

Senate Bill 428

By: Senators Kirkpatrick of the 32nd, Hatchett of the 50th, Watson of the 1st, Echols of the 49th and Jackson of the 41st

AS PASSED

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 direct the Department of Community Health
 3 to submit a waiver request to the federal Centers for Medicare and Medicaid Services to
 4 authorize the qualification for Medicaid reimbursement of certain home and community
 5 based services; to provide for implementation upon approval; to provide for related matters;
 6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
 10 medical assistance generally, is amended by adding a new Code section to read as follows:

11 "49-4-142.6.

12 (a) Not later than December 31, 2026, the department may submit a waiver request to the
 13 federal Centers for Medicare and Medicaid Services to authorize the qualification for
 14 Medicaid reimbursement of home and community based services for recipients of medical
 15 assistance who are over the age of 21 and in need of mental health services but do not
 16 require an institutional level of care, as determined by consideration of associated risk

17 factors, including, but not limited to, a history of hospitalization stays, psychiatric crises,
18 emergency department visits, prior incarceration, homelessness, or any combination
19 thereof.

20 (b) Upon approval of the waiver provided for in subsection (a) of this Code section, the
21 department shall take all necessary steps to provide for payment of such care and services
22 with Medicaid funds."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.