

Senate Bill 287

By: Senators Halpern of the 39th, Walker III of the 20th, Mallow of the 2nd, Orrock of the 36th, Merritt of the 9th and others

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 create and establish a purpose for the
3 Georgia Interested Parties Advisory Group within the Department of Community Health; to
4 provide for such advisory group's composition and duties; to provide for the collection of
5 certain data by the Department of Community Health and the Department of Behavioral
6 Health and Developmental Disabilities; to provide for annual reports; to provide for
7 definitions; to provide for related matters; to provide for an effective date; to repeal
8 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 "49-4-159.5.

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

15 (1) 'Advisory group' means the Georgia Interested Parties Advisory Group established
16 pursuant to this Code section.

17 (2) 'DBHDD' means the Department of Behavioral Health and Developmental
18 Disabilities.

19 (3) 'DCH' means the Department of Community Health.

20 (4) 'Direct care worker' shall have the same meaning as defined in 42 C.F.R. Section
21 441.311.

22 (5) 'Financial support services provider' means a fiscal agent contracted by DCH or
23 DBHDD to implement an individualized service plan of an HCBS beneficiary by
24 receiving and processing payment requests as authorized.

25 (6) 'HCBS' means Medicaid covered home and community based services as such phrase
26 is defined in 42 C.F.R. Section 440.180, 440.181, or 440.182.

27 (7) 'HCBS provider agency' means an organization that has entered into a Medicaid
28 provider participation agreement with DCH or DBHDD for the provision of HCBS to
29 beneficiaries.

30 (8) 'Waiver' means any waiver granted by the United States Secretary of Health and
31 Human Services pursuant to subsection (b) of 42 U.S.C. Section 1396n.

32 (b) As required by 42 C.F.R. Section 447.203(b)(6), there is established within DCH the
33 Georgia Interested Parties Advisory Group. The purpose of the advisory group shall be to
34 advise, consult with, and provide recommendations to DCH in accordance with 42 C.F.R.
35 Section 447.203(b)(6).

36 (c) The advisory group shall be composed of 19 members to be appointed by the
37 Governor, on or before October 1, 2025, in accordance with the requirements of 42 C.F.R.
38 Section 447.203(b)(6), including:

39 (1) A chairperson, who shall not be a state employee;

40 (2) One representative from the Division of Medical Assistance Plans of DCH; and

41 (3) One representative from DBHDD.

42 (d) All members of the advisory group shall be full-time residents of Georgia.

43 (e) The advisory group shall meet at a frequency and in accordance with any other
44 requirements set forth in 42 C.F.R. Section 447.203(b)(6).

45 (f) Members of the advisory group shall receive no compensation for their services but
46 shall be allowed actual and necessary expenses in the performance of their duties. Any
47 legislative members of the advisory group shall receive the allowances provided for in
48 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
49 amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
50 transportation allowance authorized for state employees. Members who are state officials
51 or state employees shall receive no compensation for their services on the advisory group
52 but shall be reimbursed for expenses incurred in the performance of their duties as
53 members of the advisory group in the same manner as reimbursements are made in their
54 capacity as state officials or state employees. The funds necessary for the reimbursement
55 of the expenses of state officials, other than legislative members, and state employees shall
56 come from funds appropriated to or otherwise available to their respective departments.

57 (g) DCH shall publish in a prominent location on DCH's website information about the
58 advisory group, including, but not limited to, the advisory group's purpose, current
59 members, the process by which members were appointed, the process by which the
60 advisory group convenes its meetings, notices of upcoming meetings, and any other
61 information required by 42 C.F.R. Section 447.203(b)(6).

62 (h) DCH and DBHDD shall require each HCBS provider agency to submit, on or before
63 January 1, 2026, and annually thereafter, data regarding direct care workers it employs or
64 engages with, including, but not limited to:

65 (1) The total number of direct care workers, including a breakdown of full-time
66 employees, part-time employees, and independent contractors, if any;

67 (2) The percentage of the previous calendar year that each direct care worker was
68 employed or engaged by such HCBS provider agency;

