

House Bill 677

By: Representatives Dempsey of the 13th, Taylor of the 173rd, Hawkins of the 27th, Hatchett of the 155th, and Oliver of the 84th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
2 general provisions of health, so as to provide for certain placement procedures for children
3 upon discharge from a hospital or psychiatric residential treatment facility in certain
4 circumstances; to amend Article 1 of Chapter 20A of Title 33 of the Official Code of Georgia
5 Annotated, relating to patient protection, so as to provide for per diem payments to hospitals
6 or psychiatric residential treatment facilities in certain circumstances; to amend Chapter 21A
7 of Title 33 of the Official Code of Georgia Annotated, the "Medicaid Care Management
8 Organizations Act," so as to provide for per diem payments to hospitals or psychiatric
9 residential treatment facilities in certain circumstances; to provide for related matters; to
10 provide for applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general
14 provisions of health, is amended by adding a new Code section to read as follows:

H. B. 677

15 "31-1-26.

16 (a) As used in this Code section, the term 'acute psychiatric care' means a level of care that
17 is highly structured for patients who are a risk to themselves or others.

18 (b) Every hospital and psychiatric residential treatment facility in this state shall adhere
19 to the following procedures for instances in which the parent, guardian, or legal custodian
20 of a child who has received psychiatric care or acute psychiatric care at such hospital or
21 facility fails to resume custody of such child within 48 hours of a physician's discharge
22 order from such hospital or facility:

23 (1) A task force shall be assembled which shall consist of a care coordinator, licensed
24 psychiatrist, and a representative of the Department of Human Services, the Department
25 of Behavioral Health and Developmental Disabilities, the commercial health insurer of
26 the child, if applicable, and the Medicaid care management organization of the child, if
27 applicable; and

28 (2) Such task force shall without delay make a medical placement of the child into an
29 appropriate environment for that child."

30 **SECTION 2.**

31 Article 1 of Chapter 20A of Title 33 of the Official Code of Georgia Annotated, relating to
32 patient protection, is amended by adding a new Code section to read as follows:

33 "33-20A-11.

34 (a) As used in this Code section, the term 'acute psychiatric care' means a level of care that
35 is highly structured for patients who are a risk to themselves or others.

36 (b) All managed care organizations in this state contracting with hospitals or psychiatric
37 residential treatment facilities to provide insurance coverage for psychiatric or acute
38 psychiatric care shall provide payment to such hospitals or facilities in the event that the
39 parent, guardian, or legal custodian of a child who has received such care at such hospital

40 or facility fails to resume custody of such child within 48 hours of a physician's discharge
41 order from such hospital or facility.

42 (c) Such coverage shall provide for payment to the hospital or psychiatric residential
43 treatment facility for every day after a physician's discharge order of such child that the
44 child is not medically placed in an appropriate environment for that child, as follows:

45 (1) Six hundred and fifty dollars for psychiatric care at a psychiatric residential treatment
46 facility; or

47 (2) Seven hundred and eighty dollars for acute psychiatric care provided by a hospital,
48 psychiatric residential treatment facility, or other facility if such facility includes a crisis
49 stabilization unit or qualified residential treatment program.

50 (d) The payments referenced in subsection (c) of this Code section shall only be required
51 to be paid to such hospital or facility until such time as the child is medically placed in an
52 appropriate environment for that child."

53 **SECTION 3.**

54 Chapter 21A of Title 33 of the Official Code of Georgia Annotated, the "Medicaid Care
55 Management Organizations Act," is amended by adding a new Code section to read as
56 follows:

57 "33-21A-15.

58 (a) As used in this Code section, the term 'acute psychiatric care' means a level of care that
59 is highly structured for patients who are a risk to themselves or others.

60 (b) All care organizations in this state contracting with hospitals or psychiatric residential
61 treatment facilities to provide psychiatric or acute psychiatric care shall provide insurance
62 coverage requiring payment to such hospitals or facilities in the event that the parent,
63 guardian, or legal custodian of a child who has received acute psychiatric care at such
64 hospital or facility fails to resume custody of such child within 48 hours of a physician's
65 discharge order from such hospital or facility.

66 (c) Such coverage shall provide for payment to the hospital or psychiatric residential
67 treatment facility for every day after a physician's discharge order of such child that the
68 child is not medically placed in an appropriate environment for that child, as follows:

69 (1) Six hundred and fifty dollars for psychiatric care at a psychiatric residential treatment
70 facility; or

71 (2) Seven hundred and eighty dollars for acute psychiatric care provided by a hospital,
72 psychiatric residential treatment facility, or other facility if such facility includes a crisis
73 stabilization unit or qualified residential treatment program.

74 (d) The payments referenced in subsection (c) of this Code section shall only be required
75 to be paid to such hospital or facility until such time as the child is medically placed in an
76 appropriate environment for that child.

77 (e) To implement the provisions of this Code section, the department shall, when
78 necessary, submit a Medicaid state plan amendment or waiver request to the United States
79 Department of Health and Human Services."

80 **SECTION 4.**

81 This Act shall apply to all policies, contracts, and certificates executed, delivered, issued for
82 delivery, continued, or renewed in this state on or after January 1, 2026.

83 **SECTION 5.**

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