

The House Committee on Health and Human Services offers 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 automatic repeal; to provide for a short title; to provide for
8 related matters; to provide for an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 **SECTION 2.**

15 The General Assembly finds that:

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

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

- 25 (3) There is a vital need for this state to assess its ability to provide appropriate and
26 necessary programs and services to Georgia's citizens, and determine where gaps may
27 exist, as well as where the private sector, public sector, and nonprofit and faith-based
28 communities' resources may be leveraged to ensure each citizen has access to the right
29 care, at the right time, at the right place;
- 30 (4) Nationally, 4.1 percent of the population suffers from serious mental illness;
- 31 (5) While 92,118 adults with serious mental illness are currently served by the state
32 mental health authority, there are an estimated 306,000 adults with serious mental illness
33 in Georgia;
- 34 (6) Substance abuse and dependence on alcohol and drugs in Georgia mirrors national
35 rates;
- 36 (7) Untreated serious mental illness prevents individuals from functioning normally in
37 society and leading productive, fulfilled lives;
- 38 (8) Hospitals and emergency rooms can become overrun when individuals with untreated
39 serious mental illness conflate emergency care with proper mental health treatment;
- 40 (9) Valuable law enforcement resources across the state are often diverted to attending
41 to the mentally ill;
- 42 (10) Untreated mental illness can lead to institutionalization, prison, and otherwise worse
43 health outcomes;
- 44 (11) Early, comprehensive, and regular treatment of individuals with mental illness can
45 prevent adverse effects upon an individual, the health care system, and society at large;
- 46 (12) Untreated substance abuse has dire consequences on individuals' and families' lives;
- 47 (13) Because mental illness can increase vulnerability to drug abuse and substance
48 addiction, effective treatment of mental illness may also necessitate treatment for a
49 substance abuse disorder;
- 50 (14) There is a need to study the effectiveness of the services and health care programs
51 currently available to individuals with, or at risk for, serious mental illness; and
- 52 (15) An understanding of the feasibility and consequences of using a Medicaid waiver
53 to improve treatment for those with serious mental illness would enable the General
54 Assembly to make an informed decision as to whether the state should seek a Section
55 1115 waiver from the Department of Health and Human Services or apply for Medicaid
56 block grant funding for mental health treatment and services, if appropriate.

57 **SECTION 3.**

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

S. B. 4 (SUB)

60 "49-4-142.3.

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

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

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

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

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

73 (b) There is created the Georgia Mental Health Treatment Task Force to be composed of
 74 three members of the House of Representatives to be appointed by the Speaker of the
 75 House of Representatives; three members of the Senate to be appointed by the President
 76 of the Senate; three members to be appointed by the Governor who may appoint any three
 77 of the advisory council members to the task force or any other individual or individuals the
 78 Governor deems qualified to be a member of such task force. The Speaker of the House
 79 of Representatives and the President of the Senate shall each select a cochairperson. The
 80 cochairpersons shall call all meetings of the task force. Administrative support for the task
 81 force shall be provided by the staff of the Department of Community Health, as
 82 appropriate.

83 (c) There is created the Georgia Mental Health Treatment Advisory Council to be
 84 composed of 21 nonvoting members to be appointed by the Governor to include the
 85 following:

86 (1) The commissioner of community health or his or her designee;

87 (2) The commissioner of behavioral health and developmental disabilities or his or her
 88 designee;

89 (3) The commissioner of public health or his or her designee;

90 (4) The commissioner of human services or his or her designee;

91 (5) The commissioner of community affairs or his or her designee;

92 (6) The commissioner of corrections or his or her designee;

93 (7) The commissioner of community supervision or his or her designee;

94 (8) The commissioner of public safety or his or her designee;

95 (9) One board licensed psychiatrist in private practice;

