

The House Committee on Judiciary offers the following substitute to HB 229:

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 change provisions relating to administrative  
3 hearings and appeals under Medicaid generally; to provide that in certain matters, the  
4 decision of the administrative law judge shall be the final administrative decision of the  
5 commissioner; to provide for reporting of certain information to the General Assembly; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
10 medical assistance generally, is amended by revising paragraph (1) of subsection (b) of Code  
11 Section 49-4-153, relating to administrative hearings and appeals under Medicaid generally,  
12 as follows:

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

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

41 **SECTION 2.**

42 Said article is further amended by adding a new Code section to read as follows:

43 "49-4-158.

44 The department shall submit an annual report to the chairpersons of the Senate Judiciary  
 45 Committee, the Senate Health and Human Services Committee, the House Committee on  
 46 Judiciary, and the House Committee on Health and Human Services detailing the  
 47 department's compliance and noncompliance with the required time frames mandated by  
 48 this article, including, but not limited to, the time frames referenced in Code Sections  
 49 49-4-146 and 49-4-153. Such report shall be provided to the chairpersons by the end of  
 50 January each year and shall report compliance and noncompliance for the previous 12  
 51 month period."

52 **SECTION 3.**

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