

House Bill 514

By: Representatives Tanner of the 9th, Ralston of the 7th, Jones of the 47th, Cooper of the 43rd,
and Oliver of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to
2 governing and regulation of mental health, so as to create the Georgia Mental Health Reform
3 and Innovation Commission; to provide for legislative findings; to provide for a definition;
4 to provide for members and officers; to provide for meetings, agendas, quorum, and
5 compensation; to provide for the commission's duties and powers; to provide for
6 subcommittees; to provide for automatic repeal; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to governing and
11 regulation of mental health, is amended by adding a new article to read as follows:

12 "ARTICLE 6

13 37-1-110.

14 The General Assembly finds and determines that:

- 15 (1) Over the last decade the State of Georgia has invested significant resources toward
16 the transformation of the behavioral health service delivery system; and
17 (2) The conclusion of the settlement agreement with the United States Department of
18 Justice will mark significant accomplishments in system performance and presents the
19 opportunity to conduct a systematic study to promote the continued progress of the state
20 behavioral health system. Such a study and the formulation of recommendations for
21 behavioral health innovation can best be carried out through an established commission.

22 37-1-111.

23 (a) There is created the Georgia Mental Health Reform and Innovation Commission for
 24 the purpose of conducting a comprehensive review of the mental health system in Georgia.
 25 Such review shall include the mental health services and facilities available in this state,
 26 the identification of mental health issues in children, adolescents, and adults, the role the
 27 educational system has in the identification and treatment of mental health issues, the
 28 impact mental health issues have on the court system and correctional system, the legal and
 29 systemic barriers to treatment of mental illnesses, workforce shortages that impact the
 30 delivery of care, whether there is sufficient access to mental health services and supports
 31 and the role of payers in such access, the impact on how untreated mental illness can
 32 impact children into adulthood, the need for aftercare for persons exiting the criminal
 33 justice system, and the impact of mental illness on the state's homeless population.
 34 (b) As used in this article, the term 'commission' means the Georgia Mental Health Reform
 35 and Innovation Commission.

36 37-1-112.

37 (a) The commission shall be composed of 21 members as follows:

38 (1) The following members appointed by the Governor:

39 (A) A chairperson;

40 (B) A psychiatrist who specializes in children and adolescents;

41 (C) A psychiatrist who specializes in adults;

42 (D) A health care provider with expertise in traumatic brain injuries;

43 (E) A state education official with broad experience in education policy;

44 (F) A chief executive officer of a mental health facility;

45 (G) A forensic psychologist; and

46 (H) A local education official;

47 (2) The following members appointed by the President of the Senate:

48 (A) Two members of the Senate;

49 (B) A sheriff;

50 (C) A licensed clinical mental health professional; and

51 (D) A mental health advocate;

52 (3) The following members appointed by the Speaker of the House of Representatives:

53 (A) Two members of the House of Representatives;

54 (B) A police chief;

55 (C) A licensed clinical mental health professional; and

56 (D) A mental health advocate; and

57 (4) The following members appointed by the Chief Justice of the Supreme Court of
 58 Georgia:

59 (A) One Justice of the Supreme Court of Georgia; and

60 (B) Two judges.

61 (b) Each nonlegislative member of the commission shall be appointed to serve for a term
 62 of two years or until his or her successor is duly appointed. Legislative members of the
 63 commission shall serve until completion of their current terms of office. Any member may
 64 be appointed to succeed himself or herself on the commission. If a member of the
 65 commission is an elected or appointed official, such member, or his or her designee, shall
 66 be removed from the commission if such member no longer serves as such elected or
 67 appointed official.

68 (c) The following members shall serve as nonvoting ex officio members of the
 69 commission:

70 (1) Commissioner of the Department of Behavioral Health and Developmental
 71 Disabilities or his or her designee;

72 (2) Commissioner of the Department of Juvenile Justice or his or her designee;

73 (3) Commissioner of the Department of Corrections or his or her designee;

74 (4) Commissioner of the Department of Community Health or his or her designee; and

75 (5) Director of the Georgia Bureau of Investigation or his or her designee.

76 (d) The commission may elect officers, other than the chairperson, as it deems necessary.
 77 The chairperson shall vote only to break a tie.