- 96 (10) One board licensed psychiatrist practicing in an acute care hospital that maintains
 97 in-patient psychiatric beds;
- 98 (11) One board licensed psychiatrist practicing in a private free-standing psychiatric
 99 institution;
- 100 (12) Two representatives each from two separate boards representing the state's
 101 community service boards;
- 102 (13) One licensed psychologist;
- 103 (14) One licensed social worker;
- 104 (15) One licensed professional counselor;
- 105 (16) Two active post certified members of law enforcement;
- 106 (17) One consumer who has a mental illness diagnosis;
- 107 (18) One family member of a consumer who has a mental illness diagnosis; and
- 108 (19) One licensed emergency medical technician or paramedic.
- 109 (d) The legislative members of the task force shall be entitled to receive the compensation
 110 and allowances provided for in Code Section 28-1-8. Members of the task force who are
 111 state officials, other than legislative members, or state employees shall receive no
 112 compensation for their services on the task force but may be reimbursed for expenses
 113 incurred by them in the performance of their duties as members of the task force in the
 114 same manner as they are reimbursed for expenses in their capacities as state officials or
 115 employees.
- 116 (e) The task force may conduct such meetings at such places and at such times as it may
 117 deem necessary or convenient to enable it to exercise fully and effectively its powers,
 118 perform its duties, and accomplish the objectives and purposes of this Code section.
- 119 (f) The task force shall perform the following by December 31, 2017:
- 120 (1) Examine the current mental health landscape in the state with particular attention to
 121 the number of residents affected by serious mental illness and substance abuse disorders
 122 and their health insurance coverage status, both public and private;
- 123 (2) Assess whether the current Medicaid program provides adequate and effective mental
 124 health care services to the portion of the population suffering from, and at risk for, serious
 125 mental illness and substance abuse disorders;
- 126 (3) Assess how other, non-Medicaid, services work to provide effective health care
 127 services to the portion of the population suffering from, and at risk for, serious mental
 128 illness and substance abuse disorders;
- 129 (4) Determine the impact on the state's hospitals, emergency rooms, law enforcement,
 130 prisons, jails, and related institutions and services resulting from a lack of treatment of
 131 those with mental illness and substance abuse disorders;

- 132 (5) Understand the link between substance abuse disorders and serious mental illness in
133 order to provide comprehensive, effective treatment to persons suffering from either or
134 both;
- 135 (6) Assess which services and practices work best to prevent further deterioration within
136 the mentally ill and substance abuse disorder populations, including, but not limited to,
137 supportive housing, crisis stabilization programs, community residential rehabilitation,
138 assertive community treatment services, telemedicine, data integration, and addiction
139 treatment programs;
- 140 (7) Determine what changes could be made to the state's Medicaid program that would
141 increase its ability to provide effective care and services to those suffering from, and at
142 risk for, serious mental illness and substance abuse disorders, with an assessment of the
143 costs and benefits of such changes to the state;
- 144 (8) Determine what changes could be made outside of the state's Medicaid program to
145 increase the state's ability to provide effective care and services to those suffering from,
146 and at risk for, serious mental illness and substance abuse disorders, with an assessment
147 of the costs and benefits of such changes to the state;
- 148 (9) Work within guidelines established by the Centers for Medicare and Medicaid
149 Services and the Department of Health and Human Services to develop a plan for
150 appropriate distribution of funding for mental health and substance abuse services in
151 Georgia. Specifically:
- 152 (A) Develop a complete application for a Section 1115 Medicaid waiver targeted at
153 mental illness and substance abuse disorders that would be substantially ready for
154 submission to the Department of Health and Human Services upon the General
155 Assembly's subsequent authorization to submit said waiver pursuant to Code Section
156 49-4-142.1 and in compliance with Code Section 49-4-142.2 in an upcoming session;
157 and
- 158 (B) If appropriate, develop a complete application for Medicaid block grant funding
159 for mental health services and substance abuse prevention and treatment that would be
160 substantially ready for submission to the Department of Health and Human Services
161 upon the General Assembly's subsequent authorization to submit said application; and
- 162 (10) Submit a report to the General Assembly detailing the task force's findings and
163 recommendations, including whether to submit a Section 1115 waiver application to the
164 Department of Health and Human Services or apply for a block grant for the provision
165 of services related to serious mental illness and substance abuse disorders.
- 166 (g) Pursuant to Code Sections 49-4-142.1 and 49-4-142.2, neither the task force nor any
167 representative of the state shall submit a waiver application to the Department of Health

168 and Human Services without legislative approval. Creation of this task force shall not
169 constitute such approval.

170 (h) All relevant agencies, including the Department of Community Health, the Department
171 of Behavioral Health and Developmental Disabilities, the Department of Public Health, the
172 Department of Human Services, and the Department of Community Affairs, shall work
173 cooperatively with the task force to provide timely and relevant information as requested
174 by the task force.

175 (i) The task force shall stand abolished and this Code section shall stand repealed on
176 January 1, 2018."

177 **SECTION 4.**

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

180 **SECTION 5.**

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