

Senate Bill 461

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 Human  
4 Services to be the single state agency responsible for the administration of the state Medicaid  
5 program; to transfer certain powers, functions, and duties from the Department of  
6 Community Health to the Department of Human Services; to revise definitions; to provide  
7 for transition; to provide for conforming changes; to provide for related matters; to provide  
8 for a state plan amendment or waiver request; to provide for an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "(1) Serve as the lead planning agency for all health issues in the state to remedy the  
16 current situation wherein the responsibility for health care policy, purchasing, planning,

17 and regulation is spread among many different agencies and achieve determinations of  
18 Medicaid eligibility for inmates to attain services at long-term care facilities when he or  
19 she is being considered for parole;"

20

## SECTION 2.

21 Said chapter is further amended in Code Section 31-2-4, relating to powers, duties, functions,  
22 and responsibilities, divisions, directors, and contracts for health benefits, by adding a new  
23 subsection to read as follows:

24 "(e) On and after July 1, 2027, the powers, functions, and duties of the Department of  
25 Community Health relating to the administration of the state Medicaid program, including,  
26 but not limited to, the requirements provided for in paragraphs (11) and (12) of  
27 subsection (d) of this Code section, shall be performed and exercised by the Department  
28 of Human Services."

29

## SECTION 3.

30 Said chapter is further amended in Code Section 31-2-15, relating to streamlining and  
31 expediting credentialing and billing processes for state medical plans, by revising subsection  
32 (a) as follows:

33 "(a) As used in this Code section, the term 'state medical plan' means the state health  
34 benefit plan under Article 1 of Chapter 18 of Title 45, ~~the medical assistance program~~  
35 ~~under Article 7 of Chapter 4 of Title 49~~, the PeachCare for Kids Program under Article 13  
36 of Chapter 5 of Title 49, and any other health benefit plan or policy administered by or on  
37 behalf of the state."

38

## SECTION 4.

39 Said chapter is further amended in Code Section 31-2-18, relating to reporting on state health  
40 plans, by revising subsection (a) as follows:

41 "(a) As used in this Code section, the term 'state health plan' means:

42 (1) ~~The medical assistance program provided pursuant to Article 7 of Chapter 4 of~~  
43 ~~Title 49 Reserved;~~

44 (2) The PeachCare for Kids Program provided pursuant to Article 13 of Chapter 5 of  
45 Title 49;

46 (3) The state employees' health insurance plan established pursuant to Article 1 of  
47 Chapter 18 of Title 45;

48 (4) The health insurance plan for public school teachers established pursuant to Subpart  
49 2 of Part 6 of Article 17 of Chapter 2 of Title 20; ~~and~~

50 (5) The health insurance plan for public school employees established pursuant to  
51 Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20; and

52 (6) The health benefit plan established for members, employees, and retirees of the  
53 Board of Regents of the University System of Georgia pursuant to Code Section 31-2-4."

54

#### SECTION 5.

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

59 "(a)(1) There is created a Department of Human Services. The powers, functions, and  
60 duties of the Department of Human Resources as they existed on June 30, 2009, except  
61 for those relating to the Division of Mental Health, Developmental Disabilities, and  
62 Addictive Diseases, the Division of Public Health, and the Office of Regulatory Services,  
63 unless specifically transferred or reassigned to the Department of Community Health or  
64 the Department of Behavioral Health and Developmental Disabilities, are transferred to  
65 the Department of Human Services effective July 1, 2009, and the Department of Human

66 Resources shall be reconstituted as the Department of Human Services effective July 1,  
67 2009.

68 (2) On and after July 1, 2027, the powers, functions, and duties of the Department of  
69 Community Health relating to the Medicaid program shall be performed and exercised  
70 by the Department of Human Services."

71 **SECTION 6.**

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

75 ~~"(f) Notwithstanding subsections (a) through (e) of this Code section, the Department of~~  
76 Community Health On and after July 1, 2027, the department shall be the single state  
77 agency for the administration of the state medical assistance plan."

78 **SECTION 7.**

79 Chapter 4 of said title is amended in Code Section 49-4-141, relating to definitions, by  
80 revising paragraphs (2), (3), and (4) as follows:

81 ~~"(2) 'Board' means the Board of Community Health established under Chapter 2 of~~  
82 ~~Title 31~~ Human Services.

83 (3) 'Commissioner' means the commissioner of ~~the department~~ human services.

