

House Bill 514 (AS PASSED HOUSE AND SENATE)

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 Behavioral Health
3 Reform and Innovation Commission; to provide for legislative findings; to provide for a
4 definition; to provide for members and officers; to provide for meetings, agendas, quorum,
5 and 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 Behavioral Health Reform and Innovation Commission
 24 for the purpose of conducting a comprehensive review of the behavioral health system in
 25 Georgia. Such review shall include the behavioral health services and facilities available
 26 in this state, the identification of behavioral health issues in children, adolescents, and
 27 adults, the role the educational system has in the identification and treatment of behavioral
 28 health issues, the impact behavioral health issues have on the court system and correctional
 29 system, the legal and systemic barriers to treatment of mental illnesses, workforce
 30 shortages that impact the delivery of care, whether there is sufficient access to behavioral
 31 health services and supports and the role of payers in such access, the impact on how
 32 untreated behavioral illness can impact children into adulthood, the need for aftercare for
 33 persons exiting the criminal justice system, and the impact of behavioral illness on the
 34 state's homeless population.

35 (b) As used in this article, the term 'commission' means the Georgia Behavioral Health
 36 Reform and Innovation Commission.

37 37-1-112.

38 (a) The commission shall be composed of 24 members as follows:

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

40 (A) A chairperson;

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

42 (C) A psychiatrist who specializes in adults;

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

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

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

46 (G) A forensic psychologist;

47 (H) A local education official; and

48 (I) A professional who specializes in substance abuse and addiction;

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

50 (A) Two members of the Senate;

51 (B) A sheriff;

52 (C) A licensed clinical behavioral health professional;

53 (D) A behavioral health advocate; and

54 (E) A representative of a community service board;

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

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

57 (B) A police chief;

- 58 (C) A licensed clinical behavioral health professional;
 59 (D) A behavioral health advocate; and
 60 (E) A judge who presides in an accountability court, as defined in Code Section
 61 15-1-18; and
 62 (4) The following members appointed by the Chief Justice of the Supreme Court of
 63 Georgia:
 64 (A) One Justice of the Supreme Court of Georgia; and
 65 (B) Two judges.
 66 (b) Each nonlegislative member of the commission shall be appointed to serve for a term
 67 of two years or until his or her successor is duly appointed. Legislative members of the
 68 commission shall serve until completion of their current terms of office. Any member may
 69 be appointed to succeed himself or herself on the commission. If a member of the
 70 commission is an elected or appointed official, such member, or his or her designee, shall
 71 be removed from the commission if such member no longer serves as such elected or
 72 appointed official.
 73 (c) The following members shall serve as nonvoting ex officio members of the
 74 commission:
 75 (1) Commissioner of the Department of Behavioral Health and Developmental
 76 Disabilities or his or her designee;
 77 (2) Commissioner of the Department of Juvenile Justice or his or her designee;
 78 (3) Commissioner of the Department of Corrections or his or her designee;
 79 (4) Commissioner of the Department of Community Health or his or her designee;
 80 (5) Commissioner of the Department of Community Supervision;
 81 (6) Director of the Georgia Bureau of Investigation or his or her designee; and
 82 (7) Director of the Division of Family and Children Services of the Department of
 83 Human Services or his or her designee.
 84 (d) The commission may elect officers, other than the chairperson, as it deems necessary.
 85 The chairperson shall vote only to break a tie.
 86 (e) The commission shall be attached for administrative purposes only to the Office of
 87 Planning and Budget. The Office of Planning and Budget and the Department of
 88 Behavioral Health and Developmental Disabilities shall provide staff support for the
 89 commission. The Office of Planning and Budget and the Department of Behavioral Health
 90 and Developmental Disabilities shall use any funds specifically appropriated to such office
 91 and department to support the work of the commission.
 92 37-1-113.

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

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

101 (c) A quorum for transacting business shall be a majority of the members of the
 102 commission.

103 (d) Legislative members of the commission shall receive the allowances provided for in
 104 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
 105 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
 106 transportation allowance authorized for state employees. Members of the commission who
 107 are state officials, other than legislative members, or state employees shall receive no
 108 compensation for their services on the commission, but shall be reimbursed for expenses
 109 incurred by them in the performance of their duties as members of the commission in the
 110 same manner as they are reimbursed for expenses in their capacities as state officials or
 111 state employees. The funds necessary for the reimbursement of the expenses of state
 112 officials, other than legislative members, and state employees shall come from funds
 113 appropriated to or otherwise available to their respective departments. All other funds
 114 necessary to carry out the provisions of this article shall come from funds appropriated to
 115 the Senate and the House of Representatives.

116 37-1-114.

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

118 (1) To review the conditions, needs, issues, and problems related to behavioral health
 119 issues in this state and to recommend any action, including proposed changes to rules,
 120 regulations, policies, and programs, and proposed legislation which the commission
 121 deems necessary or appropriate;

122 (2) To evaluate and consider the best practices, experiences, and results of legislation in
 123 other states with regard to the behavioral health system with respect to both children and
 124 adults; and

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

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

- 128 (1) To evaluate how the laws, rules, regulations, policies, and programs affecting the
 129 behavioral health system in this state are working;
 130 (2) To request and receive data from and review the records of appropriate state agencies
 131 and courts to the greatest extent allowed by state and federal law;
 132 (3) To accept public or private grants, devises, and bequests;
 133 (4) To authorize entering into contracts or agreements through the commission's
 134 chairperson necessary or incidental to the performance of its duties;
 135 (5) To establish rules and procedures for conducting the business of the commission; and
 136 (6) To conduct studies, hold public meetings, collect data, or take any other action the
 137 commission deems necessary to fulfill its responsibilities.
 138 (c) The commission shall be authorized to retain the services of attorneys, consultants,
 139 subject matter experts, economists, budget analysts, data analysts, statisticians, and other
 140 individuals or organizations as determined appropriate by the commission. Such services
 141 may be obtained through a request for proposal process conducted through the Office of
 142 Planning and Budget; provided, however, that any final selection shall be approved by the
 143 commission.

144 37-1-115.

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

- 149 (1) Children and Adolescent Behavioral Health;
 150 (2) Involuntary Commitment;
 151 (3) Hospital and Short-Term Care Facilities;
 152 (4) Mental Health Courts and Corrections; and
 153 (5) Workforce and System Development.

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

158 37-1-116.

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

160 **SECTION 2.**

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