

The Senate Committee on Health and Human Services offered the following substitute to SB 4:

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 establish the Georgia Mental Health
3 Treatment Task Force; to provide for legislative findings; to provide for the membership,
4 duties, compensation, and expense allowances; to develop applications for a Medicaid waiver
5 and block grant funding; to prohibit the submission of a mental health Medicaid waiver
6 application without legislative approval; to require agencies' cooperation; to provide for the
7 abolishment; to provide for a short title; to provide for related matters; to provide for an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Enhancing Mental Health Treatment in
12 Georgia Act."

13 **SECTION 2.**

14 The General Assembly finds that:

15 (1) It is important to understand the needs of Georgia residents with serious mental
16 illness and substance abuse disorders, to assess the ability of the state's health system to
17 meet these needs effectively, and to understand the impact of untreated mental illness and
18 substance abuse disorders on state budgets, hospitals, emergency rooms, jails, prisons,
19 law enforcement, and related institutions and services;

20 (2) Access to acute care and crisis intervention is vitally important to the citizens of
21 Georgia, and scenarios involving law enforcement, emergency medical service personnel,
22 and other first responders deserve careful consideration and support to ensure resources
23 are utilized in an efficient and safe manner;

24 (3) There is a vital need for this state to assess its ability to provide appropriate and
25 necessary programs and services to Georgia's citizens, and determine where gaps may

26 exist, as well as where the private sector, public sector, and nonprofit and faith-based
 27 communities' resources may be leveraged to ensure each citizen has access to the right
 28 care, at the right time, at the right place;

29 (4) Nationally, 4.1 percent of the population suffers from serious mental illness;

30 (5) While 92,118 adults with serious mental illness are currently served by the state
 31 mental health authority, there are an estimated 306,000 adults with serious mental illness
 32 in Georgia;

33 (6) Substance abuse and dependence on alcohol and drugs in Georgia mirrors national
 34 rates;

35 (7) Untreated serious mental illness prevents individuals from functioning normally in
 36 society and leading productive, fulfilled lives;

37 (8) Hospitals and emergency rooms can become overrun when individuals with untreated
 38 serious mental illness conflate emergency care with proper mental health treatment;

39 (9) Valuable law enforcement resources across the state are often diverted to attending
 40 to the mentally ill;

41 (10) Untreated mental illness can lead to institutionalization, prison, and otherwise worse
 42 health outcomes;

43 (11) Early, comprehensive, and regular treatment of individuals with mental illness can
 44 prevent adverse effects upon an individual, the health care system, and society at large;

45 (12) Untreated substance abuse has dire consequences on individuals' and families' lives;

46 (13) Because mental illness can increase vulnerability to drug abuse and substance
 47 addiction, effective treatment of mental illness may also necessitate treatment for a
 48 substance abuse disorder;

49 (14) There is a need to study the effectiveness of the services and health care programs
 50 currently available to individuals with, or at risk for, serious mental illness; and

51 (15) An understanding of the feasibility and consequences of using a Medicaid waiver
 52 to improve treatment for those with serious mental illness would enable the General
 53 Assembly to make an informed decision as to whether the state should seek a Section
 54 1115 waiver from the Department of Health and Human Services or apply for Medicaid
 55 block grant funding for mental health treatment and services, if appropriate.

56 **SECTION 2.**

57 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
 58 medical assistance generally, is amended by adding a new Code section to read as follows:

59 "49-4-142.3.

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

61 (1) 'Mental illness' means a disorder of thought or mood which significantly impairs
62 judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary
63 demands of life that affects an individual's mood, thinking, or behavior.

64 (2) 'Serious and persistent mental illness' means a serious mental illness that requires
65 ongoing treatment and management and causes severe impairment over time.

66 (3) 'Serious mental illness' means a diagnosable mental, behavioral, or other emotional
67 disorder that results in serious functional impairment which substantially interferes with
68 or limits one or more of an individual's major life activities. It includes the subset
69 population of individuals with serious and persistent mental illness.

70 (4) 'Substance abuse disorder' means a pattern of use of an intoxicating substance leading
71 to clinically significant impairment or distress.

72 (b) There is created the Georgia Mental Health Treatment Task Force to be composed of
73 three members of the House of Representatives to be appointed by the Speaker of the
74 House of Representatives; three members of the Senate to be appointed by the President
75 of the Senate; eleven members to be appointed by the Governor to include the
76 commissioner of community health or his or her designee, the commissioner of behavioral
77 health and developmental disabilities or his or her designee, the commissioner of public
78 health or his or her designee, the commissioner of human services or his or her designee,
79 the commissioner of community affairs or his or her designee, a representative from the
80 Georgia Sheriffs' Association, two representatives from mental health advocacy groups,
81 one member of an acute care hospital that maintains in-patient psychiatric beds, one
82 member from a private free-standing psychiatric institution, and a representative from one
83 of the state's community service boards. The Speaker of the House of Representatives and
84 the President of the Senate shall each select a cochairperson. The cochairpersons shall call
85 all meetings of the task force. Administrative support for the task force shall be provided
86 by the staff of the Department of Community Health, as appropriate.

