

Senate Bill 88

By: Senators Mullis of the 53rd, Watson of the 1st, Harbison of the 15th, Burke of the 11th, Unterman of the 45th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug
 2 abuse treatment and education programs, so as to provide for regulation of narcotic treatment
 3 programs; to provide for a short title; to provide for definitions; to provide for department
 4 authorization to promulgate rules and regulations; to provide for minimum standards of
 5 quality and services for narcotic treatment programs; to provide for licensure of programs;
 6 to provide for an application review committee; to provide for application review
 7 requirements; to provide for the creation of regions; to prohibit certain free services and
 8 financial incentives; to provide for zoning compliance; to provide for record requirements;
 9 to provide for inspections; to provide for license application denial, license revocation, and
 10 license suspension; to provide for appeal; to provide for penalties; to provide for priority
 11 admission for drug dependent pregnant females; to provide for central registry compliance;
 12 to provide for background investigation; to provide for continuation of rules and regulations;
 13 to revise provisions for purposes of conformity; to provide for related matters; to provide for
 14 an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse
 18 treatment and education programs, is amended by designating the existing provisions of
 19 Chapter 5 as Article 1 of said chapter and adding a new article to read as follows:

20 "ARTICLE 2

21 26-5-40.

22 This article shall be known and may be cited as the 'Narcotic Treatment Programs
 23 Enforcement Act.'

24 26-5-41.

25 As used in this article, the term:

26 (1) 'Department' means the Department of Community Health, or its successor.

27 (2) 'Governing body' means the county board of health, the partnership, the corporation,
 28 the association, or the person or group of persons who maintains and controls a narcotic
 29 treatment program, who is legally responsible for its operation, and who holds the license
 30 to operate that program.

31 (3) 'License' means the official permit issued by the department that authorizes the holder
 32 to operate a narcotic treatment program for the term provided therein.

33 (4) 'Licensee' means any person holding a license issued by the department under this
 34 article.

35 (5) 'Narcotic treatment program' means any system of treatment provided for chronic
 36 heroin or opiate-like drug-dependent individuals that administers narcotic drugs under
 37 physicians' orders either for detoxification purposes or for maintenance treatment in a
 38 rehabilitative context offered by any county board of health, partnership, corporation,
 39 association, or person or groups of persons engaged in such administration.

40 (6) 'Patient' means any individual who undergoes treatment in a narcotic treatment
 41 program.

42 26-5-42.

43 The department shall create and promulgate reasonable and necessary minimum standards
 44 of quality and services for narcotic treatment programs. At least the following areas shall
 45 be covered in the rules and regulations:

46 (1) Adequate and safe buildings or housing facilities where programs are offered;

47 (2) Adequate equipment for the delivery of programs;

48 (3) Sufficient trained or experienced staff who are competent in the duties they are to
 49 perform;

50 (4) The content and quality of services to be provided;

51 (5) Requirements for intake, discharge, and aftercare of drug dependent persons;

52 (6) Referral to other appropriate agencies;

53 (7) Continuing evaluation of the effectiveness of programs;

54 (8) Maintenance of adequate records on each drug dependent person treated or advised;

55 (9) A formal plan of cooperation with other programs in the state to allow for continuity
 56 of care for drug dependent persons; and

57 (10) Criteria for providing priority in access to services and admissions to programs for
 58 drug dependent pregnant females.

59 26-5-43.

60 The department is authorized and directed to create and promulgate all rules and
61 regulations necessary for the implementation of this article.

62 26-5-44.

63 No governing body shall operate a narcotic treatment program without having a valid
64 license or provisional license issued pursuant to this article.

65 26-5-45.

66 (a) Application for a license to operate a narcotic treatment program shall be submitted by
67 the governing body to the department in the manner prescribed by rules and regulations and
68 shall contain a comprehensive outline of the program to be offered by the applicant.

