

The Senate Appropriations Committee offered the following substitute to HB 549:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public
2 assistance, so as to establish requirements for basic therapy services for children with
3 disabilities; to provide for legislative findings; to provide for definitions; to provide certain
4 requirements relating to administrative prior approval for services and appeals; to provide
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
9 is amended by adding a new article to read as follows:
10

11 "ARTICLE 7B

12 49-4-166.

13 The General Assembly finds that changes in the approval process of certain health care
14 programs have made it difficult for children with disabilities who are eligible for medical
15 assistance pursuant to Article 7 of this chapter and Article 13 of Chapter 5 of this title to
16 receive the services to which they are entitled with the frequency and within the time
17 periods which are appropriate. Redundant paperwork requirements have hampered service
18 approvals and delivery and reduced the number of providers serving children. It is the
19 intent of this article to ensure that children with disabilities receive the medically necessary
20 therapy services to which they are entitled under the Medicaid Early Periodic Screening,
21 Diagnostic, and Treatment Program. It is also the intent of this article to simplify the
22 process and paperwork by which occupational, speech, and physical therapy services are
23 applied for and received by eligible recipients.

1 49-4-167.

2 As used in this article, the term:

3 (1) 'Basic therapy services' means occupational therapy, speech therapy, physical
4 therapy, or other services provided in the frequency specified in paragraph (2) of
5 subsection (a) of Code Section 49-4-169 and pursuant to the EPSDT Program to an
6 eligible Medicaid beneficiary 21 years of age or younger and which are prescribed and
7 designated as medically necessary by a physician or other health care provider working
8 within the scope of his or her legal authority to make such a prescription.

9 (2) 'Department' means the Department of Community Health.

10 (3) 'EPSDT Program' means the federal Medicaid Early Periodic Screening, Diagnostic,
11 and Treatment Program contained at 42 U.S.C.A. Sections 1396a and 1396d.

12 (4) 'Medically necessary services' means services which are deemed necessary by a
13 physician or other health care provider authorized to prescribe such services to correct
14 or ameliorate defects and physical and mental illnesses and conditions.

15 (5) 'Prior approval' means the process by which medically necessary services provided
16 at a frequency or interval above the minimum levels specified in Code Section 49-4-169
17 for basic therapy services are authorized by the Department of Community Health.

18 49-4-168.

19 All persons who are 21 years of age or younger who are eligible for services under the
20 EPSDT Program shall receive basic therapy services without prior approval in accordance
21 with the provisions of this article.

22 49-4-169.

23 (a) The department shall develop and implement for itself, the care management
24 organizations with which it enters into contracts, and its utilization review vendors
25 consistent requirements, paperwork, and procedures for utilization review of physical,
26 occupational, or speech language pathologist services prescribed for children under the
27 EPSDT Program. The following procedures and criteria shall be used by the department
28 or an entity performing services for the department for the processing of requests for prior
29 approval of such services:

30 (1) Prior approval for services beyond basic therapy services shall be for a minimum of
31 six months for beneficiaries with congenital or chronic conditions and up to six months
32 for beneficiaries with acute conditions; and

33 (2) Basic therapy services shall be permitted at a frequency of 16 units of service per
34 month until such time as the beneficiary is no longer medically eligible for Medicaid or
35 such services are no longer medically necessary. In the case of speech therapists, 16 units

1 per month shall mean eight units of untimed codes and 16 units of timed codes. Nothing
2 in this paragraph shall require a physician or authorized prescriber of basic therapy
3 services to order or prescribe services at the frequencies specified in this paragraph or
4 services that are not medically necessary.

5 (b) Notwithstanding any other provision of law, the department shall grant prior approval
6 for requests for services when the recipient is eligible for Medicaid services and the
7 services requested are medically necessary services.

8 (c) Prescriptions and prior approval for services shall be for general areas of treatment,
9 treatment goals, or ranges of specific treatments or processing codes and shall not be
10 restricted to specific treatments or processing codes for such treatments.

11 (d) Nothing in this article shall be construed to prohibit the department or its vendors and
12 contractors from performing utilization reviews of the diagnosis of a child receiving
13 speech, occupational, or physical therapy services pursuant to the EPSDT Program or the
14 actual performance or delivery of such services by properly licensed therapists, so long as
15 such utilization review does not deny or unreasonably delay the provision of medically
16 necessary services to the recipient.

17 (e) Nothing in this article shall be deemed to prohibit or restrict the department from
18 denying claims or prosecuting or pursuing beneficiaries or providers who submit false or
19 fraudulent prescriptions, forms specified in this article, or claims for services or whose
20 eligibility as a beneficiary or a participating provider has been based on intentionally false
21 information."

22 SECTION 2.

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

25 SECTION 3.

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