

Senate Bill 188

By: Senators Esteves of the 35th, Jones II of the 22nd, Islam Parkes of the 7th, Jackson of the 41st, Kemp of the 38th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to services for the aging, so as to create the Georgia
3 Adult and Aging Services Agency; to provide for definitions; to provide for the creation of
4 the Georgia Adult and Aging Services Board; to provide for membership, powers, and duties;
5 to provide for an agency executive director; to provide for executive personnel; to provide
6 for transfer of property, personnel, and funding from the Department of Human Services and
7 the Division of Aging Services; to provide for further authorizations; to provide for receipt
8 of funds and appropriations; to provide for an annual report; to provide for related matters;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to
13 general provisions relative to services for the aging, is amended by repealing said article in
14 its entirety and enacting a new Article 1 to read as follows:

15

"ARTICLE 116 49-6-1.

17 (a) The constantly increasing proportion of older people within the population of this state
18 and the increasing gravity of the human distress and the loss accruing to the entire society
19 as a result of the limitations and disadvantages confronting older people in maintaining
20 their economic self-sufficiency and personal well-being and realizing their maximum
21 potential as contributors to their community, state, and nation are matters of profound
22 import and concern for all the people of this state.

23 (b) It is, therefore, necessary and of the utmost importance to encourage the development
24 and maintenance within this state of a comprehensive and coordinated network of public
25 and private facilities for the alleviation or correction of these limitations and disadvantages
26 and to encourage the conducting of continuous study and research into the needs and
27 problems of older people under present and future economic and social conditions because
28 it is essential for the prevention of dependency and the conservation of human values and
29 a necessity in safeguarding and fostering the general welfare.

30 (c) It is, therefore, declared to be the intent of the General Assembly by the passage of this
31 article to provide for encouragement of the development, maintenance, and coordination
32 of the aforementioned facilities.

33 49-6-2.34 As used in this article, the term:

35 (1) 'Adult guardianship services' means the services provided by the agency to adults
36 when the local probate court has determined that the adult needs a guardian and appoints
37 the agency as the guardian of last resort.

38 (2) 'Adult services' means programs and services for adults, including but not limited to
39 programs and services authorized by the federal Older Americans Act of 1965 and other

40 state and federal laws, regulations, grants, initiatives, demonstration programs, and pilot
41 programs or supported through private initiatives that are provided by the agency, that are
42 in addition to aging services.

43 (3) 'Agency' means the Georgia Adult and Aging Services Agency.

44 (4) 'Aging services' means those programs and services for older adults and persons with
45 disabilities that are principally focused on home and community based services, including
46 but not limited to programs and services authorized by the federal Older Americans Act
47 of 1965 and other state and federal laws, regulations, grants, initiatives, demonstration
48 programs, and pilot programs or supported through private initiatives that are provided
49 by the agency.

50 (5) 'Alzheimer's and Related Dementias State Plan' shall have the same meaning as 'state
51 plan' as set forth in Code Section 49-6-91.

52 (6) 'Board' means the Georgia Adult and Aging Services Board.

53 (7) 'Director' means the executive director of the agency selected by the board.

54 (8) 'Older adult' means an individual who is 60 years of age or older or who otherwise
55 qualifies for aging services by the terms of the program, grant, or initiative under which
56 the individual is being served.

57 (9) 'Person with disabilities' means an individual having a physical or mental impairment
58 that substantially limits one or more of the major life activities.

59 (10) 'Regulations' means regulations made by the director with the approval of the board
60 and promulgated in the manner prescribed by law.

61 49-6-3.

62 (a) There is created the Georgia Adult and Aging Services Board. The board shall consist
63 of seven members who work or have worked in the area of adult or aging services, who are
64 recipients of adult or aging services, or who are eligible to receive services provided by the
65 agency; provided, however, that two members shall be older adults.

66 (b) The members of the board shall be appointed as follows: two members shall be
67 appointed by the Governor, two members shall be appointed by the Speaker of the House
68 of Representatives, two members shall be appointed by the Lieutenant Governor and one
69 member shall be appointed by the director. The first members shall be appointed to take
70 office on July 1, 2025, for initial terms as follows: three such members shall be appointed
71 for terms of one year, two such members shall be appointed for terms of two years, and two
72 such members shall be appointed for terms of three years. Thereafter, the successors shall
73 be appointed by the respective appointing authority upon the expiration of the respective
74 terms of office for terms of three years. All such members shall serve until their successors
75 are appointed and qualified. Such members shall be eligible for reappointment to
76 successive terms of office as members of the board.

