

Senate Bill 186

By: Senators Esteves of the 35th, Jones II of the 22nd, Parent of the 44th, Islam Parkes of the 7th, Kemp of the 38th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to permit assisted living
3 communities and personal care homes to enroll as Medicaid providers; to provide for
4 development of a model for implementation; to provide for submission of a state plan
5 amendment or waiver, if necessary; to provide for legislative intent; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 It is the intent of the General Assembly:

- 10 (1) To assist Georgians who need the services of assisted living communities and larger
11 personal care homes in order to age in place without moving to a skilled nursing facility,
12 but don't have the financial resources to do so;
- 13 (2) To allow home and community based services funded under the Medicaid program
14 to be accessible to Georgians, in some instances when such services have been previously
15 prohibited by state law and policy;

16 (3) To have the Department of Community Health initiate a program to allow such
 17 persons to receive Medicaid home and community based services, but not room and
 18 board, in assisted living communities, all personal care homes, and subsidized housing
 19 when such facilities choose to be enrolled as Medicaid providers; and

20 (4) That such program enabled by this Act provide an opportunity for provider choice
 21 to persons in need of home and community based services, such as residents in assisted
 22 living communities who have exhausted the resources required for licensed assisted
 23 living and persons living independently in their home or in subsidized housing who need
 24 a higher level of care.

25 SECTION 2.

26 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
 27 regulation of hospitals and related institutions, is amended in Code Section 31-7-12.2,
 28 relating to regulation and licensing of assisted living communities, by revising subsection (i)
 29 as follows:

30 ~~"(i) An assisted living community shall not be permitted to enroll as a provider of medical~~
 31 ~~assistance, as defined in paragraph (6) of Code Section 49-4-141, or receive any funds~~
 32 ~~authorized or paid pursuant to Title XIX of the Social Security Act. Reserved."~~

33 SECTION 3.

34 Said article is further amended by adding a new Code section to read as follows:

35 "31-7-12.9.

36 (a) Unless otherwise prohibited by federal law or regulation, assisted living communities
 37 and personal care homes shall be permitted to enroll as providers of medical assistance, as
 38 defined in paragraph (6) of Code Section 49-4-141, and receive any funds authorized or
 39 paid pursuant to Title XIX of the Social Security Act.

40 (b) In order to implement the provisions of this Code section, the department shall convene
41 stakeholders and develop a model to allow assisted living communities and personal care
42 homes to enroll as providers of medical assistance, as defined in paragraph (6) of Code
43 Section 49-4-141, and receive any funds authorized or paid pursuant to Title XIX of the
44 Social Security Act.

45 (c) To implement the provisions of this Code section, the department shall submit a
46 Medicaid state plan amendment, waiver request, or amendment to an existing waiver to the
47 United States Department of Health and Human Services, as necessary, no later than
48 December 31, 2026."

49 **SECTION 4.**

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