

Senate Bill 460

By: Senators Tillery of the 19th, Robertson of the 29th, Walker III of the 20th and Watson of the 1st

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 31 and Chapters 2 and 4 of Title 49 of the Official Code of
2 Georgia Annotated, relating to the Department of Community Health, Department of Human
3 Services, and public assistance, respectively, so as to provide for the Department of
4 Community Health to determine and verify eligibility of Medicaid applicants and Medicaid
5 recipients and to manage Medicaid enrollment; to transfer certain powers, functions, and
6 duties from the Department of Human Services to the Department of Community Health; to
7 provide for the Department of Community Health to administer, expend, and disburse funds;
8 to provide for cooperation and continuity of care and services; to provide for consent to
9 disclosure of certain information; to provide for the Department of Community Health to
10 request and review information for changes in circumstances that may affect ineligibility;
11 to provide for notice; to provide for removal of ineligible Medicaid recipients; to provide for
12 referral for prosecution; to provide for related matters; to provide for a state plan amendment
13 or waiver request; to provide for an effective date; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

17 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to Department of
18 Community Health, is amended in Code Section 31-2-1, relating to legislative intent and
19 grant of authority, by revising paragraph (1) as follows:

20 "(1) Serve as the lead planning agency for all health issues in the state to remedy the
21 current situation wherein the responsibility for health care policy, purchasing, planning,
22 and regulation is spread among many different agencies; ~~and~~ achieve determinations of
23 Medicaid eligibility for inmates to attain services at long-term care facilities when he or
24 she is being considered for parole; determine and verify eligibility for Medicaid
25 applicants and Medicaid recipients; and use data analytics, audits, screenings,
26 investigations, and prosecutions to manage Medicaid enrollment to prevent fraud, waste,
27 and abuse;"

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SECTION 2.

29 Said chapter is further amended in paragraph (1) of subsection (a) of Code Section 31-2-4,
30 relating to powers, duties, functions, and responsibilities, divisions, directors, and contracts
31 for health benefits, by adding a new subparagraph to read as follows:

32 "(C) On and after July 1, 2027, the powers, functions, and duties of the Department of
33 Human Services relating to the Medicaid program, Medicaid eligibility determinations,
34 and Medicaid enrollment shall be performed and exercised by the Department of
35 Community Health pursuant to paragraph (1) of Code Section 31-2-1."

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SECTION 3.

37 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department
38 of Human Services, is amended in Code Section 49-2-1, relating to department created,
39 transfer from Department of Human Resources, commissioner, and kinship care enforcement
40 administrator, by revising subsection (a) as follows:

41 "(a)(1) There is created a Department of Human Services. The powers, functions, and
42 duties of the Department of Human Resources as they existed on June 30, 2009, except
43 for those relating to the Division of Mental Health, Developmental Disabilities, and
44 Addictive Diseases, the Division of Public Health, and the Office of Regulatory Services,
45 unless specifically transferred or reassigned to the Department of Community Health or
46 the Department of Behavioral Health and Developmental Disabilities, are transferred to
47 the Department of Human Services effective July 1, 2009, and the Department of Human
48 Resources shall be reconstituted as the Department of Human Services effective July 1,
49 2009.

50 (2) On and after July 1, 2027, the powers, functions, and duties of the Department of
51 Human Services relating to the Medicaid program, Medicaid eligibility determinations,
52 and Medicaid enrollment shall be performed and exercised by the Department of
53 Community Health pursuant to subparagraph (a)(1)(C) of Code Section 31-2-4."

54 **SECTION 4.**

55 Said chapter is further amended by revising Code Section 49-2-5, relating to department is
56 institution of state, and power to disburse state, county, and federal funds, as follows:

57 "49-2-5.

58 The department is declared to be an institution of the state for which the powers of taxation
59 over the whole state may be exercised, and the department is empowered and authorized
60 to administer, expend, and disburse funds appropriated to it and allocated to it by the
61 General Assembly, the respective counties of the state, and the United States, through its
62 appropriate agencies and instrumentalities for the purpose of distributing old-age benefits
63 and all other benefits as provided in this title; provided, however, that, on and after July 1,
64 2027, the Department of Community Health is empowered and authorized to administer,
65 expend, and disburse such funds for the purpose of administering the Medicaid program,
66 including Medicaid eligibility determinations and Medicaid enrollment management."

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SECTION 5.

68 Said chapter is further amended by revising subparagraph (b)(1)(A) and paragraph (5) of
69 subsection (b) of Code Section 49-2-6, relating to powers and duties, as follows:

70 "(A) All categories of public assistance established under Code Section 49-4-3;
71 provided, however, that, on and after July 1, 2027, the Department of Community
72 Health shall administer and supervise the Medicaid program, including, but not limited
73 to, Medicaid eligibility determinations and Medicaid enrollment management;"

74 "(5) Act as the agent of the federal government in welfare matters of mutual concern in
75 conformity with this title and the administration of any federal funds granted to the state
76 to aid in the furtherance of any functions of the department; provided, however, that, on
77 and after July 1, 2027, the Department of Community Health shall administer and
78 supervise the Medicaid program, including, but not limited to, Medicaid eligibility
79 determinations and Medicaid enrollment management;"

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SECTION 6.

81 Said chapter is further amended by revising Code Section 49-2-10, relating to state
82 appropriations and state, county, and federal welfare funds are for public purpose, as follows:

83 "49-2-10.