69 (b) Proof of compliance with all applicable federal and state laws for the handling and
70 dispensing of drugs and all state and local health, safety, sanitation, building, and zoning
71 codes shall be attached to the narcotic treatment application submitted to the department.

72 26-5-46.

73 (a) The department shall establish an annual or biannual open enrollment period to accept
74 applications for narcotic treatment programs.

75 (b) The department shall establish an information forum for potential applicants prior to
76 the beginning of the open enrollment period that shall be no less than 14 days prior to the
77 start of the open enrollment period. It shall be mandatory for a representative of a
78 prospective applicant for such open enrollment period to attend the information forum.
79 Failure to attend and comply with such record of attendance requirements shall disqualify
80 any applicant from consideration during open enrollment.

81 (c) It shall be mandatory for an applicant to submit a letter of intent stating such applicant's
82 intention to apply for a narcotic treatment program license. Such letter of intent shall
83 include the intended address and region location. The letter shall be delivered to the
84 department at least seven days prior to the beginning of the open enrollment period.

85 (d) The first open enrollment period shall be held December 1, 2017, through
86 December 31, 2017, and the department shall not accept any applications for licensure until
87 December 1, 2017.

88 (e) After the first open enrollment period, the department shall administratively determine
89 the annual or biannual open enrollment period no later than December 1 of the preceding
90 calendar year.

91 26-5-47.

92 (a) The department shall, consistent with the requirements of this Code section, establish
93 an application review process committee. The members of the committee shall include
94 representation from department staff members and the Department of Behavioral Health
95 and Developmental Disabilities.

96 (b) Application requirements shall include, but not be limited to:

97 (1) Data and details regarding treatment and counseling plans;

98 (2) Biographical and qualifications of owners, medical directors, counselors, and other
99 required staff;

100 (3) Data as determined by the department on currently licensed narcotic treatment
101 programs within the region of the proposed location and within a 75 mile radius, whether
102 or not such other programs are outside of the region;

103 (4) Patient levels of currently licensed programs in the proposed region of care and
104 within 75 miles, including:

105 (A) The number of patients admitted to current narcotic treatment programs in the most
106 recent month; and

107 (B) The number of patients served by current narcotic treatment programs in the most
108 recent month;

109 (5) Data on demographic, social, health, economic, alcohol and drug related crimes,
110 alcohol and drug overdoses, and hospital and emergency department admission of
111 individuals addicted to opioids for the program location;

112 (6) Applicant experience operating a narcotic treatment program or working at such
113 program, including a complete history of such experience both within this state and in
114 any other state;

115 (7) Program ownership in other locations, if any, including a complete and accurate
116 description of narcotic treatment program experience, including whether the applicant
117 currently holds, has held, or had revoked any licenses, registrations, enrollments,
118 accreditations, contracts, and network memberships. The applicant shall disclose any
119 adverse actions against the applicant while employed by or as a result of ownership of a
120 narcotic treatment program;

121 (8) Evidence the applicant sought community input for the proposed location from
122 substance abuse advocacy organizations, civic organizations, neighborhood associations,
123 locally elected officials, and other groups;

124 (9) Proof of notification of intent to file an application with all law enforcement offices
125 within a 25 mile radius of the program location;

126 (10) Proof of notification of intent to file an application with all drug courts within a 75
127 mile radius of the program location;

128 (11) A narrative description of and information about adjoining businesses and
 129 occupancies within 200 feet of the facility, including a description of transportation
 130 access, traffic patterns, security features, local area police and crime reports, and
 131 neighborhood safety; and

132 (12) A complete description of the facility's staff and patient parking.

133 (c)(1) A program license shall be nontransferable for a change of a governing body. The
 134 department shall require currently operating programs that have a change of governing
 135 body to submit an application for such change in accordance with its rules and
 136 regulations. However, the department shall waive Code Section 26-5-46, all other
 137 requirements under this Code section, and Code Section 26-5-48 if such governing body
 138 is in good standing with the department.

