

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

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Human Services to provide that certain dependents of a military service member shall maintain eligibility and priority for certain medical assistance and developmental disability services under certain conditions; to require the department to request a waiver if necessary to implement such provision; to provide that such provision shall only apply to the fullest extent permissible to remain in compliance with certain federal laws, rules, and regulations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by adding a new Code section to read as follows:
"49-4-158.

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

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

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

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

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

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

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

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

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

(c) A dependent who is a legal resident of this state, having previously been determined to be eligible for developmental disability services provided by the department, including waiver services provided under the home and community based services programs authorized under Section 1915(c) of the Social Security Act, shall retain eligibility for those developmental disability services as long as he or she remains a legal resident of this state, regardless of having left this state due to the military service member's military assignment outside this state, as long as he or she is otherwise eligible for such services. (d) The department shall permit a dependent who resides outside this state to be placed on a waiting list for developmental disabilities services if the dependent left this state due to the military service member's military assignment outside this state, is otherwise eligible for those services, and furnishes:

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

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

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

(1) Determine the dependent's eligibility for services, which may include a request for waiver services provided under the home and community based services programs 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.