

The Senate Health and Human Services Committee offered the following substitute to HB 279:

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 notice requirements of the Department of Community Health
3 or its agents or contractors for medically necessary services for children with disabilities; to
4 provide for definitions; to provide certain requirements relating to denial of approval for
5 requested services and appeals; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other 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

"ARTICLE 7C

11
12 49-4-169.

13 As used in this article, the term:

14 (1) 'Department' means the Department of Community Health.

15 (2) 'EPSDT Program' means the federal Medicaid Early Periodic Screening, Diagnostic,
16 and Treatment Program contained in 42 U.S.C.S. Sections 1396a and 1396d.

17 (3) 'Medically necessary services' means services which are deemed necessary by a
18 physician or other health care provider pursuant to the EPSDT Program to diagnose,
19 correct, or ameliorate defects and physical and mental illnesses and conditions, whether
20 or not such services are covered under the state plan.

21 49-4-169.1.

22 The department or its agents or contractors shall give notice to affected Medicaid recipients
23 of the following information in cases where services are denied:

- 1 (1) The medical procedure or service for which the department or its agents or
2 contractors are refusing to grant prior approval;
- 3 (2) Any additional information needed from the recipient's medical provider which could
4 change the decision of the department or its agents or contractors; and
- 5 (3) The specific reason used by the department or its agents or contractors to determine
6 that the procedure is not medically necessary to the Medicaid recipient, including facts
7 pertinent to the individual case."

8 **SECTION 2.**

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

11 **SECTION 3.**

12 All laws and parts of laws in conflict with this Act are repealed.