77 (c) Vacancies in office shall be filled by appointment by the respective appointing
78 authority in the same manner as the appointment to the position on the board. An
79 appointment to fill a vacancy other than by expiration of a term of office shall be for the
80 balance of the unexpired term. If a vacancy remains unfilled for six months, the board
81 shall be authorized to fill the vacancy in accordance with the process described in this Code
82 section.

83 (d) Members of the board may be removed from office under the same conditions for
84 removal from office of members of professional licensing boards provided for in Code
85 Section 43-1-17.

86 (e) There shall be a chairperson of the board elected by and from the membership of the
87 board who shall be the presiding officer of the board. The term of the chairperson shall be
88 established by rules of the board.

89 (f) A quorum for transacting business shall be determined by the members of the board.

90 (g) The members of the board shall receive a per diem allowance and expenses as shall be
91 set and approved by the Office of Planning and Budget in conformance with rates and
92 allowances set for members of other state boards.

93 (h) In addition to the powers and duties set forth in this article, the board shall recommend
94 to the Governor and the General Assembly changes in state programs, statutes, policies,
95 budgets, and standards relating to aging services, the improvement of coordination among
96 state and local agencies that provide aging services, and the improvement of the condition
97 of citizens who are in need of the services of the agency.

98 49-6-4.

99 (a) The board shall select a director. The director shall have experience with adult or
100 aging services provided by the agency with particular, demonstrated experience with home
101 and community based services. The director shall serve at the pleasure of the board.

102 (b) In carrying out his or her duties under this article, the director shall:

103 (1) Be authorized to convene one or more panels of experts to address various adult and
104 aging issues, including but not limited to health, employment, volunteering, long-term
105 care, home and community based services, protective services, caregiver support, adult
106 education, transportation, and housing, and may consult with experts on aging issues;

107 (2) Establish policies and procedures for the operation of the agency as the director finds
108 necessary for the purposes of this article, including appropriate subordinate
109 administrative units within the agency;

110 (3) Establish personnel requirements and hire executive personnel, including a deputy
111 director, chief financial officer, and chief operating officer, and other personnel as the
112 director deems necessary for the efficient performance of all functions of the agency;

113 (4) Prepare and submit to the board:

114 (A) An annual Alzheimer's and Related Dementias State Plan;

115 (B) Annual reports of activities and expenditures;

116 (C) Such plans for restructuring of the agency as the director determines appropriate
117 for action by the board;

118 (D) Estimates of sums required for carrying out this article and the proposed budget
119 request for comment by the board prior to the director's presentation to the Governor
120 and General Assembly for their action;

121 (E) Such other actions as the director believes necessary for board approval;

122 (F) Prepare and present to the Governor, General Assembly, and their respective
123 designees the agency's budget reports, requests, and any other financial information
124 requested by the Governor, General Assembly, or their respective designees; and

125 (G) Prepare and submit certification for disbursement, in accordance with regulations,
126 of funds available for carrying out the purposes of this article; and

127 (5) Delegate to any executive officer or other employee of the agency such of the
128 director's powers and duties, except the making of regulations and the appointment of
129 executive personnel, as he or she finds necessary to carry out the purposes of this article.

130 49-6-5.

131 (a)(1) The Georgia Adult and Aging Services Agency is created and established to
132 perform the functions and assume the duties, powers, and authority exercised by the
133 Division of Aging Services within the department on June 30, 2025. The agency
134 established by this Code section shall have the functions, duties, powers, and
135 responsibilities assigned by the board and the commissioner and as assigned by or as
136 provided by law.

137 (2) The agency shall be assigned to the department for administrative purposes only, as
138 prescribed in Code Section 50-4-3, except that the agency shall not be subject to
139 paragraph (2) of subsection (a) and paragraph (4) of subsection (b) of said Code section
140 providing for budget submission through the department. The agency shall submit its
141 budget separately and directly to the Governor and the General Assembly.

142 (3) On July 1, 2025, the powers, functions, duties, programs, institutions, and authority
143 of the agency relating to the former Division of Aging Services within the department

144 shall be transferred to the agency pursuant to this article. The agency shall take all
145 necessary steps to ensure continuity of services for the older adults and persons with
146 disabilities the agency serves during such transfer. The policy-making functions which
147 were vested in the department as they pertained to the Division of Aging Services shall
148 be vested in the agency effective July 1, 2025.

149 (b) The agency shall be administered by a director appointed pursuant to Code
150 Section 49-6-4.

151 (c) Any proceedings or other matters pending before the Division of Aging Services of the
152 department on June 30, 2025, which relate to the functions transferred to the agency shall
153 be transferred to the agency on July 1, 2025.

154 (d) The agency shall assume possession and control of all records, papers, equipment,
155 supplies, office space, and all other tangible property possessed and controlled by the
156 department as of June 30, 2025, in the department administration of the Division of Aging
157 Services. All funds attributable to the Division of Aging Services and its programs from
158 state, federal, and any other public or private source shall be transferred to the agency on
159 July 1, 2025.

