall not
138 lapse at the end of each fiscal year but shall remain under the control of and subject to the
139 direction of the council to carry out the provisions of this chapter.

140 31-53-9.

141 (a) There is established an advisory board to the council which shall consist of at least 13
142 and not more than 19 members appointed by the Governor who have training and
143 experience that represent existing committees and areas of health care expertise with
144 consideration of needs expressed by the council.
145 (b) A majority of the members of the advisory board, including the chairperson, shall not
146 be full-time employees of the federal, state, or local government.
147 (c) Membership on the advisory board shall not constitute public office, and no member
148 shall be disqualified from holding public office by reason of his or her membership.
149 (d) The advisory board shall elect a chairperson from among its membership. The
150 advisory board may elect such other officers and committees as it deems appropriate.
151 (e) Members of the advisory board shall serve without compensation, although each
152 member of the advisory board shall be reimbursed for actual expenses incurred in the
153 performance of his or her duties from funds available to the office. Such reimbursement
154 shall be limited to all travel and other expenses necessarily incurred through service on the
155 advisory board, in compliance with this state's travel rules and regulations. However, in
156 no case shall a member of the advisory board be reimbursed for expenses incurred in the
157 member's capacity as the representative of another state agency.

158 31-53-10.

159 (a) The advisory board shall:

160 (1) Meet at such times and places as it shall determine necessary or convenient to
161 perform its duties. The advisory board shall also meet on the call of the director, the
162 chairperson of the council, or the Governor;

163 (2) Maintain minutes of its meetings;

164 (3) Participate in the development and review of this state's health care plan prior to
165 submission to the council for final action;

166 (4) Be afforded the opportunity to review and comment on all health care grant
167 applications submitted to the council, not later than 30 days after their submission to the
168 advisory board;

169 (5) Use the combined expertise and experience of its members to provide regular advice
170 and counsel to the director to enable the council to carry out its statutory duties under this
171 chapter; and

172 (6) Identify and report to the council any federal laws or regulations that may enable the
173 state to receive and disburse federal funds for health care programs.

174 (b) The council shall not be limited or otherwise restricted in appointing other advisors as
175 deemed necessary in pursuing the advisory board's duties under this chapter.

176 31-53-11.

177 (a) Each of the following boards, commissions, committees, councils, and offices shall
178 provide their required reporting to the council:

179 (1) The Maternal Mortality Review Committee;

180 (2) The Office of Women's Health;

181 (3) The Commission on Men's Health;

182 (4) The Renal Dialysis Advisory Council;

183 (5) The Kidney Disease Advisory Committee;

184 (6) The Hemophilia Advisory Board;

185 (7) The Georgia Council on Lupus Education and Awareness;

186 (8) The Georgia Palliative Care and Quality of Life Advisory Council;

187 (9) The Georgia Trauma Care Network Commission;

188 (10) The Behavioral Health Coordinating Council;

189 (11) The Georgia Coverdell Acute Stroke Registry;

190 (12) The Office of Cardiac Care; and

191 (13) The Brain and Spinal Injury Trust Fund.

192 (b) The boards, commissions, committees, councils, and offices required to report to the
193 council pursuant to this Code section shall have representation on the advisory board. Such

194 entity's position on the advisory board shall not count against the overall board membership
195 maximum requirement under Code Section 31-53-9."

196 **SECTION 3.**

197 Said title is further amended in Code Section 31-1-13, relating to the Hemophilia Advisory
198 Board, by revising subsection (g) as follows:

199 "(g) The Hemophilia Advisory Board shall, no later than ~~January, 2012~~ October 1, 2018,
200 and annually thereafter, submit to the ~~Governor and the General Assembly Health~~
201 Coordination and Innovation Council of the State of Georgia a report of its findings and
202 recommendations. Annually thereafter, the commissioner of public health, in consultation
203 with the commissioner of community health, shall report to the Governor and the General
204 Assembly on the status of implementing the recommendations as proposed by the
205 Hemophilia Advisory Board. The reports shall be made public and shall be subject to
206 public review and comment."