- 69 (3) The total length of employment or engagement for each direct care worker as of the
70 end of the previous calendar year;
- 71 (4) The total number of direct care worker separations from employment occurring in the
72 previous calendar year;
- 73 (5) The total number of full-time and part-time direct care worker vacancies that
74 remained unfilled as of the end of the previous calendar year;
- 75 (6) The total number of unstaffed hours, as measured by hours allotted in an HCBS
76 beneficiary's care plan for which such beneficiary did not receive care in the previous
77 calendar year;
- 78 (7) The hourly wage paid to each full-time and part-time direct care worker during the
79 previous calendar year;
- 80 (8) The total number of hours authorized for overtime pay for each full-time and
81 part-time direct care worker;
- 82 (9) The total sum paid to direct care workers for travel to HCBS beneficiaries in the
83 previous calendar year;
- 84 (10) Whether such HCBS provider agency paid for the following direct care worker
85 fringe benefits, including a breakdown of the number of and percentage of total full-time
86 and part-time direct care workers who received such benefits:
- 87 (A) Health insurance;
- 88 (B) Dental insurance;
- 89 (C) Vision insurance;
- 90 (D) Life insurance;
- 91 (E) Disability insurance;
- 92 (F) Tuition reimbursement;
- 93 (G) Retirement benefits;
- 94 (H) Paid leave (other than sick time, name type); and
- 95 (I) Other benefits;

- 96 (11) Other expenditures related to direct care workers paid by such HCBS provider
97 agency, including, but not limited to:
- 98 (A) Required training;
 - 99 (B) Discretionary travel benefits; and
 - 100 (C) Personal protective equipment purchases; and
- 101 (12) Demographic and other similar information, including, but not limited to:
- 102 (A) Age;
 - 103 (B) Gender;
 - 104 (C) Race and ethnicity;
 - 105 (D) Highest educational level attained;
 - 106 (E) Certification(s) held; and
 - 107 (F) Years of direct care worker experience.
- 108 (i) DCH and DBHDD shall require each financial support services provider to submit on
109 or before January 1, 2026, and annually thereafter, data regarding direct care workers on
110 its payroll, including, but not limited to:
- 111 (1) The total number of full-time direct care workers and the total number of part-time
112 direct care workers;
 - 113 (2) The percentage of the previous calendar year that each full-time and part-time direct
114 care worker was employed;
 - 115 (3) The total length of employment for each full-time and part-time direct care worker
116 as of the end of the previous calendar year;
 - 117 (4) The total number of direct care worker separations from employment occurring in the
118 previous calendar year;
 - 119 (5) The hourly wage paid to each full-time and part-time direct care worker during the
120 previous calendar year;
 - 121 (6) The total number of hours authorized for overtime pay for each full-time and
122 part-time direct care worker; and

- 123 (7) Demographic and other similar information, including, but not limited to:
- 124 (A) Age;
- 125 (B) Gender;
- 126 (C) Race and ethnicity;
- 127 (D) Highest educational level attained;
- 128 (E) Certification(s) held; and
- 129 (F) Years of direct care worker experience.
- 130 (j) Beginning in 2026, on or before March 1 of each year, DCH, in coordination with
- 131 DBHDD, shall aggregate the data collected pursuant to subsections (h) and (i) of this Code
- 132 section and provide an annual report to the advisory group, the General Assembly, and the
- 133 Governor, including, but not limited to:
- 134 (1) The total of number HCBS provider agencies per waiver;
- 135 (2) The total number of HCBS provider agencies who submitted information and, if the
- 136 response rate among such provider agencies is less than 90 percent, the measures taken
- 137 by DCH and DBHDD to ensure receipt of responses;
- 138 (3) The total number of direct care workers, including a demographic analysis of this
- 139 workforce;
- 140 (4) The highest, lowest, median, and average hourly wages paid by HCBS provider
- 141 agencies to direct care workers;
- 142 (5) The amount of authorized overtime, travel time, and other expenditures paid by
- 143 HCBS provider agencies to direct care workers;
- 144 (6) The highest, lowest, median, and average hourly wages paid by financial support
- 145 services providers to direct care workers;
- 146 (7) The average length of employment, vacancy, and turnover rates of direct care
- 147 workers; and
- 148 (8) The availability of and type of benefits provided to direct care workers.

149 (k) Any report produced by DCH pursuant to subsection (j) of this Code section shall be
150 made publicly accessible on DCH's website.
151 (l) DCH shall in all respects comply with the requirements set forth in 42 C.F.R. Section
152 441.311."

153 **SECTION 2.**

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

156 **SECTION 3.**

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