84 (4) 'Department' means the Department of ~~Community Health established under~~  
85 ~~Chapter 2 of Title 31~~ Human Services."

86 **SECTION 8.**

87 Said chapter is further amended in Code Section 49-4-142, relating to Department of  
88 Community Health established, adoption, administration, modification of state plan, drug

89 application fees, and personal needs allowance, by revising subsection (a) and adding a new  
90 subsection to read as follows:

91 ~~"(a) The~~ Until June 30, 2027, the Department of Community Health established under  
92 Chapter 2 of Title 31 is authorized to adopt and administer a state plan for medical  
93 assistance in accordance with Title XIX of the federal Social Security Act, as amended  
94 (Act of July 30, 1965, P.L. 89-97, 79 Stat. 343, as amended), provided such state plan is  
95 administered within the appropriations made available to the department. On and after July  
96 1, 2027, the department is authorized to adopt and administer such state plan for medical  
97 assistance, provided such state plan is administered within the appropriations made  
98 available to the department. The department is authorized to establish the amount,  
99 duration, scope, and terms and conditions of eligibility for and receipt of such medical  
100 assistance as it may elect to authorize pursuant to this article. Further, the department is  
101 authorized to establish such rules and regulations as may be necessary or desirable in order  
102 to execute the state plan and to receive the maximum amount of federal financial  
103 participation available in expenditures made pursuant to the state plan; provided, however,  
104 that the department shall establish reasonable procedures for notice to interested parties and  
105 an opportunity to be heard prior to the adoption, amendment, or repeal of any such rule or  
106 regulation. The department is authorized to enter into such reciprocal and cooperative  
107 arrangements with other states, persons, and institutions, public and private, as it may deem  
108 necessary or desirable in order to execute the state plan."

109 "(e) The department, in cooperation with the Department of Community Health, shall take  
110 all necessary steps to implement and facilitate the transition of the administration of the  
111 Medicaid program from the Department of Community Health to the department in  
112 accordance with the provisions of this Code section."

113 **SECTION 9.**

114 Said chapter is further amended by revising Code Section 49-4-143, relating to power of  
115 Board of Community Health and Board of Medical Assistance abolished, as follows:

116 "49-4-143.

117 ~~The Board of Community Health established under Chapter 2 of Title 31~~ board is  
118 empowered to establish the general policy to be followed by the department. The Board  
119 of Medical Assistance which existed June 30, 1999, is abolished July 1, 1999, and no  
120 person shall be appointed to such board on or after July 1, 1999."

121 **SECTION 10.**

122 Said chapter is further amended by revising Code Section 49-4-144, relating to chief  
123 administrative officer and powers and duties, as follows:

124 "49-4-144.

125 ~~The commissioner of community health established under Chapter 2 of Title 31~~ shall be  
126 the chief administrative officer of the department and, subject to the general policy  
127 established by the board, shall supervise, direct, account for, organize, plan, administer, and  
128 execute the functions vested in the department."

129 **SECTION 11.**

130 Said chapter is further amended by revising Code Section 49-4-146, relating to time for  
131 action on claim, as follows:

132 "49-4-146.

133 ~~The~~ Until June 30, 2027, the Department of Community Health, within three months of  
134 receiving a claim submitted on or after July 1, 1978, shall pay or deny the claim. The  
135 department, within three months of receiving a claim submitted on or after July 1, 2027,  
136 shall pay or deny the claim."

137

**SECTION 12.**

138 Said chapter is further amended in Code Section 49-4-147.2, relating to Department of  
139 Community Health not eligible to obtain nor liable for interest on orders, judgments, and  
140 liquidated or unliquidated amounts and exceptions, by revising subsection (a) as follows:

141 "(a) Notwithstanding the provisions of Code Section 49-4-141, as used in this Code section  
142 the term 'department' means the Department of ~~Community Health~~ Human Services or its  
143 officers, agents, or employees solely in their capacity as such officers, agents, or  
144 employees."