78 (e) The commission shall be attached for administrative purposes only to the Office of
 79 Planning and Budget. The Office of Planning and Budget and the Department of
 80 Behavioral Health and Developmental Disabilities shall provide staff support for the
 81 commission. The Office of Planning and Budget and the Department of Behavioral Health
 82 and Developmental Disabilities shall use any funds specifically appropriated to such office
 83 and department to support the work of the commission.

84 37-1-113.

85 (a) The commission may conduct meetings at such places and times as it deems necessary
 86 or convenient to enable it to fully and effectively exercise its powers, perform its duties,
 87 and accomplish the objectives and purposes of this article. The commission shall hold
 88 meetings at the call of the chairperson. The commission shall meet not less than twice
 89 every year.

90 (b) Until the conclusion of the settlement agreement with the United States Department
 91 of Justice, the agenda for any meeting of the commission shall be submitted to the
 92 Governor's Executive Counsel for prior approval.

93 (c) A quorum for transacting business shall be a majority of the members of the
 94 commission.
 95 (d) Legislative members of the commission shall receive the allowances provided for in
 96 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
 97 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
 98 transportation allowance authorized for state employees. Members of the commission who
 99 are state officials, other than legislative members, or state employees shall receive no
 100 compensation for their services on the commission, but shall be reimbursed for expenses
 101 incurred by them in the performance of their duties as members of the commission in the
 102 same manner as they are reimbursed for expenses in their capacities as state officials or
 103 state employees. The funds necessary for the reimbursement of the expenses of state
 104 officials, other than legislative members, and state employees shall come from funds
 105 appropriated to or otherwise available to their respective departments. All other funds
 106 necessary to carry out the provisions of this article shall come from funds appropriated to
 107 the Senate and the House of Representatives.

108 37-1-114.

109 (a) The commission shall have the following duties:

110 (1) To review the conditions, needs, issues, and problems related to mental health issues
 111 in this state and to recommend any action, including proposed changes to rules,
 112 regulations, policies, and programs, and proposed legislation which the commission
 113 deems necessary or appropriate;

114 (2) To evaluate and consider the best practices, experiences, and results of legislation in
 115 other states with regard to the mental health system with respect to both children and
 116 adults; and

117 (3) To annually report on the work of the commission to the Governor, President of the
 118 Senate, and Speaker of the House of Representatives.

119 (b) The commission shall have the following powers:

120 (1) To evaluate how the laws, rules, regulations, policies, and programs affecting the
 121 mental health system in this state are working;

122 (2) To request and receive data from and review the records of appropriate state agencies
 123 and courts to the greatest extent allowed by state and federal law;

124 (3) To accept public or private grants, devises, and bequests;

125 (4) To authorize entering into contracts or agreements through the commission's
 126 chairperson necessary or incidental to the performance of its duties;

127 (5) To establish rules and procedures for conducting the business of the commission; and

128 (6) To conduct studies, hold public meetings, collect data, or take any other action the
129 commission deems necessary to fulfill its responsibilities.

130 (c) The commission shall be authorized to retain the services of attorneys, consultants,
131 subject matter experts, economists, budget analysts, data analysts, statisticians, and other
132 individuals or organizations as determined appropriate by the commission. Such services
133 may be obtained through a request for proposal process conducted through the Office of
134 Planning and Budget; provided, however, that any final selection shall be approved by the
135 commission.

136 37-1-115.

137 (a) The chairperson of the commission shall appoint the following subcommittees from
138 among the membership of the commission and may also appoint up to two other
139 noncommission-member persons as he or she may determine to be necessary as relevant
140 to and consistent with this article:

141 (1) Children and Adolescent Mental Health;

142 (2) Involuntary Commitment;

143 (3) Hospital and Short-Term Care Facilities;

144 (4) Mental Health Courts and Corrections; and

145 (5) Workforce and System Development.

146 (b) The chairperson, at his or her discretion, may designate and appoint other
147 subcommittees from among the membership of the commission and may also appoint up
148 to two other noncommission-member persons as he or she may determine to be necessary
149 as relevant to and consistent with this article.

150 37-1-116.

151 The commission shall be abolished and this article shall stand repealed on June 30, 2023."

152 **SECTION 2.**

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