

House Bill 97

By: Representatives Park of the 107<sup>th</sup>, Griffin of the 149<sup>th</sup>, Jackson of the 128<sup>th</sup>, and Herring of the 145<sup>th</sup>

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 provide for the expansion of Medicaid; to  
3 provide for definitions; to authorize the Department of Community Health to utilize  
4 appropriations for the purposes of funding Medicaid expansion; to provide for the submission  
5 of requests for waivers, amendments to waivers, and state plan amendments; to authorize the  
6 office of the Commissioner of Insurance to certify qualified health plans; to provide for  
7 reporting; to provide for rules and regulations ; to provide for related matters; to provide for  
8 legislative notification and approval; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **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 adding a new Code section to read as follows:

13 "49-4-142.6.

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

15 (1) 'Eligible individual' means an individual who:

16 (A) Is an adult between 19 and 65 years of age with an annual income that is equal to  
17 or less than 138 percent of the federal poverty level;

18 (B) Has been authenticated to be a United States citizen or a documented qualified  
19 alien as defined in Section 431 of the Personal Responsibility and Work Opportunity  
20 Reconciliation Act of 1996, (P.L. 104-193), as amended; and

21 (C) Is not determined to be more effectively covered through the standard Medicaid  
22 program, such as an individual who is medically frail or other individual with  
23 exceptional medical needs for whom coverage as provided under this Code section is  
24 determined by the department to be impractical, overly complex, or would undermine  
25 continuity or effectiveness of care.

26 (2) 'Healthcare coverage' means healthcare benefits as defined by rules promulgated by  
27 the Commissioner of Insurance for the certification of qualified health plans.

28 (3) 'Medicaid expansion program' or 'program' means an expansion of the Medicaid  
29 program in accordance with this Code section.

30 (4) 'Qualified health plan' means a health insurance plan certified by the office of the  
31 Commissioner of Insurance for the Medicaid expansion program.

32 (b) On or before October 31, 2025, in consultation with the office of the Commissioner of  
33 Insurance, the department shall submit to the United States Department of Health and  
34 Human Services Centers for Medicare and Medicaid services pursuant to Section 1115 of  
35 the federal Social Security Act a waiver request along with other necessary amendments  
36 for the Medicaid expansion program under the federal Patient Protection and Affordable  
37 Care Act (P.L. 111-148), as amended by the federal Health Care and Education  
38 Reconciliation Act of 2010 (P.L. 111-152) and the American Rescue Plan of 2021  
39 (P.L. 117-2), and any regulations or guidelines issued under such acts in accordance with  
40 this Code section. The waiver request shall provide for:

41 (1) The enrollment of certain low-income individuals making less than 138 percent of  
42 the federal poverty level in the eligibility category created by

43 Section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, 42 U.S.C. Section  
44 1396a, into qualified healthcare plans offered on the state marketplace established under  
45 Section 1332 of the federal Patient Protection and Affordable Care Act (P.L. 111-148);  
46 and

47 (2) The full payment of any premiums or other direct costs associated with enrolling in  
48 qualified healthcare plans for eligible individuals making less than 138 percent of the  
49 federal poverty level who are enrolled in the program.

50 (c) The department is specifically authorized to pay premiums and supplemental  
51 cost-sharing subsidies directly to the qualified health plans for eligible individuals enrolled  
52 in the program.

53 (d) The office of the Commissioner of Insurance shall certify qualified health plans  
54 providing minimum requirements for healthcare coverage.

55 (e) If the Medicaid expansion program provided for in this Code section is approved, the  
56 department shall immediately report to the General Assembly that such expansion is  
57 operational and annually on or before November 1 of each year shall report to the General  
58 Assembly:

59 (1) The number of individuals enrolled in the Medicaid expansion program;

60 (2) Costs incurred by the state for the Medicaid expansion program;

61 (3) Estimated costs for the implementation of the Medicaid expansion program for the  
62 current and following state fiscal year; and

63 (4) Recommendations to control costs of the Medicaid expansion program.

64 (f) The department and the office of the Commissioner of Insurance shall be authorized  
65 to promulgate rules and regulations consistent with and necessary to carry out the  
66 provisions of this Code section."

67

**SECTION 2.**

68 This Act shall be considered legislative notification for purposes of Code Section 49-4-142.1  
69 and legislative approval for purposes of Code Section 49-4-142.2.

70

**SECTION 3.**

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