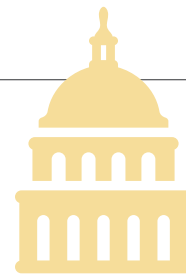




A Review of the 2017 Georgia Legislative Session

By Dawn Alford, GCDD Public Policy Director



Another year has come and gone and the Georgia Council on Developmental Disabilities (GCDD) spent every day of the 40-day legislative session advocating under the Gold Dome so we can fulfill our mission to promote public policy that enables integrated community life for people with disabilities, their families, friends, neighbors and all who support them. This article will give you an overview of the work that took place and will highlight some of the outcomes as it relates to Georgians with disabilities and their families.

GCDD's Public Policy Director Dawn Alford (left) spent every day of the 40-day legislative session advocating under the Gold Dome for people with disabilities and their families.

The first day of session was on Monday, January 9 and the last day of session, referred to as Sine Die, occurred on Thursday, March 30. Crossover day, the deadline by which a bill must “crossover” to the other chamber in order to stay alive for that particular session, was March 3 this year. A grand total of 950 bills were introduced this session, and of those 336 were passed by the House of Representatives; 378 were passed by the Senate; and only 284¹ were sent to the Governor Nathan Deal’s desk and therefore eligible to become law. The total budget amount for the Fiscal Year (FY) 2018 state budget that was passed was a record breaking \$25 billion. Major funding priorities included a 19% salary increase for child welfare workers; a 2% raise for teachers; and included over \$2 billion for new schools, college buildings, roads and bridges, as well as repairing existing structures. As this article goes to print, the budget bill now sits on the Governor’s desk awaiting his signature. In Georgia, the governor has the power to line item veto specific parts of the budget if he so desires. He has 40 days from the

last day of session, or May 9, to decide how he will act on this and other bills that were passed during the 2017 General Assembly.

GCDD Priorities - led by GCDD

DD Waivers

Out of the several Medicaid waivers that Georgia offers to those who qualify for this level of care, the New Options Waiver (NOW) and the Comprehensive Supports Waiver Program (COMP) have by far the longest waiting list. There are 8,821 individuals with developmental disabilities on this waiting list as of March 31, 2017, according to the Department of Community Health (DCH). GCDD, together with the UNLOCK! Coalition and many advocates like you, asked the Georgia General Assembly to fund additional DD waiver slots to address the long waiting list. We also advocated for budget language to direct the Department of Behavioral Health and Developmental Disabilities (DBHDD) to come up with a multi-year plan on how they will reduce and eliminate the waiting list.

Across the Amended FY 2017 budgets and the new FY 2018 budget, a total of **500 new DD waiver slots were added to fulfill the requirements of the Extension Settlement Agreement**. These additional slots will address those leaving the state hospitals but

“In Georgia, the governor has the power to line item veto specific parts of the budget if he so desires.”

Although
NO WAIVER SLOTS were added specifically to address those individuals on the DD waiver waiting list, we were **SUCCESSFUL IN OUR ADVOCACY** to get budget language added that directs DBHDD to come up with a plan to **ELIMINATE THE WAITING LIST.**

for the most part **will not address the long waiting list** of those in the community who are desperately hanging on. Although no waiver slots were added specifically to address those individuals on the DD waiver waiting list, we were successful in our advocacy to get budget language added that directs DBHDD to come up with a plan to eliminate the waiting list. The language is as follows:

“The department (DBHDD) shall develop and report to the Georgia General Assembly on a multi-year plan to reduce and eliminate the waiting list for NOW and COMP waivers with yearly outcome measures by December 31, 2017.” (CC: YES) ²

Inclusive Post-Secondary Education (IPSE)

Inclusive post-secondary education (IPSE) programs provide opportunities for study beyond high school to students who historically have not been presented with these possibilities. These programs change lives by making college accessible for students with intellectual and developmental disabilities. Further, this education prepares them to live increasingly independent lives, pursue careers of their choice and provides the potential for increased earnings long-term.

GCDD is the legislative lead for the Georgia Inclusive Postsecondary Education Consortium (GAIPSEC). The GAIPSEC (<http://www.gaipsec.org/>) legislative ask for the 2017 session was \$300,000 in new funding for the IPSE programs for program sustainability and to provide scholarship opportunities for these young adults who wish to attend but are unable to afford the tuition and fees. Our advocacy was hugely successful in that we received more than we asked for. The IPSE programs received a total of \$325,000

in new state funds “for scholarships and operations” within the Georgia Vocational Rehabilitation Agency (GVRA) budget. Also, \$175,000³ of the IPSE funding already established in previous years within the GCDD budget was shifted to GVRA.