139 (2) A program license shall be nontransferable for a change of location. The department
 140 shall require currently operating programs that have a change of location to submit an
 141 application for such change in accordance with its rules and regulations. However, the
 142 department shall waive the application requirements for a change of location of a
 143 currently operating program pursuant to Code Section 26-5-46, all other requirements
 144 under this Code section, and Code Section 26-5-48 if such governing body is in good
 145 standing with the department, provided the change of location is within such program's
 146 current region established by this article.

147 (d) Upon application for an additional program by a current licensee, each location
 148 operated by such licensee shall be inspected. Any such location inspected within the
 149 preceding 36 months shall be exempt from such inspection requirement of this subsection.
 150 Such inspections are in addition to all other application requirements for an additional
 151 program application by such licensee.

152 (e) In the event an applicant is unable to obtain patient information from current programs
 153 as required by subsection (b) of the Code section, the department may direct current
 154 narcotic treatment programs to provide such information to the applicant.

155 26-5-48.

156 (a) Prior to the department issuing a license to a governing body for any narcotic treatment
 157 program, the program shall demonstrate the following:

158 (1) Compliance with all state and federal law and regulations;

159 (2) Compliance with all applicable standards of practice;

160 (3) Program structure for successful service delivery; and

161 (4) Impact on the delivery of opioid treatment services of the applicant in the applicable
 162 population.

163 (b) The department shall issue a license to a governing body for any narcotic treatment
164 program which meets all the rules and regulations for such program and the licensing of
165 such program does not exceed four licensed treatment programs per region pursuant to
166 subsection (h) of this Code section.

167 (c) The department will evaluate the applications based on data submitted as required by
168 Code Section 26-5-47.

169 (d) Applications for licensure submitted to the department prior to June 1, 2016, shall not
170 be subject to Code Section 26-5-46 or 26-5-47.

171 (e) Programs licensed prior to June 30, 2017, are not subject to the regional maximum
172 allowable program limitations pursuant to this Code section. However, if a region has four
173 or more licensed programs on July 1, 2017, such region shall be considered to have reached
174 its maximum allowable programs.

175 (f) The department shall establish a review process to determine if a waiver should be
176 granted to an applicant and allow an application to be submitted for review in a region that
177 has four or more licensed narcotic treatment programs. The department shall have full
178 authority to determine the requirements that must be met for a waiver to be considered for
179 review.

180 (g) In the event that the department receives multiple letters of intent before an open
181 enrollment period for a specific region and the ensuing applications will lead to the
182 regional license limit being exceeded, the department shall have the authority to develop
183 a scoring system for the applications submitted and approve a program or programs
184 determined to be most fit for licensure. The department shall develop an appeal process
185 for those applications not selected under such scoring system.

186 (h) For the purpose of narcotic treatment program application evaluation for the
187 department and delivery of services by narcotic treatment programs in communities and
188 to citizens of this state and for the purpose of establishing narcotic treatment programs
189 regional boundaries, there are created 49 regions with those counties designated as follows:

190 (1) Region 1 shall be composed of Dade, Catoosa, Walker, and Chattooga counties;

191 (2) Region 2 shall be composed of Whitfield and Murray counties;

192 (3) Region 3 shall be composed of Gordon and Bartow counties;

193 (4) Region 4 shall be composed of Floyd County;

194 (5) Region 5 shall be composed of Polk and Haralson counties;

195 (6) Region 6 shall be composed of Paulding County;

196 (7) Region 7 shall be composed of Cobb County;

197 (8) Region 8 shall be composed of Douglas County;

198 (9) Region 9 shall be composed of Fulton County;

199 (10) Region 10 shall be composed of Cherokee County;

