

Senate Bill 337

By: Senators Walker III of the 20th, Hill of the 6th, Hufstetler of the 52nd, Cowser of the 46th, Kirk of the 13th and others

AS PASSED SENATE

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 require the Department of Community
3 Health to provide that certain dependents of a military service member shall maintain
4 eligibility and priority for certain medical assistance and developmental disability services
5 under certain conditions; to require the department to request a waiver if necessary to
6 implement such provision; to provide that such provision shall only apply to the fullest extent
7 permissible to remain in compliance with certain federal laws, rules, and regulations; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**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 "49-4-158.

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

15 (1) 'Dependent' means a spouse, birth child, adopted child, or stepchild of a military
16 service member.

17 (2) 'Legal resident' means a person who maintains Georgia as his or her principal
18 establishment, home of record, or permanent home and to where, whenever absent due
19 to military obligation, he or she intends to return.

20 (3) 'Military service' means service in the armed forces or armed forces reserves of the
21 United States, or membership in the Georgia National Guard.

22 (4) 'Military service member' means a person who is currently in military service or who
23 has separated from military service in the previous 18 months through either retirement
24 or military separation.

25 (b) The department shall allow legal residents who are dependents of a military service
26 member and who are absent from this state due to the member's military service to be

27 added to a data base to indicate the need for medical assistance upon return to this state.
28 Should a dependent in such a situation be selected from a data base to receive medical
29 assistance, the dependent shall have six months from the date of the selection notification
30 to apply for such assistance and another six months to commence using such assistance.
31 In the event a dependent is receiving medical assistance funded by the department and the
32 medical assistance is disrupted due to the military service member's need for the dependent
33 to leave Georgia because of such military service member's military service, the medical
34 assistance shall be resumed upon the dependent's return to Georgia if the dependent is
35 otherwise eligible. In no case shall payment be made for home and community based
36 services provided outside this state. A dependent of a military service member shall be
37 required to provide the department with:

38 (1) A copy of the military service member's DD-214 or other equivalent discharge
39 paperwork; and

40 (2) Proof of the military service member's legal residence in this state, as prescribed by
41 the department.

42 (c) A dependent who is a legal resident of this state, having previously been determined
43 to be eligible for developmental disability services provided by the department, including
44 waiver services provided under the home and community based services programs
45 authorized under Section 1915(c) of the Social Security Act, shall retain eligibility for
46 those developmental disability services as long as he or she remains a legal resident of this
47 state, regardless of having left this state due to the military service member's military
48 assignment outside this state, as long as he or she is otherwise eligible for such services.

49 (d) The department shall permit a dependent who resides outside this state to be placed on
50 a waiting list for developmental disabilities services if the dependent left this state due to
51 the military service member's military assignment outside this state, is otherwise eligible
52 for those services, and furnishes:

53 (1) A copy of the military service member's DD-214 or other equivalent discharge
54 paperwork; and

55 (2) Proof of the military service member's legal residence in this state, as prescribed by
56 the department.

57 (e) For dependents who received developmental disability services and who left this state
58 due to the military service member's military assignment outside this state, upon the
59 dependent's return to this state and when a request for services is made, the department
60 shall:

61 (1) Determine the dependent's eligibility for services, which may include a request for
62 waiver services provided under the home and community based services programs
63 authorized under Section 1915(c) of the Social Security Act;

- 64 (2) Provide to the dependent notification of the determination of eligibility for services,
65 which includes notification of a denial of services if applicable;
66 (3) Provide the dependent an opportunity to contest the department's determination
67 through the appeals processes established by the department; and
68 (4) Resume services if the dependent remains eligible.
- 69 (f) As a condition of continued eligibility for services under subsection (e) of this Code
70 section, a dependent must inform the department of his or her current address and provide
71 updates as requested by the department.
- 72 (g) No payment pursuant to this Code section shall be made for developmental disability
73 services authorized under this chapter and provided outside this state unless those services
74 satisfy the conditions specified in 42 CFR 431.52. No payment pursuant to this Code
75 section shall be made for home and community based services provided outside this state.
- 76 (h) The department shall request a waiver from the appropriate federal agency if a waiver
77 is necessary to implement the provisions of this Code section.
- 78 (i) The department may adopt rules and regulations necessary to implement the provisions
79 of this Code section.
- 80 (j) This Code section shall only apply to the fullest extent permissible for Georgia to
81 remain in compliance with all federal laws, rules, and regulations associated with the
82 services provided in this chapter."

83 **SECTION 2.**

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