

The Senate Health and Human Services Committee offered the following substitute to HB 990:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to prohibit the expansion of Medicaid eligibility through an increase in the income
3 threshold without prior legislative approval; to provide for legislative findings; to provide for
4 the bidding out of child welfare services state wide through contracts with community based
5 providers; to provide for definitions; to provide for qualifications for contractors; to provide
6 for contract standards; to provide for a review; to provide for procedures; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9
10 WHEREAS, the General Assembly is constitutionally mandated to balance the Georgia state
11 budget through the annual appropriations process; and

12 WHEREAS, the Medicaid program comprises one of the largest expenditures of state funds
13 in the annual budget; and

14 WHEREAS, the state is charged with the welfare of the state's children and is especially
15 concerned with maximizing state dollars to provide the best care for these children; and

16 WHEREAS, any decision to increase the income threshold for eligibility for the Medicaid
17 entitlement program in Georgia must be carefully considered within the context of the state's
18 responsibility to fund other critical state services, including education, infrastructure, and
19 public safety; and

20 WHEREAS, Governor Nathan Deal has demonstrated fiscal responsibility throughout his
21 first term in office; and

22 WHEREAS, Governor Deal has recently declined to expand Medicaid eligibility through an
 23 increase in the income threshold in Georgia's Medicaid program despite efforts by the federal
 24 government to compel states to expand this entitlement program through provisions of the
 25 Affordable Care Act; and

26 WHEREAS, expanding Medicaid eligibility by increasing the income threshold for the
 27 Medicaid entitlement program would dramatically increase the number of Georgians
 28 receiving public assistance that otherwise do not qualify for Medicaid benefits by meeting
 29 low-income program requirements for aged, blind, and disabled individuals; for families or
 30 children age 18 and under; for aged, blind, and disabled individuals receiving nursing home
 31 care; for individuals receiving hospice care; for pregnant women; or for individuals with
 32 breast or cervical cancer; or by meeting other program requirements for children in foster
 33 care or adopted from foster care or for children with disabilities receiving services under a
 34 federal Deeming waiver; and

35 WHEREAS, in support of Governor Deal's stance against this effort to oblige states to
 36 expand the income threshold for Medicaid benefits and, in an effort to assure any similar
 37 efforts by the federal government are seriously evaluated in the future, the General Assembly
 38 determines it is essential that a potential expansion of eligibility for Medicaid be thoroughly
 39 debated and voted upon by the legislature.

40 **SECTION 2.**

41 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 42 by adding a new Code section to read as follows:

43 "49-4-142.2.

44 On and after the effective date of this Code section, neither the department, the board, nor
 45 any other representative of the state shall expand Medicaid eligibility under this article
 46 through an increase in the income threshold without prior legislative approval; provided,
 47 however, that this shall not apply to any increase resulting from a cost-of-living increase
 48 in the federal poverty level. The legislative approval required under this Code section shall
 49 be by Act of the General Assembly or the adoption of a joint resolution of the General
 50 Assembly."

