

House Bill 1079

By: Representatives Schofield of the 60<sup>th</sup>, Gardner of the 57<sup>th</sup>, Allen of the 40<sup>th</sup>, Buckner of the 137<sup>th</sup>, Alexander of the 66<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 and Title 33 of the Official Code of Georgia  
2 Annotated, relating to medical assistance and insurance, respectively, so as to replace  
3 provisions relating to submission of a Section 1115 waiver request to the federal government  
4 with a state plan amendment to authorize Medicaid expansion; to revise provisions relating  
5 to submission of a Section 1332 innovation waiver proposal to the federal government; to  
6 require a state innovation waiver submission to include specific protections and coverage;  
7 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
12 medical assistance generally, is amended by revising Code Section 49-4-142.3, relating to  
13 waiver request to federal government on income threshold for Medicare and Medicaid  
14 services, as follows:

15 "49-4-142.3.

16 The department shall be authorized to submit a ~~waiver request~~ Medicaid state plan  
17 amendment, on or before June 30, 2020, to the United States Department of Health and  
18 Human Services Centers for Medicare and Medicaid Services ~~pursuant to Section 1115 of~~  
19 ~~the federal Social Security Act~~, which ~~may~~ shall include an increase in the income  
20 threshold up to a maximum of ~~100~~ 138 percent of the federal poverty level. It is the intent  
21 of the General Assembly that appropriations shall be authorized for the purposes of  
22 obtaining federal financial participation for medical assistance payments to providers on  
23 behalf of Medicaid recipients pursuant to this article and funding the state's portion of the  
24 cost to expand the Medicaid program under the federal Patient Protection and Affordable  
25 Care Act, Public Law 111-148, as amended by the federal Health Care and Education  
26 Reconciliation Act of 2010, Public Law 111-152, and any regulations or guidelines issued

27 under such acts. ~~Further, upon approval of the waiver, the~~ The department shall be  
 28 authorized to take all necessary steps to implement the terms and conditions of the waiver  
 29 without any further legislative action."

30

### SECTION 2.

31 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general  
 32 provisions regarding insurance, is amended by revising Code Section 33-1-26, relating to the  
 33 Governor's request for waiver from federal Patient Protection and Affordable Care Act and  
 34 expiration of authority, as follows:

35 "33-1-26.

36 (a) The Governor is hereby authorized to submit one or more applications to the United  
 37 States Secretaries of Health and Human Services and the Treasury for waiver of applicable  
 38 provisions of the federal Patient Protection and Affordable Care Act (P. L. 111-148) under  
 39 Section 1332 with respect to health insurance coverage or health insurance products. Any  
 40 such submission to obtain a state innovation waiver ~~may include multiple waiver~~  
 41 ~~submissions shall:~~

42 (1) Preserve consumer protections;

43 (2) Maintain comprehensive, quality health coverage; and

44 (3) Prevent increases in out-of-pocket health spending by consumers whose incomes are  
 45 between 100 and 400 percent of the federal poverty level.

46 On or after January 1, 2020, upon approval of one or more waivers, the state is authorized  
 47 to implement such waiver or waivers as provided under Section 1332 of such federal act  
 48 in a manner consistent with state and federal law.

49 (b) The authority granted to the Governor in subsection (a) of this Code section to submit  
 50 one or more applications shall expire on December 31, 2021."

51

### SECTION 3.

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

54

### SECTION 4.

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