

Senate Bill 83

By: Senators Harrell of the 40th, Lucas of the 26th, Au of the 48th, Rhett of the 33rd, Jones of the 10th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public
2 assistance, so as to provide for a Medicaid public option program to provide healthcare
3 coverage to individuals not eligible for Medicare, Medicaid, or the PeachCare for Kids
4 Program; to provide for definitions; to provide for the establishment of the PeachCare Public
5 Option Program; to provide requirements for the design of the program; to provide
6 requirements for the administration and implementation of the program; to provide for rules
7 and regulations; to provide for a design and actuarial study; to provide for contingent
8 effectiveness and automatic repeal; to provide for related matters; to provide for an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
13 is amended by adding a new article to read as follows:

14 "ARTICLE 10

15 Part 1

16 49-4-200.

17 As used in this article, the term:

18 (1) 'Department' means the Department of Community Health.

19 (2) 'Eligible person' means an individual who is not otherwise eligible for Medicare,
20 Medicaid, or the PeachCare for Kids Program.

21 (3) 'Enrollee' means an eligible person who is enrolled in the PeachCare Public Option
22 Program.

23 (4) 'Medicaid' means the program of medical assistance conducted through care
24 management organizations pursuant to Article 7 of this chapter, the 'Georgia Medical
25 Assistance Act of 1977.'

26 (5) 'Medicare' means coverage under Part A or Part B of Title 18 of the federal Social
27 Security Act, as amended, and the rules promulgated pursuant to such Act.

28 (6) 'PeachCare for Kids Program' means the health coverage for children conducted
29 pursuant to Article 13 of Chapter 5 of this title, the 'PeachCare for Kids Act.'

30 (7) 'PeachCare Public Option Program' or 'program' means the Medicaid public option
31 program established pursuant to this article to provide healthcare coverage to persons not
32 otherwise eligible for Medicare, Medicaid, or PeachCare for Kids and funded by
33 premiums assessed on enrollees.

34 (8) 'Premium' means the monthly amount that an enrollee must pay for healthcare
35 coverage under the program.

36 49-4-201.

37 The department shall be authorized to:

38 (1) Provide for healthcare coverage to persons who enroll in the program established
39 pursuant to Code Section 49-4-202; and

40 (2) Make healthcare coverage available for purchase through the program.

41 49-4-202.

42 (a) The department shall establish and implement the PeachCare Public Option Program.

43 Such program shall:

44 (1) Include, at a minimum:

45 (A) The same coverage provided to recipients of Medicaid; and

46 (B) Essential health benefits as provided in 42 U.S.C. Section 18022;

47 provided, however, that in no event shall this coverage include dental benefits or

48 nonemergency transportation;

49 (2) Enroll only eligible persons; and

50 (3) Require enrollees to pay premiums assessed by the department.

51 (b)(1) The department shall design such program in a manner that prioritizes
52 affordability for enrollees and provides opportunities to maximize federal dollars. The

53 program shall:

54 (A) Provide for the establishment of flat fee premiums;

55 (B) Set the total amount of premiums that should be assessed to enrollees, after an
56 actuarial analysis at a level sufficient to offset reasonable administrative costs and to
57 ensure maximum access to coverage; and

58 (C) Establish enrollment periods that are no less extensive than those provided under
59 the federal 'Patient Protection and Affordable Care Act.'

60 (2) The department shall take steps to ensure that the program does not diminish the
61 Medicaid program's long-term sustainability or negatively impact the program.

62 (c) Health care provider reimbursement rates shall be subject to available funds.

63 (d) The department shall submit any Medicaid state plan amendments necessary to
64 establish and implement the PeachCare Public Option Program in a manner consistent with
65 this article to the federal Department of Health and Human Services.

66 49-4-203.

67 The department shall:

68 (1) Administer the program through the managed care organizations under contract with
69 the department to provide Medicaid services and benefits;

70 (2) Establish special enrollment periods for individuals, categories of enrollees, or the
71 entire population eligible for the program;

72 (3) Implement and maintain an effective outreach campaign designed to inform
73 Georgians of the availability of the program, including outreach to pregnant women who
74 are Medicaid recipients that will be losing Medicaid eligibility following giving birth.

75 To this end, the department may establish an advisory board within the department to
76 assist in developing a marketing plan and marketing budget;

77 (4) Set the medical loss ratio for insurers offering the program consistent with the ratio
78 applicable to Medicaid;

79 (5) Establish a method for procuring prescription drugs consistent with the manner
80 utilized for Medicaid; and

81 (6) Seek viable opportunities to reduce costs of the program to consumers; provided,
82 however, that such opportunities are consistent with the provisions of this article, do not
83 reduce eligibility or benefits for Medicaid enrollees, and do not jeopardize federal
84 financing for Medicaid.

85 49-4-204.

86 The department shall be authorized to promulgate rules and regulations consistent with and
87 necessary to carry out the provisions of this article.

88

Part 289 49-4-210.

90 The Department of Community Health shall complete a design and actuarial study for the
91 establishment, implementation, and maintenance of the PeachCare Public Option Program
92 in accordance with the provisions of Part 1 of this article and submit such design and
93 actuarial study to the General Assembly no later than October 31, 2021. Part 1 of this
94 article shall not become effective unless the General Assembly provides specific
95 appropriations in an appropriations Act in its 2022 general session. If the General
96 Assembly does provide such specific appropriations in its 2022 general session, Part 1 of
97 this article shall become effective on July 1, 2022. If the General Assembly does not
98 provide such specific appropriations in its 2022 general session, this article shall stand
99 repealed by operation of law on June 30, 2022."

100

SECTION 2.

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

103

SECTION 3.

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