87 (c) The legislative members of the task force shall be entitled to receive the compensation
88 and allowances provided for in Code Section 28-1-8. Members of the task force who are
89 state officials, other than legislative members, or state employees shall receive no
90 compensation for their services on the task force but may be reimbursed for expenses
91 incurred by them in the performance of their duties as members of the task force in the
92 same manner as they are reimbursed for expenses in their capacities as state officials or
93 employees.

94 (d) The task force may conduct such meetings at such places and at such times as it may
95 deem necessary or convenient to enable it to exercise fully and effectively its powers,
96 perform its duties, and accomplish the objectives and purposes of this Code section.

97 (e) The task force shall perform the following by December 31, 2017:

- 98 (1) Examine the current mental health landscape in the state with particular attention to
99 the number of residents affected by serious mental illness and substance abuse disorders
100 and their health insurance coverage status, both public and private;
- 101 (2) Assess whether the current Medicaid program provides adequate and effective mental
102 health care services to the portion of the population suffering from, and at risk for, serious
103 mental illness and substance abuse disorders;
- 104 (3) Assess how other, non-Medicaid, services work to provide effective health care
105 services to the portion of the population suffering from, and at risk for, serious mental
106 illness and substance abuse disorders;
- 107 (4) Determine the impact on the state's hospitals, emergency rooms, law enforcement,
108 prisons, jails, and related institutions and services resulting from a lack of treatment of
109 those with mental illness and substance abuse disorders;
- 110 (5) Understand the link between substance abuse disorders and serious mental illness in
111 order to provide comprehensive, effective treatment to persons suffering from either or
112 both;
- 113 (6) Assess which services and practices work best to prevent further deterioration within
114 the mentally ill and substance abuse disorder populations, including, but not limited to,
115 supportive housing, crisis stabilization programs, community residential rehabilitation,
116 assertive community treatment services, telemedicine, data integration, and addiction
117 treatment programs;
- 118 (7) Determine what changes could be made to the state's Medicaid program that would
119 increase its ability to provide effective care and services to those suffering from, and at
120 risk for, serious mental illness and substance abuse disorders, with an assessment of the
121 costs and benefits of such changes to the state;
- 122 (8) Determine what changes could be made outside of the state's Medicaid program to
123 increase the state's ability to provide effective care and services to those suffering from,
124 and at risk for, serious mental illness and substance abuse disorders, with an assessment
125 of the costs and benefits of such changes to the state;
- 126 (9) Work within guidelines established by the Centers for Medicare and Medicaid
127 Services and the Department of Health and Human Services to develop a plan for
128 appropriate distribution of funding for mental health and substance abuse services in
129 Georgia. Specifically:
- 130 (A) Develop a complete application for a Section 1115 Medicaid waiver targeted at
131 mental illness and substance abuse disorders that would be substantially ready for
132 submission to the Department of Health and Human Services upon the General
133 Assembly's subsequent authorization to submit said waiver pursuant to Code Section

134 49-4-142.1 and in compliance with Code Section 49-4-142.2 in an upcoming session;
135 and
136 (B) If appropriate, develop a complete application for Medicaid block grant funding
137 for mental health services and substance abuse prevention and treatment that would be
138 substantially ready for submission to the Department of Health and Human Services
139 upon the General Assembly's subsequent authorization to submit said application; and
140 (10) Submit a report to the General Assembly detailing the task force's findings and
141 recommendations, including whether to submit a Section 1115 waiver application to the
142 Department of Health and Human Services or apply for a block grant for the provision
143 of services related to serious mental illness and substance abuse disorders.
144 (f) Pursuant to Code Sections 49-4-142.1 and 49-4-142.2, neither the task force nor any
145 representative of the state shall submit a waiver application to the Department of Health
146 and Human Services without legislative approval. Creation of this task force shall not
147 constitute such approval.
148 (g) All relevant agencies, including the Department of Community Health, the Department
149 of Behavioral Health and Developmental Disabilities, the Department of Public Health, the
150 Department of Human Services, and the Department of Community Affairs, shall work
151 cooperatively with the task force to provide timely and relevant information as requested
152 by the task force.
153 (h) The task force shall stand abolished on January 1, 2018."

154

155

SECTION 3.

156

This Act shall become effective upon its approval by the Governor or upon its becoming law
157 without such approval.

158

158

SECTION 4.

159

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