

The House Committee on Health and Human Services offers the following substitute to HB 279:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to medical assistance generally, so as to require certain procedures for  
3 determinations relating to eligibility for medical assistance through the Katie Beckett waiver  
4 program for children with Spina Bifida who have Myelomeningocele; to make a statement  
5 of legislative findings; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
10 medical assistance generally, is amended by inserting a new Code section to read as follows:

11 "49-4-153.1.

12 (a) The General Assembly finds that this Code section meets the nursing facility level of  
13 care criteria.

14 (b) A minor child with Spina Bifida who has Myelomeningocele and is otherwise eligible  
15 for medical assistance under the state plan provided pursuant to this article through the  
16 waiver programs created under the Tax Equity and Fiscal Responsibility Act of 1982,  
17 commonly referred to as Katie Beckett waivers, shall qualify for such waiver if the child:

18 (1) Is born with Meningomyelocele, the most severe form of Spina Bifida, for one year  
19 after birth as these children will require some surgical correction on the spine, most will  
20 require shunting, and complications from shunting will usually occur in the first year; or

21 (2) After the first year of birth has at least three of the following as defined by the  
22 department:

23 (A) Shunted hydrocephalus;

24 (B) Neurogenic bladder/bowel;

25 (C) Severe physical mobility impairment including, but not limited to, wheelchair  
26 bound individuals;

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- 1 (D) Mental issues or learning disabilities which shall be evidenced by documentation  
2 that may include, but shall not be limited to, a formal individualized education program  
3 (IEP) or its equivalent; or  
4 (E) Rehabilitation needs or therapeutic activities or exercises which shall be furnished  
5 directly by or under the supervision of technical or professional personnel no less than  
6 twice per month; or  
7 (3) After the first year of birth, three or more hospitalizations for Spina Bifida related  
8 problems including, but not limited to, shunt malfunction, urosepsis, orthopedic surgeries,  
9 or urological surgeries.  
10 (c) Once the above eligibility for this waiver is documented, the department shall not be  
11 authorized to require further physician certification or documentation for purposes of  
12 eligibility under this waiver program. However, a physician letter shall be provided  
13 annually indicating eligibility conditions and such letter shall serve as adequate continued  
14 eligibility documentation under this waiver program."

15 **SECTION 2.**

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