

The Senate Committee on Health and Human Services offered the following substitute to SB 293:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county
2 boards of health, so as to revise the manner of selection and qualifications of district health
3 directors; to provide for the appointment of an interim district health director; to provide for
4 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards
9 of health, is amended by revising Code Section 31-3-11, relating to appointments of director
10 and staff and supervision, as follows:

11 "31-3-11.

12 ~~(a) The county board of health shall appoint as its chief executive officer a director who~~
13 ~~shall be a physician licensed to practice medicine under Chapter 34 of Title 43 and who~~
14 ~~otherwise meets the requirements of the rules of the State Personnel Board. The director,~~
15 ~~subject to the approval of the county board of health, shall designate aides and assistants~~

16 ~~pursuant to the budget adopted by the county board of health in accordance with Code~~
17 ~~Section 31-3-14.~~

18 (b) Each employee of a county board of health whose duties include enforcing those
19 environmental health laws of this state or environmental health regulations of that board
20 of health relating to septic tanks or individual sewage management systems shall be subject
21 to the direction and supervision of the district director of environmental health, although
22 the hiring and termination from employment of such employee shall be subject to the
23 director of that county board of health. The employment activities of such employee with
24 regard to environmental health shall be reported to the director of environmental health
25 through the district director of environmental health at least quarterly. The director of
26 environmental health may recommend to that director of that county board of health
27 personnel actions, including but not limited to termination, which the director of
28 environmental health deems appropriate for such employee's failure or refusal to comply
29 with the direction of the director of environmental health in the carrying out of the
30 environmental health employment duties of such employee. As used in this subsection, the
31 term 'director of environmental health' means the director of environmental health of the
32 Department of Public Health."

33

SECTION 2.

34 Said chapter is further amended by revising Code Section 31-3-12, relating to duties of
35 director, as follows:

36 "31-3-12.

37 (a) The commissioner shall appoint a district health director for each health district to
38 serve as the chief executive officer of each local health department in that district. The
39 county boards of health of the constituent counties shall, at the call of the commissioner,
40 meet in joint session to approve, by a majority vote, the selection of a director appointed
41 by the commissioner to serve such boards in common. A county board of health is

42 authorized to appoint one of its members to represent the board at a joint meeting for this
43 purpose.

44 (b) The district health director must meet the requirements and rules of the State Personnel
45 Board and either be licensed to practice medicine under Chapter 34 of Title 43, or if not so
46 licensed, at a minimum, have a master's degree in public health. If not licensed, the district
47 health director shall select a physician who is licensed to practice medicine under
48 Chapter 34 of Title 43 to serve as the chief medical officer overseeing the clinical programs
49 within local health departments. The district health director may also serve as the chief
50 medical officer if he or she is licensed to practice medicine under Chapter 34 of Title 43
51 and meets the requirements of the rules of the State Personnel Board. The district health
52 director shall serve under the supervision of the commissioner and is subject to personnel
53 action by the commissioner. The district health director shall designate such personnel
54 necessary for the appropriate performance of duties and proper exercise of powers subject
55 to the budget.

56 (c) Upon a vacancy of a district health director for any reason, the commissioner is
57 authorized to appoint an interim district health director without county board of health
58 approval until a permanent district health director is appointed and approved by vote of the
59 county boards of health.

60 (d) Subject to the policies and directives of the county board of health and the policies and
61 directives of the multiple county districts served, the director shall perform the functions
62 and exercise the powers set forth in this chapter except the power to adopt bylaws and to
63 adopt rules and regulations and may delegate the powers and authority conferred, or any
64 part thereof, to one or more individuals as he or she may deem appropriate. The director
65 shall devote his or her entire time to the service of the county board of health and to the
66 multiple county districts, where created, and shall be vigilant in procuring compliance with
67 its rules and regulations and with Georgia health laws and rules and regulations adopted
68 thereunder that have application within the county and district. He or she shall make

69 reports to the county board of health and the agency in charge of the multiple county
70 district in such manner and form and with such frequency as required by it and shall also
71 report to the department in such manner, detail, and form as the department may specify."

72

SECTION 3.

73 Said chapter is further amended by revising subsection (a) of Code Section 31-3-12.1,
74 relating to contracts between county boards and authorization for and provisions applicable
75 to county board of health serving as community service board, as follows:

76 "(a) In addition to any other power authorized by law, the county governing authority may
77 authorize the county board of health to enter into a contract with the Department of
78 Behavioral Health and Developmental Disabilities or a community mental health,
79 developmental disabilities, and addictive diseases service board created under Chapter 2
80 of Title 37 to provide certain mental health, developmental disabilities, and addictive
81 diseases services based on the contractual agreement between the parties. In the event that
82 the county governing authority exercises the authority granted by this subsection, the
83 county board of health shall appoint a director for mental health, developmental
84 disabilities, and addictive diseases or a supervisor of the specific service which is being
85 provided by the county board of health, whichever is applicable, who shall meet the
86 requirements established by this subsection. The director for mental health, developmental
87 disabilities, and addictive diseases, or the service supervisor, shall not be required to be a
88 physician and shall be a person other than the director of the county board of health
89 appointed pursuant to Code Section ~~31-3-11~~ 31-3-12. Further, such director for mental
90 health, developmental disabilities, and addictive diseases or such supervisor of the specific
91 service shall report directly to the county board of health and shall have no formal reporting
92 relationship with the director of the county board of health."

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SECTION 4.

94 Said chapter is further amended by revising Code Section 31-3-15, relating to establishment
95 of health districts, as follows:

96 "31-3-15.

97 The department is authorized, with the consent of the boards of health and the county
98 authorities of the counties involved, to establish health districts composed of one or more
99 counties. ~~The county boards of health of the constituent counties shall, at the call of the~~
100 ~~commissioner, meet in joint session to approve the selection of a director appointed by the~~
101 ~~commissioner to serve such boards in common. A county board of health is authorized to~~
102 ~~appoint one of its members to represent the board at a joint meeting for this purpose. The~~
103 ~~director shall be a physician who is licensed to practice medicine under Chapter 34 of~~
104 ~~Title 43 and who otherwise meets the requirements of the rules of the State Personnel~~
105 ~~Board. The district director shall have the same powers, duties, and responsibility as a~~
106 ~~director serving a single county board of health.~~ To further the purposes of this Code
107 section, county boards of health may contract with each other for the provision of
108 multicounty services and also exercise any additional powers as authorized by
109 paragraph (7) of subsection (a) of Code Section 31-3-4; and in the performance of such
110 contracts a county board of health may utilize its employees in other counties."

111

SECTION 5.

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