

The House Committee on Health and Human Services offers the following substitute to SB 443:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 21A of Title 33 of the Official Code of Georgia Annotated, relating to the
2 "Medicaid Care Management Organizations Act," so as to create the Medicaid Care
3 Management Organization Legislative Oversight Committee; to provide for its membership,
4 terms, and meetings; to provide for its duties; to provide for cooperation with other agencies;
5 to provide for an annual report; to provide for expenses for members; to provide for an audit;
6 to amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated,
7 relating to powers and duties of the Department of Behavioral Health and Developmental
8 Disabilities, so as to create the Department of Behavioral Health and Developmental
9 Disabilities Legislative Oversight Committee; to provide for its membership, terms, and
10 meetings; to provide for its duties; to provide for cooperation with other agencies; to provide
11 for an annual report; to provide for an audit; to amend Code Sections 49-4-142 and 49-5-273
12 of the Official Code of Georgia Annotated, relating to Medicaid and the PeachCare for Kids
13 Program, respectively, so as to provide for legislative findings; to provide requirements for
14 the Department of Community Health when health maintenance organizations terminate
15 contracts with health care providers; to allow recipients of Medicaid and participants in the
16 PeachCare for Kids Program to switch their enrollment to another health maintenance
17 organization if such health care providers are terminated; to provide for related matters; to
18 provide for effective dates; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Chapter 21A of Title 33 of the Official Code of Georgia Annotated, relating to the "Medicaid
22 Care Management Organizations Act," is amended by adding a new Code section to read as
23 follows:

24 "33-21A-13.

25 (a) There is created the Medicaid Care Management Organization Legislative Oversight
26 Committee which shall be composed of eight persons: three members of the House of

27 Representatives appointed by the Speaker of the House of Representatives, three members
28 of the Senate appointed by the Lieutenant Governor, and one member of the House of
29 Representatives and one member of the Senate appointed by the Governor. The members
30 of the committee shall be selected within ten days after the convening of the General
31 Assembly in each odd-numbered year and shall serve until their successors are appointed.
32 (b) The Lieutenant Governor shall appoint a member of the committee to serve as
33 chairperson, and the Speaker of the House of Representatives shall appoint one member
34 to serve as vice chairperson during each odd-numbered year. The Speaker of the House
35 of Representatives shall appoint a member of the committee to serve as chairperson, and
36 the Lieutenant Governor shall appoint one member of the committee to serve as vice
37 chairperson during each even-numbered year. The committee shall meet at least three
38 times each year and, upon the call of the chairperson, at such additional times as deemed
39 necessary by the chairperson.
40 (c) It shall be the duty of the committee to review and evaluate:
41 (1) Information relating to consumer complaints involving eligibility determinations;
42 (2) Information relating to provider complaints involving payment or coverage issues;
43 (3) Information relating to a care management organization's compliance with contract
44 terms, including timeframes and deadlines;
45 (4) Information relating to a care management organization's compliance with statutory
46 and regulatory requirements; and
47 (5) Such other information or reports as deemed necessary by the committee.
48 (d) The Department of Community Health and the Department of Insurance shall
49 cooperate with the committee and provide such information or reports as requested by the
50 committee for the performance of its functions.
51 (e) The committee shall make an annual report of its activities and findings to the
52 membership of the General Assembly and the Governor within one week of the convening
53 of each regular session of the General Assembly. The chairperson of the committee shall
54 deliver written executive summaries of such report to the members of the General
55 Assembly prior to the adoption of the General Appropriations Act each year.
56 (f) The members of the committee shall receive the allowances authorized for legislative
57 members of legislative committees. The funds necessary to pay such allowances shall
58 come from funds appropriated to the House of Representatives and the Senate.
59 (g) The committee shall be authorized to request that a performance audit of the services
60 provided by care management organizations for Medicaid and PeachCare for Kids be
61 conducted."

SECTION 1A.

62
63 Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to
64 powers and duties of the Department of Behavioral Health and Developmental Disabilities,
65 is amended by adding a new Code section to read as follows:

66 "37-1-29.

67 (a) There is created the Department of Behavioral Health and Developmental Disabilities
68 Legislative Oversight Committee which shall be composed of eight persons: three members
69 of the House of Representatives appointed by the Speaker of the House of Representatives,
70 three members of the Senate appointed by the Lieutenant Governor, and one member of
71 the House of Representatives and one member of the Senate appointed by the Governor.
72 The members of the committee shall be selected within ten days after the convening of the
73 General Assembly in each odd-numbered year and shall serve until their successors are
74 appointed.

