

House Bill 1083 (AS PASSED HOUSE AND SENATE)

By: Representatives Williamson of the 112th and Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated,
2 relating to adult residential mental health services licensing, so as to extend grace periods
3 applicable to the Department of Community Health, including creation and promulgation of
4 rules and regulations and the issuance of a one-time provisional license; to extend the grace
5 period for adult residential mental health programs to obtain licensure and the time during
6 which they may continue to operate before being deemed an "unlicensed adult residential
7 mental health program"; to provide for related matters; to provide for an effective date; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 7 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to adult
12 residential mental health services licensing, is amended in Code Section 37-3-205, relating
13 to regulatory and licensing authority, by revising subsection (a) as follows:

14 "(a) The department is authorized and directed to create and promulgate all rules and
15 regulations necessary for the implementation of this article no later than ~~July 1, 2023~~
16 January 1, 2025."

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SECTION 2.

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18 Said article is further amended in Code Section 37-3-206, relating to licensing requirement
19 and funding contingency, by revising subsection (a) as follows:

20 "(a) On and after ~~January 1, 2024~~ July 1, 2025, no governing body shall operate an adult
21 residential mental health program without having a valid license or provisional license
22 issued pursuant to this article; provided, however, that hospitals licensed in accordance
23 with Chapter 7 of Title 31 are exempt from this article unless the hospital is operating an
24 adult residential mental health program that is separate and distinct from the licensed
25 hospital."

SECTION 3.

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27 Said article is further amended by revising Code Section 37-3-208.1, relating to one-time
28 provisional license, as follows:

29 "37-3-208.1.

30 Between July 1, 2022, and ~~December 31, 2023~~ June 30, 2025, the department shall be
31 authorized to grant a one-time provisional license for an adult residential mental health
32 program to an existing licensed personal care home that substantially complies with the
33 requirements of this article for a period not to extend beyond ~~December 31, 2023~~ June 30,
34 2025."

SECTION 4.

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36 Said article is further amended in Code Section 37-3-215, relating to unlicensed residential
37 mental health program and penalty, by revising subsection (a) as follows:

38 "(a) On and after ~~January 1, 2024~~ July 1, 2025, a facility shall be deemed to be an
39 'unlicensed adult residential mental health program' if it is unlicensed and not exempt from
40 licensure under this article and:

- 41 (1) The facility is providing services and is operating as an adult residential mental health
42 program;
- 43 (2) The facility is held out as or represented as providing services and operating as an
44 adult residential mental health program; or
- 45 (3) The facility represents itself as a licensed adult residential mental health program."

46 **SECTION 5.**

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

49 **SECTION 6.**

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