160 (e) On July 1, 2025, the agency shall receive custody of any state owned property in the
161 custody of the department on June 30, 2025, which pertains to the functions transferred
162 from the Division of Aging Services to the agency.

163 (f) Prior to July 1, 2025, the Office of Planning and Budget shall calculate, in consultation
164 with the department and the Division of Aging Services, the amount of all funds of, or
165 attributable to, the Division of Aging Services and its programs from any source that is
166 used to provide administrative or other services within the department. The amount
167 calculated shall be transferred to the agency on July 1, 2025.

168 (g) All officers, employees, and agents of the Division of Aging Services who, on June 30,
169 2025, are engaged in the performance of a function or duty which shall be vested in the
170 agency on July 1, 2025, by this article, shall be automatically transferred to the agency on

171 July 1, 2025. An equivalent number of positions or funds of the department which provide
172 administrative support to the Division of Aging Services shall be transferred to the agency
173 on July 1, 2025. Such persons shall be subject to the employment practices and policies
174 of the agency on and after July 1, 2025, but shall receive compensation and benefits
175 consistent with the compensation and benefits of other employees of the department
176 holding positions substantially the same as the transferred employees; the compensation
177 and benefits of such transferred employees shall not be reduced. Employees who are
178 subject to the rules of the State Personnel Board and who are transferred to the agency shall
179 retain all existing rights under such rules. Accrued annual and sick leave shall be retained
180 by such employees as employees of the agency. The department shall be responsible for
181 payment of the accrued Fair Labor Standards Act compensatory time possessed by such
182 employees. Such accrued compensatory time shall be used by or paid to such employees
183 prior to July 1, 2025.

184 (h)(1) The agency is the designated state unit for purposes of administering the Older
185 Americans Act of 1965 and related programs and services, the Alzheimer's and Related
186 Dementias State Plan, long-term services and supports, adult guardianship services
187 provided by the Division of Aging Services, all other services provided by the Division
188 of Aging Services, and all other programs and services appropriate to the agency.

189 (2) The agency shall conform to federal standards in all respects necessary for receiving
190 federal grants, and the director is authorized and empowered to effect such changes as
191 may, from time to time, be necessary in order to comply with such standards.

192 (3) The agency shall take all necessary steps to secure at a minimum the same level of
193 benefits provided pursuant to relevant federal statutes and appropriations received by the
194 Division of Aging Services of the department prior to June 30, 2025. The department
195 shall also amend the Alzheimer's and Related Dementias State Plan if necessary to meet
196 federal funding requirements.

197 (4) The agency is authorized to employ, on a full-time or part-time basis, such medical,
198 psychiatric, social work, supervisory, institutional, and other professional personnel and
199 such clerical and other employees as may be necessary to discharge the duties of the
200 agency under this article. The agency is also authorized to contract for such professional
201 services as may be necessary.

202 (5) Classified employees of the agency under this article shall in all instances be
203 employed and dismissed in accordance with rules and regulations of the State Personnel
204 Board.

205 (i) The agency shall succeed to all rules, regulations, policies, procedures, and
206 administrative orders of the department which are in effect on June 30, 2025, and which
207 relate to the functions of the Division of Aging Services. Such rules, regulations, policies,
208 procedures, and administrative orders shall remain in effect until amended, repealed,
209 superseded, or nullified by proper authority or as otherwise provided by law.

210 (j) The rights, privileges, entitlements, and duties of parties to contracts, leases,
211 agreements, and other transactions entered into before July 1, 2025, by the department or
212 the Division of Aging Services pertaining to the Division of Aging Services shall continue
213 to exist, and none of such rights, privileges, entitlements, and duties are impaired or
214 diminished by reason of the transfer of the functions to the agency provided for in this
215 article. In all such instances, the agency shall be substituted for the department or the
216 Division of Aging Services, and the agency shall succeed to the rights, privileges,
217 entitlements, and duties under such contracts, leases, agreements, and other transactions.

218 (k) The agency shall design service delivery regions as appropriate to the programs and
219 services it administers and shall be exempt from Code Section 50-4-7.

220 (l)(1) The agency shall oversee the independent operation of the long-term care
221 ombudsman program through the office of the state long-term care ombudsman.

222 (2) The long-term care ombudsman shall be hired by the director and shall act
223 independently of the director, agency, and board.

224 (3) The agency shall support the office of the state long-term care ombudsman with
225 administrative functions.

226 (4) Determination and implementation of policies and procedures and other substantive
227 operations of the long-term care ombudsman program shall be the responsibility of the
228 office of the state long-term care ombudsman and shall be separate and independent of
229 the director, agency, and board.