207 **SECTION 4.**

208 Said title is further amended in Code Section 31-2A-5, relating to the Office of Women's
209 Health, by revising subsection (b) and adding a new subsection to read as follows:

210 "(b) The Office of Women's Health shall serve in an advisory capacity to the ~~Governor,~~
211 ~~the General Assembly, the board, the department, and all other state agencies in matters~~
212 ~~relating to women's health~~ Health Coordination and Innovation Council of the State of
213 Georgia. In particular, the office shall:

214 (1) Raise awareness of women's nonreproductive health issues;
215 (2) Inform and engage in prevention and education activities relating to women's
216 nonreproductive health issues;
217 (3) Serve as a clearing-house for women's health information for purposes of planning
218 and coordination;
219 (4) Issue reports of the office's activities and findings; and
220 (5) Develop and distribute a state comprehensive plan to address women's health issues."

221 "(d) The office, no later than October 1, 2018, and annually thereafter shall submit to the
222 Health Coordination and Innovation Council of the State of Georgia a report of its findings
223 and recommendations."

224 **SECTION 5.**

225 Said title is further amended in Code Section 31-2A-16, relating to the Maternal Mortality
226 Review Committee, by revising subsection (g) as follows:

227 "(g) Reports of aggregated nonindividually identifiable data shall be compiled on a routine
228 basis for distribution in an effort to further study the causes and problems associated with
229 maternal deaths. A detailed annual report shall be submitted no later than October 1.
230 Reports shall be distributed to the ~~General Assembly, health care providers and facilities,~~
231 key government agencies, and others necessary to reduce the maternal death rate Health
232 Coordination and Innovation Council of the State of Georgia."

SECTION 6.

234 Said title is further amended in Code Section 31-7-192, relating to the Georgia Palliative
235 Care and Quality of Life Advisory Council, by revising subsection (f) as follows:
236 "(f) The council, no later than ~~June 30, 2017~~ October 1, 2018, and annually thereafter shall
237 submit to the ~~Governor and the General Assembly~~ Health Coordination and Innovation
238 Council of the State of Georgia a report of its findings and recommendations."

SECTION 7.

240 Said title is further amended by repealing Article 9 of Chapter 8, relating to the Federal and
241 State Funded Health Care Financing Programs Overview Committee, and designating said
242 article as reserved.

SECTION 8.

244 Said title is further amended in Code Section 31-11-103, relating to the Georgia Trauma
245 Trust Fund, by revising subsection (b) as follows:
246 "(b) The Georgia Trauma Care Network Commission shall report annually to the House
247 Committee on Health and Human Services and the Senate Health and Human Services
248 Committee no later than October 1 to the Health Coordination and Innovation Council of
249 the State of Georgia. Such report shall provide an update on state-wide trauma system
250 development and the impact of fund distribution on trauma patient care and outcomes."

SECTION 9.

252 Said title is further amended in Code Section 31-11-116, relating to annual reports relative
253 to stroke centers, by revising subsection (b) as follows:

254 "(b) The department shall collect the information reported pursuant to subsection (a) of this
255 Code section and shall post such information in the form of a report card annually on the
256 department's website and present such report to the ~~Governor, the President of the Senate,~~
257 ~~and the Speaker of the House of Representatives~~ Health Coordination and Innovation
258 Council of the State of Georgia. The results of this report card may be used by the

259 department to conduct training with the identified facilities regarding best practices in the
260 treatment of stroke."

