

The House Committee on Health and Human Services offers the following substitute to SB 337:

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 require the Department of Community  
3 Health to provide that certain dependents of a military service member shall maintain  
4 eligibility and priority for certain medical assistance and developmental disability services  
5 under certain conditions; to require the department to request a waiver if necessary to  
6 implement such provision; to provide that such provision shall only apply to the fullest extent  
7 permissible to remain in compliance with certain federal laws, rules, and regulations; to  
8 provide for a single administrator for dental services for Medicaid recipients and PeachCare  
9 for Kids participants; to require the Department of Community Health to competitively bid  
10 out and contract with such single administrator; to provide for requirements for the single  
11 administrator; to provide for applicability; to provide for an amendment to the state plan if  
12 necessary; to provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
16 medical assistance generally, is amended by adding new Code sections to read as follows:

17 "49-4-158.

18 (a) As used in this Code section, the term:

19 (1) 'Dependent' means a spouse, birth child, adopted child, or stepchild of a military  
20 service member.

21 (2) 'Legal resident' means a person who maintains Georgia as his or her principal  
22 establishment, home of record, or permanent home and to where, whenever absent due  
23 to military obligation, he or she intends to return.

24 (3) 'Military service' means service in the armed forces or armed forces reserves of the  
25 United States, or membership in the Georgia National Guard.

26 (4) 'Military service member' means a person who is currently in military service or who  
27 has separated from military service in the previous 18 months through either retirement  
28 or military separation.

29 (b) The department shall allow legal residents who are dependents of a military service  
30 member and who are absent from this state due to such member's military service to be  
31 added to a data base to indicate the need for medical assistance upon return to this state.  
32 Should a dependent in such a situation be selected from a data base to receive medical  
33 assistance, the dependent shall have six months from the date of the selection notification  
34 to apply for such assistance and another six months to commence using such assistance.  
35 In the event a dependent is receiving medical assistance funded by the department and the  
36 medical assistance is disrupted due to the military service member's need for the dependent  
37 to leave Georgia because of such member's military service, the medical assistance shall  
38 be resumed upon the dependent's return to Georgia if the dependent is otherwise eligible.  
39 In no case shall payment be made for home and community based services provided  
40 outside this state. A dependent of a military service member shall be required to provide  
41 the department with:

42 (1) A copy of the military service member's DD-214 or other equivalent discharge  
43 paperwork; and

44 (2) Proof of the military service member's legal residence in this state, as prescribed by  
45 the department.

46 (c) A dependent who is a legal resident of this state, having previously been determined  
47 to be eligible for developmental disability services provided by the department, including  
48 waiver services provided under the home and community based services programs  
49 authorized under Section 1915(c) of the Social Security Act, shall retain eligibility for such  
50 developmental disability services so long as he or she remains a legal resident of this state,  
51 regardless of having left this state due to the military service member's military service  
52 outside this state, so long as he or she is otherwise eligible for such services.

53 (d) The department shall permit a dependent who resides outside this state to be placed on  
54 a waiting list for developmental disabilities services if the dependent left this state due to  
55 the military service member's military service outside this state, is otherwise eligible for  
56 such services, and furnishes:

57 (1) A copy of the military service member's DD-214 or other equivalent discharge  
58 paperwork; and

59 (2) Proof of the military service member's legal residence in this state, as prescribed by  
60 the department.

61 (e) For dependents who received developmental disability services and who left this state  
62 due to the military service member's military service outside this state, upon the

63 dependent's return to this state and when a request for services is made, the department  
64 shall:

65 (1) Determine the dependent's eligibility for services, which may include a request for  
66 waiver services provided under the home and community based services programs  
67 authorized under Section 1915(c) of the Social Security Act;

68 (2) Provide to the dependent notification of the determination of eligibility for services,  
69 which includes notification of a denial of services, if applicable;

70 (3) Provide the dependent an opportunity to contest the department's determination  
71 through the appeals processes established by the department; and

72 (4) Resume services if the dependent remains eligible.

73 (f) As a condition of continued eligibility for services under subsection (e) of this Code  
74 section, a dependent must inform the department of his or her current address and provide  
75 updates as requested by the department.

76 (g) No payment pursuant to this Code section shall be made for developmental disability  
77 services authorized under this chapter and provided outside this state unless such services  
78 satisfy the conditions specified in 42 C.F.R. Section 431.52. No payment pursuant to this  
79 Code section shall be made for home and community based services provided outside this  
80 state.

81 (h) The department shall request a waiver from the appropriate federal agency if a waiver  
82 is necessary to implement the provisions of this Code section.

83 (i) The department may adopt rules and regulations necessary to implement the provisions  
84 of this Code section.

85 (j) This Code section shall only apply to the fullest extent permissible for Georgia to  
86 remain in compliance with all federal laws, rules, and regulations associated with the  
87 services provided in this chapter.

88 49-4-159.

89 (a) Upon expiration, or termination prior to expiration, of the current term of a contract  
90 with a care management organization which covers dental services for recipients of  
91 medical assistance pursuant to this article and for participants in the PeachCare for Kids  
92 program pursuant to Article 13 of Chapter 5 of this title, the department shall enter into a  
93 contract with a single administrator to provide dental services for such recipients and  
94 participants. Such single administrator shall be selected through a competitive bidding  
95 process pursuant to Article 3 of Chapter 5 of Title 50. The single administrator shall be  
96 prohibited from outsourcing, subcontracting, or assigning any rights or obligations under  
97 its contract with the department. The single administrator shall be required to obtain a  
98 certificate of authority from the Commissioner of Insurance as a health maintenance

99 organization pursuant to Chapter 21 of Title 33. The single administrator shall be  
 100 compensated for dental services on a prepaid, capitated basis for recipients of medical  
 101 assistance and PeachCare for Kids participants. The single administrator shall establish a  
 102 dental provider fee schedule which is at least 85 percent of the maximum allowable  
 103 payments for dental services as published by the department in Appendix B of the Policies  
 104 and Procedures for Dental Services on January 1, 2015, and subject to annual review and  
 105 adjustment by the department.

106 (b) A single administrator for dental services shall be in place and shall contract with  
 107 willing dental providers upon the expiration, or termination prior to expiration, of the  
 108 current term of all contracts with care management organizations which cover dental  
 109 services for recipients of medical assistance pursuant to this article and for participants in  
 110 the PeachCare for Kids program pursuant to Article 13 of Chapter 5 of this title. At such  
 111 time, all dental services for such recipients shall be provided through a single administrator.

112 (c) The single administrator shall comply with and be subject to the provisions of  
 113 subsection (e) of Code Section 49-4-153 in the same manner as a care management  
 114 organization subject to such subsection. The single administrator shall be subject to and  
 115 shall comply with the provisions of Code Section 33-21A-8 in the same manner as for care  
 116 management organizations.

117 (d) The department shall submit any necessary modifications, if applicable, to the state  
 118 plan for medical assistance filed pursuant to Code Section 49-4-12 in order to fulfill the  
 119 requirements of this Code section."

120 **SECTION 2.**

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