230 49-6-6.

231 (a) The agency shall constitute the designated state agency to handle all programs of the
232 federal government relating to the aging and requiring acts within this state which are not
233 the specific responsibility of another state agency under provisions of federal or state law.
234 Authority is conferred upon the agency to accept and disburse any funds available or which
235 might become available pursuant to the purposes set out in this article.

236 (b) The agency shall study, investigate, promote, plan, and execute a program to meet the
237 present and future needs of older adults of this state, and it shall receive the cooperation of
238 all other state departments and agencies in carrying out a coordinated program.

239 (c) It shall also be the duty of the agency to encourage and assist in the development of
240 programs for older adults in the counties, towns, and cities of this state. The agency shall
241 consult and cooperate with public and private agencies, county and municipal officers and
242 agencies, and any federal or state agency or officer for the purpose of promoting
243 coordination between state and local plans and programs and between state and interstate
244 plans and programs for older adults.

245 (d) The agency shall provide such adult services as the Governor or General Assembly
246 shall determine appropriate to the agency, including adult guardianship services.

247 49-6-7.

248 The agency is authorized to:

- 249 (1) Promote the health of and medical services for older adults by working with
250 professional associations, hospitals, and institutions;
- 251 (2) Promote the rehabilitation of incapacitated adults and older adults;
- 252 (3) Establish a state-wide coordinated program with participation of employers,
253 employee's organizations, and state and local agencies to promote greater and more
254 suitable employment opportunities for older adults;
- 255 (4) Establish a program of research and education on housing by either public or private
256 means as well as by the establishment of self-sustaining cooperative dwelling projects for
257 older adults;
- 258 (5) Plan and promote recreational facilities for older adults;
- 259 (6) Develop a program of education designed for older adults on subjects of particular
260 concern to them;
- 261 (7) Encourage further research in the colleges and universities of this state on problems
262 of older adults;
- 263 (8) Encourage training of personnel to handle problems of older adults;
- 264 (9) Promote community education in the problems of older adults through institutions,
265 publications, radio, television, and the press;
- 266 (10) Provide consultation to communities and groups developing state-wide or local
267 services for older adults;
- 268 (11) Provide consultation to the various departments of state government concerning
269 matters relating to older adults;
- 270 (12) Inquire into and make recommendations to the appropriate agencies, public or
271 private, on any matter affecting the behavior, care, or welfare of older adults;
- 272 (13) Enlist the aid of public and private agencies concerned with the welfare of older
273 adults and study and report on the functions and facilities of governmental agencies and
274 institutions charged with the care, control, protection, and rehabilitation of older adults;

275 (14) Serve as a communications clearing-house for information in the large and complex
276 fields of human relationships with respect to older adults;

277 (15) Conduct or participate financially in conducting demonstration projects with
278 counties, municipalities, or public or private agencies concerned with problems of older
279 adults; and

280 (16) Appoint such committees as it deems necessary for carrying out the purposes of this
281 article. Members of such committees shall not be entitled to compensation.

282 49-6-8.

283 The agency is authorized to utilize funds made available from appropriations by Congress,
284 gifts or grants from private sources, appropriations by the General Assembly, or transfer
285 of funds from other state agencies or departments, including funds from the Home
286 Delivered Meals, Transportation Services for the Elderly, and Preschool Children with
287 Special Needs Fund provided for in Code Section 49-1-7, provided that such special
288 funding relates to providing adult and aging services.

289 49-6-9.

290 The agency may receive and accept on behalf of the state any grant or grant-in-aid from the
291 federal government or any grant, gift, bequest, or devise from any other source and title
292 shall pass to the state unless otherwise specified by the grantor.

293 49-6-10.

294 Beginning in 2026, it shall be the duty of the agency to submit an annual report to the
295 Governor and to notify the General Assembly of such report on or before January 1 of each
296 year. Such report shall set forth the results of the agency's studies, accomplishments, and
297 recommendations, if any, for legislation. The agency shall not be required to distribute
298 copies of the annual report to the members of the General Assembly but shall notify the

299 members of the availability of the report in the manner which it deems to be most effective
300 and efficient.

301 49-6-11.

302 All expenses incurred in administering and carrying this article into effect shall be paid out
303 of funds appropriated by the General Assembly for such purpose or out of such other funds
304 as may be made available.

305 49-6-12.

306 The director is authorized and empowered, with the approval of the board, to accept and
307 use gifts made unconditionally, by will or otherwise, for carrying out the purposes of this
308 article. Gifts made under such conditions as are proper and consistent with this article may
309 be so accepted and shall be held, invested, reinvested, and used in accordance with the
310 conditions of the gift."

311

SECTION 2.

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