

The Senate Committee on Health and Human Services offered the following substitute to SB 198:

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 Georgians with Intellectual and
3 Developmental Disabilities Innovation Commission; to provide for legislative findings; to
4 provide for definitions; to provide for members and officers; to provide for meetings,
5 agendas, quorum, and compensation; to provide for the commission's duties and powers; to
6 provide for consultation with subject matter experts designated by the Department of
7 Behavioral Health and Developmental Disabilities and the Department of Community
8 Health; to provide for subcommittees; to provide for automatic repeal; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

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"ARTICLE 815 37-1-130.16 The General Assembly finds and determines that:

17 (1) While the State of Georgia has made progress fulfilling the 2010 settlement
18 agreement with the United States Department of Justice to expand support for adults with
19 IDD in their homes and communities, Senate Resolution 770 was passed during the
20 2021-2022 legislative session to create the Senate Study Committee on People with
21 Intellectual and Developmental Disabilities and Waiver Plan Access. The mission of the
22 committee was to evaluate the impact of the growing population in Georgia and the
23 resultant increasing demand for services for Georgians with IDD, understand and address
24 shortfalls in the direct service provider workforce, and develop a flow of capital
25 investment resources targeted at the development of a comprehensive service structure,
26 to include adequately trained workers; and

27 (2) Based on the research and testimony presented, the committee found the need to
28 establish an IDD innovation commission for long-term strategic planning purposes
29 around such complex issues as managed care, workforce wages and incentives, direct
30 service provider career paths, transportation, housing, employment, systems management,
31 innovation and technology processes, service delivery innovations and technology,
32 planning list management, funds utilization and evaluation, and other topics as needed.

33 37-1-131.34 As used in this article, the term:

35 (1) 'Commission' means the Georgians with Intellectual and Developmental Disabilities
36 Innovation Commission created pursuant to Code Section 37-1-132.

37 (2) 'IDD' means intellectual and developmental disability.

38 37-1-132.

39 There is created the Georgians with Intellectual and Developmental Disabilities Innovation
40 Commission for the purpose of conducting a comprehensive review of the conditions,
41 issues, and problems related to support for Georgians with intellectual and developmental
42 disabilities.

43 37-1-133.

44 (a) The commission shall be composed of 22 members as follows:

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

46 (A) A chairperson;

47 (B) A chief executive officer or agency lead of an IDD direct service provider agency;

48 (C) An IDD direct service provider;

49 (D) A family member who is also the caregiver of an adult with IDD with self-directed
50 supports;

51 (E) A family member who is also the caregiver of an adult with IDD who receives
52 direct services; and

53 (F) An adult with IDD who receives either direct services or self-directed supports;

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

55 (A) Two members of the Senate;

56 (B) A family member who is the caregiver of an adult with IDD with self-directed
57 supports;

58 (C) An adult with IDD who receives either direct services or self-directed supports;

59 (D) An expert in Medicaid eligibility and service delivery;

60 (E) An expert in IDD supportive housing;

61 (F) An employment service provider serving adults with IDD in competitive,
62 integrative environments; and

63 (G) An academic researcher in the field of IDD; and

- 64 (3) The following members appointed by the Speaker of the House of Representatives:
65 (A) Two members of the House of Representatives;
66 (B) A family member who is the caregiver of an adult with IDD who receives direct
67 services;
68 (C) An adult with IDD who receives either direct services or self-directed supports;
69 (D) A special education teacher;
70 (E) An expert in transportation for adults with IDD;
71 (F) A representative from a private IDD advocacy organization; and
72 (G) A clinical researcher in the field of IDD.
- 73 (b) Each nonlegislative member of the commission shall be appointed to serve for a term
74 of two years or until his or her successor is duly appointed. Legislative members of the
75 commission shall serve until completion of their current terms of office. Any member may
76 be appointed to succeed himself or herself on the commission. If a member of the
77 commission is an elected or appointed official, such member, or his or her designee, shall
78 be removed from the commission if such member no longer serves as such elected or
79 appointed official.
- 80 (c) The following officers shall serve as nonvoting ex officio members of the commission:
81 (1) The commissioner or his or her designee;
82 (2) The commissioner of the Department of Community Health or his or her designee;
83 (3) The special education director of the Department of Education or his or her designee;
84 (4) The executive director of the Georgia Vocational Rehabilitation Agency or his or her
85 designee; and
86 (5) The executive director of the Georgia Council on Developmental Disabilities or his
87 or her designee.
- 88 (d) The commission may elect officers, other than the chairperson, as it deems necessary.
89 The chairperson shall vote only to break a tie.

90 (e) The commission shall be attached for administrative purposes only to the department.
91 The department shall provide staff support for the commission. The department shall use
92 any funds specifically appropriated to such department to support the work of the
93 commission.

94 37-1-134.

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

100 (b) Until the conclusion of the settlement agreement with the United States Department
101 of Justice, the agenda for any meeting of the commission shall be submitted to the counsel
102 of record for the state in the *United States of America v. State of Georgia* case for prior
103 approval.

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

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

116 appropriated to or otherwise available to their respective departments. All other funds
117 necessary to carry out the provisions of this article shall come from funds appropriated to
118 the Senate and the House of Representatives.

119 37-1-135.

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

121 (1) To review the conditions, needs, issues, and problems related to support for
122 Georgians with IDD and to recommend any action, including proposed changes to rules,
123 regulations, policies, and programs, and proposed legislation which the commission
124 deems necessary or appropriate;

125 (2) To evaluate and consider the best practices, experiences, and results of legislation in
126 other states with regard to both children and adults with IDD; and

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

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

130 (1) To evaluate how the laws, rules, regulations, policies, and programs affecting people
131 with IDD in this state are working;

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

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

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

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

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

140 (c) The commission shall be authorized to retain the services of attorneys, consultants,
141 subject matter experts, economists, budget analysts, data analysts, statisticians, and other

142 individuals or organizations as determined appropriate by the commission. Such services
143 may be obtained through a request for proposal process conducted through the Office of
144 Planning and Budget; provided, however, that any final selection shall be approved by the
145 commission.

146 (d) The department and the Department of Community Health may arrange for and
147 provide IDD professionals to give consultation and subject matter expert advice to the
148 commission. Such professionals may include, but are not limited to, subject matter experts
149 from the following departments, agencies, divisions, institutions, nonprofit organizations,
150 and private advocacy groups:

151 (1) The Division of IDD;

152 (2) The Department of Community Health's Home and Community Based Services
153 program;

154 (3) The Georgia Council on Developmental Disabilities;

155 (4) The Georgia Association of Community Service Boards;

156 (5) The Georgia Association of Community Care Providers;

157 (6) The Georgia Service Providers Association for Developmental Disabilities; and

158 (7) The University of Georgia's Institute on Human Development and Disability.

159 37-1-136.

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

164 (1) Managed Care;

165 (2) Service Delivery Workforce;

166 (3) Planning List and Departmental Innovation;

167 (4) Community and Home Services; and

168 (5) Supportive Employment.

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

173 37-1-137.

174 The commission shall be abolished and this article shall stand repealed on June 30, 2029."

175 **SECTION 2.**

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