

House Bill 229

By: Representatives Cooper of the 41st, Jacobs of the 80th, Channell of the 116th, Lindsey of the 54th, Oliver of the 83rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to
2 administrative hearings and appeals under Medicaid generally, so as to provide that in certain
3 matters, the decision of the administrative law judge shall be the final administrative decision
4 of the commissioner; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative
9 hearings and appeals under Medicaid generally, is amended by revising paragraph (1) of
10 subsection (b) as follows:

11 "(b)(1) Any applicant for medical assistance whose application is denied or is not acted
12 upon with reasonable promptness and any recipient of medical assistance aggrieved by
13 the action or inaction of the Department of Community Health as to any medical or
14 remedial care or service which such recipient alleges should be reimbursed under the
15 terms of the state plan which was in effect on the date on which such care or service was
16 rendered or is sought to be rendered shall be entitled to a hearing upon his or her request
17 for such in writing and in accordance with the applicable rules and regulations of the
18 department and the Office of State Administrative Hearings. The Department of
19 Community Health shall, within 30 business days of receiving the request for hearing
20 from the applicant or recipient, transmit a copy of such request to the Office of State
21 Administrative Hearings. ~~As a result of the written request for hearing, a~~ A written
22 ~~recommendation~~ decision shall be rendered in writing by the administrative law judge
23 assigned to hear the matter. ~~Should a decision be adverse to a party and should a party~~
24 ~~desire to appeal that decision, the party must file a request in writing to the commissioner~~
25 ~~or the commissioner's designated representative within 30 days of his or her receipt of the~~
26 ~~hearing decision. The commissioner, or the commissioner's designated representative,~~

27 ~~has 30 days from the receipt of the request for appeal to affirm, modify, or reverse the~~
28 ~~decision appealed from. A final decision or order adverse to a party, other than the~~
29 ~~agency, in a contested case shall be in writing or stated in the record. A final decision~~
30 ~~shall include findings of fact and conclusions of law, separately stated, and the effective~~
31 ~~date of the decision or order. Findings of fact shall be accompanied by a concise and~~
32 ~~explicit statement of the underlying facts supporting the findings. The decision of the~~
33 ~~administrative law judge shall be the final administrative decision of the commissioner.~~
34 Each agency shall maintain a properly indexed file of all decisions in contested cases;
35 which file shall be open for public inspection except those expressly made confidential
36 or privileged by statute. ~~If the commissioner fails to issue a decision, the initial~~
37 ~~recommended decision shall become the final administrative decision of the~~
38 ~~commissioner."~~

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SECTION 2.

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