- 200 (11) Region 11 shall be composed of Forsyth County;
201 (12) Region 12 shall be composed of Fannin, Gilmer, and Pickens counties;
202 (13) Region 13 shall be composed of Towns, Union, Lumpkin, and White counties;
203 (14) Region 14 shall be composed of Rabun, Habersham, and Stephens counties;
204 (15) Region 15 shall be composed of Hart, Franklin, Elbert, Oglethorpe, and Madison
205 counties;
206 (16) Region 16 shall be composed of Banks, Jackson, and Barrow counties;
207 (17) Region 17 shall be composed of Hall and Dawson counties;
208 (18) Region 18 shall be composed of Gwinnett County;
209 (19) Region 19 shall be composed of DeKalb County;
210 (20) Region 20 shall be composed of Clayton County;
211 (21) Region 21 shall be composed of Henry County;
212 (22) Region 22 shall be composed of Rockdale County;
213 (23) Region 23 shall be composed of Clarke and Oconee counties;
214 (24) Region 24 shall be composed of Walton and Newton counties;
215 (25) Region 25 shall be composed of Wilkes, Lincoln, Taliaferro, McDuffie, Warren, and
216 Glascocock counties;
217 (26) Region 26 shall be composed of Columbia, Richmond, and Burke counties;
218 (27) Region 27 shall be composed of Greene, Morgan, Hancock, Putnam, Jasper, Jones,
219 Baldwin, and Wilkinson counties;
220 (28) Region 28 shall be composed of Butts, Lamar, and Monroe counties;
221 (29) Region 29 shall be composed of Fayette, Spalding, Pike, and Upson counties;
222 (30) Region 30 shall be composed of Carroll, Heard, Troup, Coweta, and Meriwether
223 counties;
224 (31) Region 31 shall be composed of Muscogee, Harris, Talbot, Taylor, Marion, and
225 Chattahoochee counties;
226 (32) Region 32 shall be composed of Bibb, Crawford, and Twiggs counties;
227 (33) Region 33 shall be composed of Houston and Peach counties;
228 (34) Region 34 shall be composed of Laurens, Johnson, and Treutlen counties;
229 (35) Region 35 shall be composed of Washington, Jefferson, Emanuel, Candler, and
230 Toombs counties;
231 (36) Region 36 shall be composed of Jenkins, Screven, Bulloch, and Effingham counties;
232 (37) Region 37 shall be composed of Chatham County;
233 (38) Region 38 shall be composed of Bryan, Liberty, McIntosh, Long, Tattnall, and
234 Evans counties;
235 (39) Region 39 shall be composed of Glynn, Camden, Wayne, Appling, and Jeff Davis
236 counties;

- 237 (40) Region 40 shall be composed of Dodge, Telfair, Montgomery, Wheeler, Bleckley,
 238 and Pulaski counties;
- 239 (41) Region 41 shall be composed of Charlton, Ware, Brantley, Pierce, Bacon, and
 240 Coffee counties;
- 241 (42) Region 42 shall be composed of Clinch, Atkinson, Lanier, Berrien, and Cook
 242 counties;
- 243 (43) Region 43 shall be composed of Lowndes, Colquitt, Echols, Brooks, and Thomas
 244 counties;
- 245 (44) Region 44 shall be composed of Tift, Turner, Irwin, and Worth counties;
- 246 (45) Region 45 shall be composed of Dooly, Crisp, Ben Hill, and Wilcox counties;
- 247 (46) Region 46 shall be composed of Dougherty County;
- 248 (47) Region 47 shall be composed of Lee, Sumter, Macon, Schley, Webster, and Stewart
 249 counties;
- 250 (48) Region 48 shall be composed of Calhoun, Baker, Mitchell, Decatur, and Grady
 251 counties; and
- 252 (49) Region 49 shall be composed of Terrell, Randolph, Quitman, Clay, Early, Miller,
 253 and Seminole counties.

254 26-5-49.

255 (a) Narcotic treatment programs shall not provide a bounty, free services, free medication,
 256 or other rewards for patient referral to such program.