51 **SECTION 3.**

52 Said title is further amended by adding a new article to read as follows:

53

"ARTICLE 354 49-2-30.55 As used in this article, the term:56 (1) 'Applicant' means a faith based or community based organization that seeks to
57 provide child welfare services under this article.58 (2) 'Child welfare services' means adoption, family preservation, independent living,
59 emergency shelter, residential group care, foster care, therapeutic foster care, intensive
60 residential treatment, foster care supervision, case management, post-placement
61 supervision, and family reunification.62 (3) 'Commission' means the Child Welfare Services Planning Commission.63 (4) 'Division' means the Division of Family and Children Services.64 (5) 'Lead agency' means a faith based or community based agency selected under this
65 article to manage and provide child welfare services.66 49-2-31.67 (a) There shall be created the Child Welfare Services Planning Commission. The
68 Commission shall be composed of 11 members, who shall represent local community
69 participation and input through community based providers, foster parents, members of the
70 faith community, adults who were provided care in Georgia's foster care system, and child
71 advocacy organizations that are currently under contract with the division to furnish foster
72 care and adoption services. Members of the Commission shall be appointed as follows:
73 five shall be appointed by, and serve at the pleasure of, the Governor, three shall be
74 appointed by, and serve at the pleasure of, the Lieutenant Governor, and three shall be
75 appointed by, and serve at the pleasure of, the Speaker of the House of Representatives.76 (b) The Commission, with advice from the division, shall submit a plan to the Governor
77 and the General Assembly to competitively bid the provision of child welfare services
78 through fixed price contracts with a limited number of lead agencies. Each lead agency
79 shall represent a community equal to one or more of the 15 service regions of the division.
80 The plan shall be submitted by January 1, 2015, and shall be phased in over a two-year
81 period beginning July 1, 2015.82 (c) In cooperation with the Commission, the division shall seek approval of a federal title
83 IV-E waiver demonstration project through the Administration for Children and Families
84 of the United States Department of Health and Human Services to implement and receive
85 fixed funding to accomplish the purposes of this article.86 (d) The Commission should be guided by the following principles in designing the plan
87 to competitively bid the provision of child welfare services with lead agencies:

- 88 (1) Each lead agency should have the ability to manage or provide all necessary child
89 welfare services through a local network of providers, but the lead agency should directly
90 provide no more than 35 percent of all child welfare services in the region;
- 91 (2) Each lead agency should have the ability to ensure continuity of care from entry to
92 exit for all children referred from the protective investigation and court systems, along
93 with the capability and willingness to demonstrate accountability for meeting the
94 outcomes and performance standards related to child welfare services established by the
95 Governor and the General Assembly;
- 96 (3) Each lead agency should receive payment by the division of a reasonable monthly
97 administrative rate to operate the lead agency and a case rate per child calculated as the
98 total appropriated funds allocated for child welfare services during the prior fiscal year
99 divided by the monthly average number of children served in the same fiscal year, but
100 there should be a penalty with the case rate per child for the lead agency as regards
101 children who return to the lead agency for foster care within 12 months of achieving
102 permanency, either through reunification, permanent guardianship, or adoption;
- 103 (4) The division should retain responsibility for the quality of contracted services and
104 programs and should ensure that services are delivered in accordance with applicable
105 federal and state statutes and regulations. The division should monitor and maintain
106 accountability for the lead agency contracts through standard provisions including, but
107 not limited to, termination in the event of default by the lead agency or lack of sufficient
108 funding for the child welfare services;
- 109 (5) Each lead agency should give a hiring preference to persons employed by the
110 division in the provision of child welfare services whose positions might shift to lead
111 agencies under this article if the employee meets the lead agency's qualifications;
- 112 (6) The division should not transfer services to a lead agency until the division, in
113 consultation with the local community, has conducted a readiness assessment of the
114 region and lead agency to ensure the lead agency is prepared to deliver and be
115 accountable for such services. The readiness assessment should evaluate the operational
116 ability of the region and lead agency based on a set of uniform criteria developed in
117 consultation with currently operating faith based and community based organizations and
118 reflecting national accreditation standards, which evaluate programmatic, financial,
119 technical assistance, training, and organizational competencies, along with criteria
120 reflective of the priorities of the local community; and
- 121 (7) The division, in consultation with the lead agencies, should establish a quality
122 assurance program for competitively bid services based on nationally recognized
123 standards, and should report to the public on a monthly basis each lead agency's
124 performance on federal outcome measures and outcome measures established by the

125 Governor and the General Assembly. The report should be made available, at a
126 minimum, in a conspicuous location on the division's website.

127 (e) This article shall cease to be effective if the Administration for Children and Families
128 of the United States Department of Health and Human Services does not approve a federal
129 title IV-E waiver demonstration project to implement and receive fixed funding to
130 accomplish the purposes of this article."

131 **SECTION 4.**

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