84 For the purpose of carrying out the duties and obligations of the department for
85 performance of welfare services of the state, for administrative costs, for matching such
86 federal funds as may be available for all of the aforesaid services, for the purpose of
87 establishing an equalization fund to be used in assisting those counties which may be
88 unable otherwise to bear their proportionate share of the expenses of administration and of
89 dispensing the benefits provided for under this title, and for dispensing all of the benefits
90 provided for under this title, the General Assembly shall make appropriations out of the
91 general fund of the state or otherwise for the various and separate activities of the
92 department. All funds appropriated or allocated to the department or to the county

93 departments by the General Assembly, the fiscal authorities of the respective counties, and
 94 by the federal government through its appropriate agencies and instrumentalities are
 95 declared to be funds provided for a public purpose; and all appropriations provided for in
 96 this Code section and hereafter may be expended and distributed by the department for the
 97 purposes provided for under this title; provided, however, that, on and after July 1, 2027,
 98 the Department of Community Health shall expend and distribute such funds as they
 99 pertain to the Medicaid program, including, but not limited to, Medicaid eligibility
 100 determinations and Medicaid enrollment management."

101 **SECTION 7.**

102 Said chapter is further amended in Code Section 49-2-11, relating to acceptance and
 103 disbursement of federal aid, compliance with conditions, and use of appropriations for
 104 matching funds, by revising subsection (f) as follows:

105 "~~(f) Notwithstanding subsections (a) through (e) of this Code section, the~~ The Department
 106 of Community Health shall be the single state agency for the administration of the state
 107 medical assistance plan, and on and after July 1, 2027, shall determine and verify Medicaid
 108 eligibility and manage Medicaid enrollment."

109 **SECTION 8.**

110 Chapter 4 of said title, relating to public assistance, is amended by revising paragraph (2) of
 111 Code Section 49-4-2, relating to definitions, as follows:

112 "(2) 'Public assistance' means payment in or by money, medical care, remedial care, goods,
 113 or services to or for the benefit of needy persons under any categories that may be
 114 established pursuant to this article; provided, however, that, on and after July 1, 2027, such
 115 term shall not include medical assistance provided for under the Medicaid program."

116 **SECTION 9.**

117 Said chapter is further amended in Code Section 49-4-3, relating to establishment of
118 categories of public assistance and powers and duties in administration of article, by adding
119 a new subsection to read as follows:

120 "(c) On and after July 1, 2027, all powers, functions, and duties relative to administration
121 of and eligibility determinations for the Medicaid program shall be transferred from the
122 department to the Department of Community Health; provided, however, that the
123 department shall provide for maximum cooperation with the Department of Community
124 Health to ensure continuity of care and services provided under the Medicaid program."

125 **SECTION 10.**

126 Said chapter is further amended in Code Section 49-4-142, relating to Department of
127 Community Health established, adoption, administration, modification of state plan, drug
128 application fees, and personal needs allowance, by revising subsection (a) as follows:

129 "(a) The Department of Community Health established under Chapter 2 of Title 31
130 department is authorized to adopt and administer a state plan for medical assistance in
131 accordance with Title XIX of the federal Social Security Act, as amended (Act of July 30,
132 1965, P.L. 89-97, 79 Stat. 343, as amended), provided such state plan is administered
133 within the appropriations made available to the department. The department is authorized
134 to establish the amount, duration, scope, and terms and conditions of eligibility for and
135 receipt of such medical assistance as it may elect to authorize pursuant to this article. The
136 department shall regularly and systematically review eligibility determinations. Further,
137 the department is authorized to establish such rules and regulations as may be necessary
138 or desirable in order to execute the state plan and to receive the maximum amount of
139 federal financial participation available in expenditures made pursuant to the state plan;
140 provided, however, that the department shall establish reasonable procedures for notice to
141 interested parties and an opportunity to be heard prior to the adoption, amendment, or

142 repeal of any such rule or regulation. The department is authorized to enter into such
143 reciprocal and cooperative arrangements with other states, persons, and institutions, public
144 and private, as it may deem necessary or desirable in order to execute the state plan."

145 **SECTION 11.**

146 Said chapter is further amended by adding a new Code section to read as follows:

147 "49-4-143.1.

148 (a) Except as prohibited by federal law, the department shall determine and verify all
149 conditions of eligibility for medical assistance before authorization of medical assistance
150 for a Medicaid applicant and during regular reevaluation of a Medicaid recipient's
151 eligibility for medical assistance.

152 (b) By applying for medical assistance, an individual consents to the disclosure of
153 information about the identity, age, residence, citizenship, employment, applications for
154 employment, income, wages, assets, and resources of the individual or available to the
155 individual that are in the possession of state and federal agencies. Such consent shall be
156 effective to authorize any state and federal agencies to release such information requested
157 by the department.

158 (c) The department shall regularly request and review information concerning Medicaid
159 recipients that may indicate a change in circumstances that affect eligibility. Any
160 information indicating fraud, waste, or abuse shall be referred to prosecution pursuant to
161 Code Sections 49-4-15 and 49-4-146.1 and Article 7B of this chapter.

162 (d) Medicaid applicants who are determined by the department to be ineligible shall be
163 promptly informed of such ineligibility in accordance with federal guidelines. Medicaid
164 recipients who are determined by the department to be ineligible shall be subject to
165 disenrollment and removal in accordance with federal notice requirements. The
166 department shall inform any ineligible Medicaid applicants or Medicaid recipients of any

167 appeals processes and the availability of discounted or reduced cost healthcare coverage
168 or healthcare services from other sources.

169 (e) The department shall enter into any data sharing agreements or memorandums of
170 understanding with any governmental agencies to effectuate the provisions of this Code
171 section. The department is authorized to contract with vendors to process applications,
172 verify data, or manage technical systems to support the provisions of this Code section."

173 **SECTION 12.**

174 If necessary to implement the provisions of this Act, the Department of Community Health
175 shall submit a Medicaid state plan amendment or waiver request to the Centers for Medicare
176 and Medicaid Services of the United States Department of Health and Human Services.

177 **SECTION 13.**

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

180 **SECTION 14.**

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