257 (b) Narcotic treatment programs shall not provide temporary discounted financial
 258 incentives to a potential patient that does not conform to the schedule of fees established
 259 by such program as required by the department's rules and regulations.

260 26-5-50.

261 Narcotic treatment programs shall fully comply with local zoning requirements.

262 26-5-51.

263 Subject to the limitations of Code Section 26-5-56, the department may require at
 264 reasonable intervals that each licensee shall furnish copies of complete records of each
 265 person treated or advised by the narcotic treatment program.

266 26-5-52.

267 Each licensee shall permit the authorized department representatives to enter upon and
 268 inspect any and all premises upon or in which a program is to be conducted or for which

269 a license has been applied so that verification of compliance with all relevant laws or
270 regulations can be made.

271 26-5-53.

272 The department may deny any license applied for under this article that does not fulfill the
273 minimum requirements which the department shall prescribe by rules and regulations and
274 may suspend or revoke a license which has been issued if an applicant or a licensee violates
275 any of such rules and regulations; provided, however, that before any order is entered
276 denying a license applied for or suspending or revoking a license previously granted, the
277 applicant or licensee, as the case may be, shall be afforded an opportunity for a hearing as
278 provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

279 26-5-54.

280 Notice of a proposed suspension or revocation of a license shall be provided in writing by
281 the department to any licensee so affected within 90 days after the open enrollment period
282 has closed or the grounds are discovered. Within ten days from receipt of such notice, the
283 licensee so affected may request a hearing before the department. Upon receipt of such
284 request for hearing in proper form, the department shall schedule a hearing within a
285 reasonable time, but not later than 90 days.

286 26-5-55.

287 The promulgation of reasonable and necessary rules and regulations, the conduct of
288 administrative hearings, and judicial review of the department's actions shall be subject to
289 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

290 26-5-56.

291 For the purpose of providing more effective treatment and rehabilitation, the records and
292 name of any drug dependent person who seeks or obtains treatment, therapeutic advice, or
293 counsel from any program licensed under this chapter shall be confidential and shall not
294 be revealed except to the extent authorized in writing by the drug dependent person
295 affected; furthermore, any communication by such drug dependent person to an authorized
296 employee of any holder of a license shall be deemed confidential; provided, however, that,
297 except for matters privileged under other laws of this state, the records of such person and
298 information about such person shall be produced in response to a valid court order of any
299 court of competent jurisdiction after a full and fair show-cause hearing and in response to
300 a departmental request for access for licensing purposes when such request is accompanied
301 by a written statement that no record of patient identifying information will be made.

302 26-5-57.

303 The department is authorized to enforce this article and the rules and regulations
304 promulgated under this article by injunction. Any violation of this article or any rule or
305 regulation promulgated under this article shall be a nuisance per se; and it shall not be
306 necessary to allege or prove the exhaustion of remedies at law to obtain an injunction under
307 this Code section.

308 26-5-58.

309 Any person who violates any provision of this article shall be guilty of a misdemeanor.

310 26-5-59.

311 Any program licensed or funded by the department under this article shall implement a
312 priority admissions policy for the treatment of drug dependent pregnant females which
313 provides for immediate access to services for any such female applying for admission,
314 which access shall be contingent only upon the availability of space.

315 26-5-60.

316 To prevent simultaneous enrollment of a patient in more than one program, all programs
317 shall comply with the policies and participate in the central registry operated by the
318 Department of Behavioral Health and Developmental Disabilities. Programs shall comply
319 with the rules and regulations of the department regarding the central registry.

320 26-5-61.

321 (a) As used in this Code section, the term:

322 (1) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of
323 whether an appeal of the conviction has been sought.

