House Bill 514 (AS PASSED HOUSE AND SENATE)
By: Representatives Tanner of the 9th, Ralston of the 7th, Jones of the 47th, Cooper of the 43rd, and Oliver of the 82nd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to governing and regulation of mental health, so as to create the Georgia Behavioral Health Reform and Innovation Commission; to provide for legislative findings; to provide for a definition; to provide for members and officers; to provide for meetings, agendas, quorum, and compensation; to provide for the commission's duties and powers; to provide for subcommittees; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

"ARTICLE 6

37-1-110. The General Assembly finds and determines that:
(1) Over the last decade the State of Georgia has invested significant resources toward the transformation of the behavioral health service delivery system; and
(2) The conclusion of the settlement agreement with the United States Department of Justice will mark significant accomplishments in system performance and presents the opportunity to conduct a systematic study to promote the continued progress of the state behavioral health system. Such a study and the formulation of recommendations for behavioral health innovation can best be carried out through an established commission."
37-1-111.
(a) There is created the Georgia Behavioral Health Reform and Innovation Commission for the purpose of conducting a comprehensive review of the behavioral health system in Georgia. Such review shall include the behavioral health services and facilities available in this state, the identification of behavioral health issues in children, adolescents, and adults, the role the educational system has in the identification and treatment of behavioral health issues, the impact behavioral health issues have on the court system and correctional system, the legal and systemic barriers to treatment of mental illnesses, workforce shortages that impact the delivery of care, whether there is sufficient access to behavioral health services and supports and the role of payers in such access, the impact on how untreated behavioral illness can impact children into adulthood, the need for aftercare for persons exiting the criminal justice system, and the impact of behavioral illness on the state's homeless population.
(b) As used in this article, the term 'commission' means the Georgia Behavioral Health Reform and Innovation Commission.

37-1-112.
(a) The commission shall be composed of 24 members as follows:
(1) The following members appointed by the Governor:
   (A) A chairperson;
   (B) A psychiatrist who specializes in children and adolescents;
   (C) A psychiatrist who specializes in adults;
   (D) A health care provider with expertise in traumatic brain injuries;
   (E) A state education official with broad experience in education policy;
   (F) A chief executive officer of a mental health facility;
   (G) A forensic psychologist;
   (H) A local education official; and
   (I) A professional who specializes in substance abuse and addiction;
(2) The following members appointed by the President of the Senate:
   (A) Two members of the Senate;
   (B) A sheriff;
   (C) A licensed clinical behavioral health professional;
   (D) A behavioral health advocate; and
   (E) A representative of a community service board;
(3) The following members appointed by the Speaker of the House of Representatives:
   (A) Two members of the House of Representatives;
   (B) A police chief;
(C) A licensed clinical behavioral health professional;
(D) A behavioral health advocate; and
(E) A judge who presides in an accountability court, as defined in Code Section 15-1-18; and
(4) The following members appointed by the Chief Justice of the Supreme Court of Georgia:
   (A) One Justice of the Supreme Court of Georgia; and
   (B) Two judges.
(b) Each nonlegislative member of the commission shall be appointed to serve for a term of two years or until his or her successor is duly appointed. Legislative members of the commission shall serve until completion of their current terms of office. Any member may be appointed to succeed himself or herself on the commission. If a member of the commission is an elected or appointed official, such member, or his or her designee, shall be removed from the commission if such member no longer serves as such elected or appointed official.
(c) The following members shall serve as nonvoting ex officio members of the commission:
   (1) Commissioner of the Department of Behavioral Health and Developmental Disabilities or his or her designee;
   (2) Commissioner of the Department of Juvenile Justice or his or her designee;
   (3) Commissioner of the Department of Corrections or his or her designee;
   (4) Commissioner of the Department of Community Health or his or her designee;
   (5) Commissioner of the Department of Community Supervision;
   (6) Director of the Georgia Bureau of Investigation or his or her designee; and
   (7) Director of the Division of Family and Children Services of the Department of Human Services or his or her designee.
(d) The commission may elect officers, other than the chairperson, as it deems necessary. The chairperson shall vote only to break a tie.
(e) The commission shall be attached for administrative purposes only to the Office of Planning and Budget. The Office of Planning and Budget and the Department of Behavioral Health and Developmental Disabilities shall provide staff support for the commission. The Office of Planning and Budget and the Department of Behavioral Health and Developmental Disabilities shall use any funds specifically appropriated to such office and department to support the work of the commission.
37-1-113.
(a) The commission may conduct meetings at such places and times as it deems necessary or convenient to enable it to fully and effectively exercise its powers, perform its duties, and accomplish the objectives and purposes of this article. The commission shall hold meetings at the call of the chairperson. The commission shall meet not less than twice every year.

(b) Until the conclusion of the settlement agreement with the United States Department of Justice, the agenda for any meeting of the commission shall be submitted to the Governor's Executive Counsel for prior approval.

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

(d) Legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the commission who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the commission, but shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this article shall come from funds appropriated to the Senate and the House of Representatives.

37-1-114.

(a) The commission shall have the following duties:

(1) To review the conditions, needs, issues, and problems related to behavioral health issues in this state and to recommend any action, including proposed changes to rules, regulations, policies, and programs, and proposed legislation which the commission deems necessary or appropriate;

(2) To evaluate and consider the best practices, experiences, and results of legislation in other states with regard to the behavioral health system with respect to both children and adults; and

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

(b) The commission shall have the following powers:
(1) To evaluate how the laws, rules, regulations, policies, and programs affecting the 
behavioral health system in this state are working;
(2) To request and receive data from and review the records of appropriate state agencies 
and courts to the greatest extent allowed by state and federal law;
(3) To accept public or private grants, devises, and bequests;
(4) To authorize entering into contracts or agreements through the commission's 
chairperson necessary or incidental to the performance of its duties;
(5) To establish rules and procedures for conducting the business of the commission; and
(6) To conduct studies, hold public meetings, collect data, or take any other action the 
commission deems necessary to fulfill its responsibilities.

(c) The commission shall be authorized to retain the services of attorneys, consultants, 
subject matter experts, economists, budget analysts, data analysts, statisticians, and other 
individuals or organizations as determined appropriate by the commission. Such services 
may be obtained through a request for proposal process conducted through the Office of 
Planning and Budget; provided, however, that any final selection shall be approved by the 
commission.

37-1-115.
(a) The chairperson of the commission shall appoint the following subcommittees from 
among the membership of the commission and may also appoint up to two other 
noncommission-member persons as he or she may determine to be necessary as relevant 
to and consistent with this article:
(1) Children and Adolescent Behavioral Health;
(2) Involuntary Commitment;
(3) Hospital and Short-Term Care Facilities;
(4) Mental Health Courts and Corrections; and
(5) Workforce and System Development.
(b) The chairperson, at his or her discretion, may designate and appoint other 
subcommittees from among the membership of the commission and may also appoint up 
to two other noncommission-member persons as he or she may determine to be necessary 
as relevant to and consistent with this article.

37-1-116.
The commission shall be abolished and this article shall stand repealed on June 30, 2023.

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.