There are huge benefits to shifting this funding to GVRA in that for every state dollar in the GVRA budget for IPSE, there is a potential to draw down up to four federal dollars. There is also budget language within the GVRA IPSE budget item to “recognize Memorandum of Understanding with GCDD to maintain council’s active participation in the IPSE partnership.”⁴ Although it is unlikely that every single state dollar can be matched 4:1, if it could, then for a total of \$500,000 in state funds an additional \$2,000,000 in federal funds could be drawn down for the IPSE programs. GCDD looks forward to our continued partnership with GVRA on the IPSE programs.

GCDD Priorities – supported by GCDD but led by other entities

Family Care Act (SB201) – PASSED/Waiting on Governor’s signature

Primary Sponsor:
Sen. Butch Miller (R - Gainesville)

Many Georgians balance their work lives with caring for their families. The Family Care Act allows employees who are working 30 or more hours per week for an employer with at least 25 employees without a stock ownership plan to use up to five days of earned sick leave in a calendar year to care for an immediate family member. SB201 does NOT add any additional sick days or

There are **HUGE BENEFITS** to shifting this funding to GVRA in that for **EVERY STATE DOLLAR** in the GVRA budget for IPSE, there is a potential to **DRAW DOWN** up to **FOUR FEDERAL** dollars.



Advocacy Days provided training and support for new advocates so they could better communicate the needs of people with disabilities to state legislators.



¹The Atlanta Journal Constitution Legislative Navigator (as of April 19, 2017)

²Line 57.15 of HB 44 (FY2018)

³Line 67.1 of HB 44 (FY2018)

⁴Line 200.5 of HB 44 (FY2018)



Attendance was up at Advocacy Days this year as more people with disabilities and their families participated in training and advocating at the Capitol during the legislative session.



require employers to provide them; it only allows Georgians to use the sick days they've already earned to care for family members. It sunsets, meaning the authorization of the Family Care Act expires on July 1, 2020.

Changes MR to ID (HB 343) - PASSED/ Waiting on Governor's signature

Primary sponsor: Rep. Scott Hilton (R – Peachtree Corners)

Words that were once used as clinical terms are now used as insults for people with intellectual disabilities. This bill does a “find and replace” by replacing the very offensive words “mental retardation” (MR) with the words “intellectual disability” (ID) within the Georgia criminal code.

Change the Standard to Prove Intellectual Disabilities in Capital Punishment Cases (SB185) - DID NOT PASS BUT STILL ALIVE FOR 2018 SESSION

Primary sponsor: Sen. Elena Parent (D - Atlanta)

In 2002, the US Supreme Court declared it wrong to execute a person with intellectual disabilities because it violates the Eighth Amendment's ban on cruel and unusual punishment.⁵ However, right now in Georgia, it is extremely difficult for an individual to prove in court that they have intellectual disabilities. Georgia is the only one of the 50 states that requires a person to prove “beyond a reasonable doubt” that they have intellectual disabilities in capital punishment cases. This bill seeks to change the current standard of proof from “beyond a reasonable doubt,” to the standard used in most other states – “preponderance of the evidence.” This bill got introduced and a hearing was held in the Senate Judiciary Subcommittee B where strong testimony was given by a diverse group of advocates and stakeholders. Although it did not make the crossover deadline, this bill is still alive for next year. To get involved in the PAPE Coalition leading this important work, please contact Caitlin Childs at childs.caitlin@gmail.com.

In Other Legislative News

BUDGET

- Additional funds were added to the budget for autism including:
 - 1) Funds to cover behavioral health services for children under 21 who have autism,⁶
 - 2) Funds to reflect enrollment growth to match Medicaid age requirements for the treatment of autism spectrum disorders effective January 1, 2018,⁷ and
 - 3) An increase in funds to establish an Adolescent to Adult Transition model to improve outcomes for adults with Autism Spectrum Disorder.⁸
- The Statewide Independent Living Council of Georgia (SILC) received \$100,000 for “special housing home modifications and provide annual reports by December 31 on the number of clients assisted.”⁹
- Funds for the Citizen Advocacy Program that is administered by the Georgia Advocacy Office were fully restored in the amount of \$224,902 in the FY 2018 budget from where they had been cut in the FY 2017 budget. Citizen advocates provide protection and advocacy to individuals with developmental disabilities by initiating and supporting one-on-one citizen advocacy relationships.
- Service Options Using Resources in a Community Environment (SOURCE) and Community Care Services Program (CCSP) Medicaid waivers received an “increase [in] funds to increase reimbursement rates for personal support and extended personal support services”¹⁰ in the amount of \$500,000 in state funds.