145

**SECTION 13.**

146 Said chapter is further amended in Code Section 49-4-154, relating to powers and duties  
147 retained by Department of Human Resources (Department of Community Health), by  
148 revising subsection (b) and adding a new subsection to read as follows:

149 "(b) ~~The~~ Until June 30, 2027, the Department of Human Resources (now known as the  
150 Department of Community Health for these purposes) shall retain, in accordance with  
151 terms of the state plan, the functions, and all tangible things and employees relating thereto,  
152 of:

153 (1) Establishing and maintaining certain standards for certain institutions and agencies  
154 seeking to become or remain providers and shall finally determine and certify whether  
155 such institutions and agencies meet such standards;

156 (2) Determining and certifying the eligibility of certain applicants for and recipients of  
157 medical assistance; and

158 (3) Prescribing regulations to require that applicants for medical assistance be given clear  
159 and easily understandable notice that all books, papers, records, and memoranda of the  
160 provider relating to the provision of medical assistance to the applicant will be made  
161 available, upon request, to the commissioner of medical assistance or his representative  
162 and that, by accepting medical assistance, the applicant thereby consents to the providing

163 of such books, papers, records, and memoranda to the commissioner of medical  
164 assistance or his representative.

165 (c) On and after July 1, 2027, the department shall assume, in accordance with the terms  
166 of the state plan, the powers, functions, and duties, and all tangible things and employees  
167 relating to the administration of the medical assistance program, as provided in  
168 paragraphs (1) through (3) of subsection (b) of this Code section."

169 **SECTION 14.**

170 Said chapter is further amended by revising Code Section 49-4-155, relating to Department  
171 of Community Health to succeed to existing rules, regulations, policies, procedures, and  
172 administrative orders, as follows:

173 "49-4-155.

174 (a) Beginning July 1, 2027, the department shall succeed to all the rules, regulations,  
175 policies, procedures, and administrative orders of the Department of Community Health  
176 that relate to the administration of the Medicaid program and are in effect on June 30,  
177 2027, and shall further succeed to any rights, privileges, entitlements, obligations, and  
178 duties of the Department of Community Health that relate to the administration of the  
179 Medicaid program and are in effect on June 30, 2027.

180 (b) The Department of Community Health shall succeed to all the rules, regulations,  
181 policies, procedures, and administrative orders of the Department of Human Resources  
182 (now known as the Department of Human Services) transferred to the Department of  
183 Medical Assistance pursuant to the previously existing provisions of this Code section and  
184 that are in effect on June 30, 1999, and shall further succeed to any rights, privileges,  
185 entitlements, obligations, and duties of the Department of Human Resources (now known  
186 as the Department of Human Services) that are in effect on June 30, 1999, to which the  
187 Department of Medical Assistance succeeded pursuant to the previously existing provisions  
188 of Code Section 49-4-156."

189

**SECTION 15.**

190 Said chapter is further amended by replacing "Department of Community Health" with  
191 "department" where such term occurs in:

192 (1) Code Section 49-4-147, relating to enforcement of liens, claims, or offsets against  
193 assistance;

194 (2) Code Section 49-4-148, relating to recovery of assistance from third party liable for  
195 sickness, injury, disease, or disability;

196 (3) Code Section 49-4-149, relating to lien of Department of Community Health against  
197 third parties, subrogation to recipients' insurance claims, and assignment of recipients'  
198 claims;

199 (4) Code Section 49-4-149.1, relating to plan for family supplementation of Medicaid  
200 payments upon federal removal of restrictions or waiver;

201 (5) Code Section 49-4-150, relating to regulations as to maintenance and use of records  
202 and use of information;

203 (6) Code Section 49-4-151, relating to obtaining information for investigations and audits;

204 (7) Code Section 49-4-152, relating to research and demonstration projects, pilot projects  
205 to provide health care coverage and essential health care services, and pharmacy assistance  
206 programs; and

207 (8) Code Section 49-4-153, relating to hearings and appeals and judicial review.

208

**SECTION 16.**

209 Said chapter is further amended by replacing "commissioner of community health" with  
210 "commissioner" where such term occurs in:

211 (1) Code Section 49-4-147, relating to enforcement of liens, claims, or offsets against  
212 assistance;

213 (2) Code Section 49-4-148, relating to recovery of assistance from third party liable for  
214 sickness, injury, disease, or disability;

- 215 (3) Code Section 49-4-150, relating to regulations as to maintenance and use of records  
216 and use of information; and  
217 (4) Code Section 49-4-153, relating to hearings and appeals and judicial review.

218 **SECTION 17.**

219 Said chapter is further amended by replacing "Board of Community Health" with "board"  
220 where such term occurs in:

- 221 (1) Code Section 49-4-150, relating to regulations as to maintenance and use of records  
222 and use of information; and  
223 (2) Code Section 49-4-153, relating to hearings and appeals and judicial review.

224 **SECTION 18.**

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

228 **SECTION 19.**

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

231 **SECTION 20.**

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