324 (2) 'Criminal record' means any of the following:

325 (A) Conviction of a crime;

326 (B) Arrest, charge, and sentencing for a crime where:

327 (i) A plea of nolo contendere was entered to the charge;

328 (ii) First offender treatment without adjudication of guilt pursuant to the charge was
329 granted; or

330 (iii) Adjudication or sentence was otherwise withheld or not entered on the charge;

331 or

332 (C) Arrest and being charged for a crime if the charge is pending, unless the time for
333 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

- 334 (3) 'Program' means a narcotic treatment program required to be licensed under this
335 article.
- 336 (4) 'GCIC' means the Georgia Crime Information Center established under Article 2 of
337 Chapter 3 of Title 35.
- 338 (5) 'GCIC information' means criminal history record information as defined in Code
339 Section 35-3-30.
- 340 (6) 'Owner' means any individual affiliated with a partnership, corporation, association
341 or individuals or groups of individuals who maintain, control, or administer a narcotics
342 treatment program under this article or such individuals submitting an application under
343 this article.
- 344 (7) 'Records check application' means fingerprints in such form and of such quality as
345 prescribed by the Georgia Crime Information Center and under standards adopted by the
346 Federal Bureau of Investigation and a records search fee to be established by the
347 department by rule and regulation, payable in such form as the department may direct to
348 cover the cost of obtaining criminal background information pursuant to this Code
349 section.
- 350 (b) An owner with a criminal record shall not operate or hold a license to operate a
351 program, and the department shall revoke the license of any owner operating a program or
352 refuse to issue a license to any owner operating a program if it determines that such owner
353 has a criminal record; provided, however, that an owner who holds a license to operate a
354 program on or before July 1, 2017, shall not have his or her license revoked prior to a
355 hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the 'Georgia
356 Administrative Procedure Act.'
- 357 (c)(1) Prior to approving any license for a new program and periodically as established
358 by the department by rules and regulations, the department shall require an owner to
359 submit a records check application. The department shall establish a uniform method of
360 obtaining an owner's records check application.
- 361 (2)(A) Unless the department contracts pursuant to subparagraph (B) of this paragraph,
362 the department shall transmit to the GCIC the fingerprints and records search fee from
363 each fingerprint records check application in accordance with Code Section 35-3-35.
364 Upon receipt thereof, the GCIC shall promptly transmit the fingerprints to the Federal
365 Bureau of Investigation for a search of bureau records and an appropriate report and
366 shall promptly conduct a search of its records and records to which it has access.
367 Within ten days after receiving fingerprints acceptable to the GCIC and the fee, the
368 GCIC shall notify the department in writing of any criminal record or if there is no such
369 finding. After a search of Federal Bureau of Investigation records and fingerprints and
370 upon receipt of the bureau's report, the department shall make a determination about an

371 owner's criminal record and shall notify the owner in writing as to the department's
372 determination as to whether the owner has or does not have a criminal record.

373 (B) The department may either perform criminal background checks under agreement
374 with the GCIC or contract with the GCIC and appropriate law enforcement agencies
375 which have access to the GCIC and the Federal Bureau of Investigation information to
376 have those agencies perform for the department criminal background checks for
377 owners. The department or the appropriate law enforcement agencies may charge
378 reasonable fees for performing criminal background checks.

379 (3)(A) The department's determination regarding an owner's criminal record, or any
380 action by the department revoking or refusing to grant a license based on such
381 determination, shall constitute a contested case for purposes of Chapter 13 of Title 50,
382 the 'Georgia Administrative Procedure Act,' except that any hearing required to be held
383 pursuant thereto may be held reasonably expeditiously after such determination or
384 action by the department.

385 (B) In a hearing held pursuant to subparagraph (A) of this paragraph or subsection (b)
386 of this Code section, the hearing officer shall consider in mitigation the length of time
387 since the crime was committed, the absence of additional criminal charges, the
388 circumstances surrounding the commission of the crime, other indicia of rehabilitation,
389 the facility's history of compliance with the regulations, and the owner's involvement
390 with the licensed program in arriving at a decision as to whether the criminal record
391 requires the denial or revocation of the license to operate the facility. Where a hearing
392 is required, at least 30 days prior to such hearing, the hearing officer shall notify the
393 office of the prosecuting attorney who initiated the prosecution of the crime in question
394 in order to allow the prosecutor to object to a possible determination that the conviction
395 would not be a bar for the grant or continuation of a license as contemplated within this
396 Code section. If objections are made, the hearing officer shall take such objections into
397 consideration in considering the case.