75 (b) The Lieutenant Governor shall appoint a member of the committee to serve as
76 chairperson, and the Speaker of the House of Representatives shall appoint one member
77 to serve as vice chairperson during each odd-numbered year. The Speaker of the House
78 of Representatives shall appoint a member of the committee to serve as chairperson, and
79 the Lieutenant Governor shall appoint one member of the committee to serve as vice
80 chairperson during each even-numbered year. The committee shall meet at least three
81 times each year and, upon the call of the chairperson, at such additional times as deemed
82 necessary by the chairperson.

83 (c) It shall be the duty of the committee to review and evaluate the effectiveness of all
84 programs overseen by the department, including, but not limited to, evaluating the quality
85 of mental health treatment provided to persons housed at Central State Hospital in
86 Milledgeville and any other state operated facilities, at the discretion of the committee.

87 (d) The board shall cooperate with the committee and provide such information or reports
88 as requested by the committee for the performance of its functions.

89 (e) The committee shall make an annual report of its activities and findings to the
90 membership of the General Assembly and the Governor within one week of the convening
91 of each regular session of the General Assembly. The chairperson of the committee shall
92 deliver written executive summaries of such report to the members of the General
93 Assembly prior to the adoption of the General Appropriations Act each year.

94 (f) The committee shall be authorized to request that a performance audit of the services
95 provided by the department be conducted."

96 **SECTION 2.**

97 Code Section 49-4-142 of the Official Code of Georgia Annotated, relating to Medicaid, is
 98 amended by adding a new subsection to read, as follows:

99 "(d) In the event that a health maintenance organization with which the department has
 100 contracted to provide health care services to persons pursuant to this article proposes to
 101 terminate a contract with a provider of medical assistance, the department shall:

102 (1) Allow any recipient of medical assistance who is enrolled through such health
 103 maintenance organization and who uses the provider with which the health maintenance
 104 organization proposes to terminate its contract at least 60 days' notice to switch his or her
 105 enrollment to a different health maintenance organization which provides health care
 106 services to persons pursuant to this article regardless of when such recipient's next annual
 107 opportunity to select a health maintenance organization will occur; and

108 (2) Provide or arrange for at least 60 days' notice to the recipient of medical assistance,
 109 including, but not limited to, information on which other health maintenance
 110 organizations have a contract with such provider, an explanation of how to switch
 111 enrollment, and specific contact information for a person designated to process requested
 112 changes."

113 **SECTION 3.**

114 Code Section 49-5-273 of the Official Code of Georgia Annotated, relating to the PeachCare
 115 for Kids Program, is amended by revising subsection (m) as follows:

116 "(m) Nothing in this article shall be interpreted in a manner so as to preclude the
 117 department from contracting with licensed health maintenance organizations (HMO) or
 118 provider sponsored health care corporations (PSHCC) for coverage of program services
 119 and eligible children; provided, however, that such contracts shall require payment of
 120 premiums and copayments in a manner consistent with this article. The department may
 121 require enrollment in a health maintenance organization (HMO) or provider sponsored
 122 health care corporation (PSHCC) as a condition of receiving coverage under the program.
 123 Notwithstanding the foregoing, in the event that a health maintenance organization with
 124 which the department has contracted to provide health care services to persons under
 125 PeachCare proposes to terminate a contract with a health care provider providing services
 126 to PeachCare participants, the department shall:

127 (1) Allow any participant in PeachCare who is enrolled through such health maintenance
 128 organization and who uses the provider with which the health maintenance organization
 129 proposes to terminate its contract at least 60 days' notice to switch his or her enrollment
 130 to a different health maintenance organization which provides health care services to

131 persons under PeachCare regardless of when such participant's next annual opportunity
132 to select a health maintenance organization will occur; and
133 (2) Provide or arrange for at least 60 days' notice to the participant, including, but not
134 limited to, information on which other health maintenance organizations have a contract
135 with such provider, an explanation of how to switch enrollment, and specific contact
136 information for a person designated to process requested changes."

137 **SECTION 4.**

138 Section 1 of this Act shall become effective on January 1, 2011. All other parts of this Act
139 shall become effective on July 1, 2010.

140 **SECTION 5.**

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