

House Bill 345

By: Representatives Gardner of the 57th, Fullerton of the 151st, Ashe of the 56th, Oliver of the 83rd, Morgan of the 39th, and others

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 provide that children and pregnant women
3 who are lawfully admitted qualified aliens, regardless of the duration of lawful residence in
4 this state, shall be eligible for Medicaid if they otherwise meet the eligibility requirements;
5 to amend Article 13 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,
6 relating to the PeachCare for Kids Program, so as to provide that children and pregnant
7 women who are lawfully admitted qualified aliens, regardless of the duration of lawful
8 residence in this state, shall be eligible for PeachCare if they otherwise meet the eligibility
9 requirements; to provide for related matters; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
14 medical assistance generally, is amended by revising subsection (a) of Code Section
15 49-4-142, relating to the state health plan under Medicaid, as follows:

16 "(a) The Department of Community Health established under Chapter 2 of Title 31 is
17 authorized to adopt and administer a state plan for medical assistance in accordance with
18 Title XIX of the federal Social Security Act, as amended (Act of July 30, 1965, P.L. 89-97,
19 79 Stat. 343, as amended), provided such state plan is administered within the
20 appropriations made available to the department. The department is authorized to establish
21 the amount, duration, scope, and terms and conditions of eligibility for and receipt of such
22 medical assistance as it may elect to authorize pursuant to this article; provided, however,
23 that children and pregnant women who are lawfully admitted qualified aliens, regardless
24 of the duration of lawful residence in this state, shall be eligible for medical assistance if
25 they otherwise meet the eligibility requirements and provided, further, that such pregnant
26 women shall be eligible for such medical assistance during pregnancy and during the 60

27 day period beginning on the last day of the pregnancy. Further, the department is
28 authorized to establish such rules and regulations as may be necessary or desirable in order
29 to execute the state plan and to receive the maximum amount of federal financial
30 participation available in expenditures made pursuant to the state plan; provided, however,
31 that the department shall establish reasonable procedures for notice to interested parties and
32 an opportunity to be heard prior to the adoption, amendment, or repeal of any such rule or
33 regulation. The department is authorized to enter into such reciprocal and cooperative
34 arrangements with other states, persons, and institutions, public and private, as it may deem
35 necessary or desirable in order to execute the state plan."

36 **SECTION 2.**

37 Article 13 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to the
38 PeachCare for Kids Program, is amended by adding a new subsection to Code Section
39 49-5-273, relating to the creation of the PeachCare for Kids Program, to read as follows:

40 "(f.1) Children and pregnant women who are lawfully admitted qualified aliens, regardless
41 of the duration of lawful residence in this state, shall be eligible for medical assistance if
42 they otherwise meet the eligibility requirements, and such pregnant women shall be eligible
43 for such medical assistance during pregnancy and during the 60 day period beginning on
44 the last day of the pregnancy."

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2011.

47 **SECTION 4.**

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