398 (4) Neither the GCIC, the department, any law enforcement agency, nor the employees
399 of any such entities shall be responsible for the accuracy of information nor have any
400 liability for defamation, invasion of privacy, negligence, or any other claim in connection
401 with any dissemination of information or determination based thereon pursuant to this
402 Code section.

403 (d) All information received from the Federal Bureau of Investigation or the GCIC shall
404 be for the exclusive purpose of approving or denying the granting of a license to a new
405 program or the revision of a license of an existing program when a new owner is proposed
406 and shall not be released or otherwise disclosed to any other person or agency. All such
407 information collected by the department shall be maintained by the department pursuant

408 to laws regarding and the rules or regulations of the Federal Bureau of Investigation and
 409 the GCIC, as is applicable. Penalties for the unauthorized release or disclosure of any such
 410 information shall be as prescribed pursuant to laws regarding and rules or regulations of
 411 the Federal Bureau of Investigation and the GCIC, as is applicable.

412 (e) The requirements of this Code section are supplemental to any requirements for a
 413 license imposed by this article.

414 (f) The department shall promulgate written rules and regulations reasonable and
 415 necessary to implement the provisions of this Code section.

416 26-5-62.

417 Unless otherwise provided, this article shall not invalidate or affect any rules or regulations
 418 which were in effect upon its effective date, promulgated pursuant to authority given by
 419 law, and such rules and regulations shall remain in force until repealed, replaced, or
 420 invalidated."

421 **SECTION 2.**

422 Said chapter is further amended by replacing "chapter" with "article" wherever the former
 423 word occurs in:

- 424 (1) Code Section 26-5-1, relating to the short title;
- 425 (2) Code Section 26-5-2, relating to legislative intent;
- 426 (3) Code Section 26-5-3, relating to definitions regarding drug abuse treatment and
 427 education programs;
- 428 (4) Code Section 26-5-6, relating to promulgation of rules and regulations;
- 429 (5) Code Section 26-5-7, relating to license required;
- 430 (6) Code Section 26-5-9, relating to provisional licenses;
- 431 (7) Code Section 26-5-10, relating to issuance of license and revocation or suspension;
- 432 (8) Code Section 26-5-17, relating to confidentiality of records, names, and
 433 communications;
- 434 (9) Code Section 26-5-18, relating to injunctions and nuisances per se;
- 435 (10) Code Section 26-5-19, relating to penalty;
- 436 (11) Code Section 26-5-20, relating to priority admissions policy for drug dependent
 437 pregnant females; and
- 438 (12) Code Section 26-5-21, relating to the State Commission on Narcotic Treatment
 439 Programs.

440 **SECTION 3.**

441 Said chapter is further amended by revising Code Section 26-5-14, relating to denial,
442 suspension, or revocation of license, as follows:

443 "26-5-14.

444 The department may deny any license applied for under this ~~chapter~~ article that does not
445 fulfill the minimum requirements which the department may prescribe by rules and
446 regulations and may suspend or revoke a license which has been issued if an applicant or
447 a licensee violates any of such rules and regulations; provided, however, that before any
448 order is entered denying a license applied for or suspending or revoking a license
449 previously granted, the applicant or license holder, as the case may be, shall be afforded
450 an opportunity for a hearing as provided for in Chapter 13 of Title 50, the 'Georgia
451 Administrative Procedure Act.'"

452 **SECTION 4.**

453 This Act shall become effective upon its approval by the Governor or upon its becoming law
454 without such approval.

455 **SECTION 5.**

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