“The total budget amount for the Fiscal Year (FY) 2018 state budget that was passed was a record breaking \$25 billion.”

⁵ See *Atkins v. Virginia*, 536 U.S. 304 (2002)

⁶ Line 90.8 HB 44 (FY2018)

⁷ Line 92.9 HB 44 (FY2018)

⁸ Line 238.6 HB 44 (FY 2018)

⁹ Line 77.3 HB44 (FY2018)

¹⁰ Line 89.18 HB44 (FY2018)

BILLS

Medical Cannabis (SB 16) – PASSED/ Waiting on Governor’s signature

Primary sponsor: Sen. Ben Watson (R - Savannah)

Expands those who can use low THC oil to include Alzheimer’s disease, AIDS, autism, epidermolysis bullosa, peripheral neuropathy, Tourette’s syndrome and those in hospice care. It also allows people from out of state, with a registration card issued by another state allowing the same possession of low THC oil as Georgia, to use the card when in GA for less than 45 days.

Proxy Caregiver (HB 486) – PASSED/ Waiting on Governor’s signature

Primary sponsor: Rep. Tommy Benton (R - Jefferson)

An amendment to the Nurse Practice Act that allows for DBHDD and DCH to select and approve a training curriculum for instructing Proxy Caregivers in medicine administration. Previously only medical professionals could provide the training, but now providers may train with the curriculum and not have to find a medical professional. To learn more about what a proxy caregiver is see GCDD’s guide at <http://gcdd.org/images/Reports/proxy%20care%20guide%20-%20gcdd.pdf>.

Updates since the 2016 Legislative Session

Independent Care Program (ICWP) Rate Increase – Received in 2016 Session

GCDD and UNLOCK! advocated for a personal support service rate increase for ICWP during the 2016 session since it was the lowest reimbursed waiver in Georgia. While the increase was scheduled to go into effect on July 1, 2016, it was postponed while the DCH worked to get the federal Centers for Medicare & Medicaid Services (CMS) approval that was necessary for the rate increase. Finally, as of January 19, 2017, CMS gave its approval. Those on ICWP waivers should speak with their case

manager to fully understand what levels of care you receive and therefore how much of an increase you received. Then, speak with your provider agency to ask how much of this rate increase they plan to pass on to your direct care workers. Individuals on both the agency model and those using self-direction benefit from this rate increase.

ABLE Act (HB 768) – PASSED in the 2016 Legislative Session

An ABLE account is a savings account that will allow people with disabilities to save money for qualified disability expenses without violating the \$2,000 asset limits that apply to eligibility for Medicaid and Supplemental Security Income (SSI). It is limited to individuals with significant disabilities who became disabled before age 26. Georgia passed HB 768 during the 2017 legislative session but is still working on implementing the startup of these accounts in Georgia. The plan is for Georgia to join the Ohio STABLE program. In the meantime, the best source of information about the range of available programs can be found at the ABLE National Resource Center: <http://www.ablenrc.org/>. For a State of Georgia contact for the ABLE program, contact the Office of the State Treasurer: Kim Asher at 404.656.2168.



Stay Connected with GCDD to get the latest Advocacy and Policy News and Get Involved!! Be sure to go to www.gcdd.org and click on “Public Policy” to see the final outcome of the budget and other highlights.

CALL TO ACTION



ADVOCATES:

Thank you for all you have done this year to better the lives of people with disabilities.

It is not too early to begin your advocacy for the 2018 legislative session.

Get to know your legislator now.

Go to openstates.org and find out who is your state senator and representative and make an appointment with them.

Talk to them about what is important to you!

ALSO . . .

The DD Waiver waiting list IS still way too long! Please tell your elected officials that Georgia needs to provide more funding to reduce and eliminate the waiting list!