261 **SECTION 10.**

262 Said title is further amended in Code Section 31-11-135, relating to grants to hospitals and
263 reporting relative to the Office of Cardiac Care, by revising subsection (d) as follows:

264 "(d) The office shall annually prepare and submit to the ~~Governor, the President of the~~
265 ~~Senate, the Speaker of the House of Representatives, and the chairpersons of the House~~
266 ~~Committee on Health and Human Services and the Senate Health and Human Services~~
267 ~~Committee for distribution to its committee members~~ Health Coordination and Innovation
268 Council of the State of Georgia a report indicating the total number of hospitals that have
269 applied for grants pursuant to this Code section, the number of applicants that have been
270 determined by the office to be eligible for such grants, the total number of grants to be
271 awarded, the name and address of each grantee, and the amount of the award to each
272 grantee."

273 **SECTION 11.**

274 Said title is further amended in Code Section 31-16-3, relating to the functions of the Kidney
275 Disease Advisory Committee, membership, terms of office, vacancies, and compensation and
276 reimbursement of expenses, by adding a new subsection to read as follows:

277 "(f) The KDAC shall prepare and submit a complete and detailed report no later than
278 October 1, 2018, and annually thereafter to the Health Coordination and Innovation
279 Council of the State of Georgia concerning the impact of the program established pursuant
280 to Code Section 31-16-2 on the treatment of chronic renal disease and the cost of such
281 treatment.

282 **SECTION 12.**

283 Said title is further amended in Code Section 31-18-4, relating to duties of the Brain and
284 Spinal Injury Trust Fund Commission, by revising subsection (b) as follows:

285 "(b) The Brain and Spinal Injury Trust Fund Commission shall maintain records of reports
286 and notifications made under this chapter. The Brain and Spinal Injury Trust Fund
287 Commission shall produce an annual report relating to information and data collected
288 pursuant to this chapter and shall make such report available upon request. Such report
289 shall be submitted annually no later than October 1 to the Health Coordination and
290 Innovation Council of the State of Georgia."

SECTION 13.

291 Said title is further amended in Code Section 31-43-12, relating to duties and responsibilities
292 of the Commission on Men's Health, by revising paragraph (6) as follows:

294 "(6) Submit a report of its findings and recommendations under this chapter to the
295 Governor, the President of the Senate, and the Speaker of the House of Representatives
296 ~~not~~ Health Coordination and Innovation Council of the State of Georgia no later than
297 October 1 of each year."

SECTION 14.

298 Said title is further amended in Code Section 31-44-3, relating to adoption of rules, council
299 established, and terms of councilmembers of the Renal Dialysis Advisory Council, by adding
300 a new subsection to read as follows:

302 "(d) The council shall submit an annual report no later than October 1 of its
303 recommendations and evaluation of their implementation to the Health Coordination and
304 Innovation Council of the State of Georgia."

SECTION 15.

305 Said title is further amended by revising Code Section 31-49-5, relating to the annual report
306 of the Georgia Council on Lupus Education and Awareness, as follows:

308 "31-49-5.

309 The council shall prepare annually a complete and detailed report to be submitted ~~to the~~
310 ~~Governor, the chairperson of the House Committee on Health and Human Services, and~~
311 ~~the chairperson of the Senate Health and Human Services Committee no later than~~
312 ~~October 1 to the Health Coordination and Innovation Council of the State of Georgia~~
313 detailing the activities of the council and may include any recommendations for legislative
314 action it deems appropriate."

SECTION 16.

315 Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral
316 Health Coordinating Council, membership, meetings, and obligations, is amended by
317 revising paragraph (1) of subsection (h) as follows:

319 "(h)(1) The council shall submit annual reports no later than October 1 of its
320 recommendations and evaluation of their implementation to the ~~Governor and the~~
321 ~~General Assembly~~ Health Coordination and Innovation Council of the State of Georgia."

322

SECTION 17.

323 Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense
324 allowance and travel cost reimbursement for members of certain boards and commissions,
325 is amended by revising paragraph (6) of subsection (a) as follows:

326 "(6) Health Coordination and Innovation Council of the State of Georgia Reserved;

327

SECTION 18.

328 This Act shall automatically be repealed July 1, 2022.

329

SECTION 19.

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