

# Moving Forward

The Developmental Disabilities Advocates'  
Guide to Legislation

April 5, 2013  
Volume 18—Issue 13

Brought to you by the Georgia Council on Developmental Disabilities



**WRAP-UP EDITION:** The 2013 General Assembly finished the session on March 28. Several important bills were passed this session, as well as the budgets for 2013A and 2014.

**FY 2014 Budget highlights:** Several pieces of the Unlock the Waiting Lists! agenda came to fruition, including the addition of 20 Independent Care Waiver Program slots. The proposed 0.74% provider cut was eliminated. The Department of Justice-related funding for DD services is supported in full. Additionally, \$100,000 was added for inclusive post-secondary education.

**Bills passed this session include:** **HB 78**, which deals with protections for adults with disabilities and seniors; **HR 107** and **SB 62**, both of which create committees to examine Medicaid and possible reform; **SB 24**, which allows the Department of Community Health to assess a provider payment on hospitals that will help fund Medicaid; **HB 242**, the comprehensive overhaul of the juvenile justice system; and **HB 142**, the much-discussed ethics bill.

**Remember: bills that did not pass will be alive next year.** Much was accomplished this session, but there is a great deal for advocates left to do! Be sure you are signed up for GCDD's email lists to STAY CONNECTED throughout the year! Our connection information is in the bottom right corner of this page.

## House and Senate News:

**House Leadership — Speaker of the House:** David Ralston, 7th; **Speaker Pro Tempore:** Jan Jones, 46th. **Majority Leader:** Larry O'Neal, 146th; **Minority Leader:** Stacey Abrams, 84th.

**Senate Leadership**—Presiding: **Lt. Gov.** Casey Cagle; **President Pro Tempore:** David Shafer, 48th. **Majority Leader:** Ronnie Chance, 16th; **Minority Leader:** Steve Henson, 41st.

**Contact information for the Governor**—The Honorable Nathan Deal, 203 State Capitol, Atlanta, Georgia, 30334; 404-656-1776, <http://gov.state.ga.us>

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## Budget Information:

The 2013 Session tackles the 2013 supplemental budget, referred to here as FY 2013A, (ending June 30, 2013) and the FY 2014 budget (beginning July 1, 2013). This week's issue looks at highlights from the final FY 2013A and FY 2014 budgets.

## Department of Behavioral Health and Developmental Disabilities

To see details on how the budget breaks down for each program in DBHDD, please see the full budget documents available at <http://opb.georgia.gov> and <http://www.house.ga.gov/budget>. This year, DBHDD took a 3 percent cut with all other state agencies.

The FY 2014 budget adds \$250,000 in state funds for the Marcus Autism Center, with total funds added of \$500,000. The House and Senate also agreed to add language to the budget requiring DBHDD to provide a report by January 2014 with a plan to equalize grant-in-aid funding for core behavioral health services across the state.

## Department budget summary

### Final Fiscal Year 2014 Appropriation

<b>State General Funds:</b>	\$945,720,771
<b>Tobacco Settlement Funds:</b>	\$10,255,138
<b>TOTAL STATE FUNDS:</b>	<b>\$955,975,909</b>
<b>Community Mental Health Svcs Block Grant:</b>	\$14,163,709
<b>Medical Assistance Program:</b>	\$25,507,365
<b>Prevention &amp; Treatment of Substance Abuse:</b>	\$46,889,589
<b>Social Services Block Grant:</b>	\$35,981,142
<b>TANF Block Grant:</b>	\$11,568,720
<b>Federal Funds Not Itemized:</b>	\$48,098
<b>TOTAL FEDERAL FUNDS:</b>	<b>\$144,827,042</b>
<b>TOTAL FUNDS:</b>	<b>\$1,160,609,191</b>

## DOJ Settlement-Related Spending

**The FY 2013A budget did not make any changes to the Department of Justice-related spending laid out in FY 2013, and the FY 2014 budget supports the DOJ-related spending in full.**

DBHDD is in the third year of the Settlement Agreement with the Department of Justice. The agreement lays out five years of deliverables to better serve people with mental illness and developmental disabilities currently living in state institutions or at risk of institutionalization.

### Final Fiscal Year 2014 Appropriation

Family Supports:	<b>\$6,520,400</b>
⇒ \$1,872,000 recommended increase over FY 2013, to serve 500 more families	
NOW/COMP Waivers:	<b>\$31,812,512</b>
⇒ \$11,966,160 recommended increase over FY 2013 for 250 new waivers	

Crisis Respite Homes (12) & Mobile Crisis Teams (6):	<b>\$11,917,681</b>
Education of Judges and Law Enforcement:	<b>\$250,000</b>
Waiver Audits:	<b>\$200,000</b>
<b>DD Total spending:</b>	<b>\$50,700,593</b>
⇒ \$13,838,160 recommended increase over FY 2013	

## Department of Community Health

**FY 2014: Twenty new Independent Care Waiver Program slots were included in the final budget. The proposed 0.74% provider rate cut was eliminated.** Language is included regarding consumer choice in the elderly and disabled waiver; eligible beneficiaries can choose from SOURCE care management companies and the Community Care Services Program available in each county.

Finally, the FY 2014 budget includes language authorizing DCH to submit a federal application for an 1115 Medicaid waiver; this waiver will be used to create the new managed care system for children in foster care.

**FY 2013A & FY 2014:** Funds will be reduced in both budgets by **better enforcing analyses of the level of care required to qualify for long-term care and home and community-based services.** In 2013A, this is projected to save \$3.5 million; in 2014, it is projected to save \$7.2 million. Both 2013A and 2014 increase the budgetary flexibility allowed between the Aged, Blind and Disabled Medicaid program and the Low-Income Medicaid Program, from 2% to 10%.

## Department of Human Services

**FY 2014:** There are two key items regarding services for seniors. The Governor had originally proposed eliminating 17 adult protective service worker positions for a savings of \$528,871 and reducing contract respite services by \$484,559. **All of the funding for respite care was restored, along with half of the funding for the adult protective service worker positions.**

**FY 2013A:** In the Elder Community Living Services program, **there was a \$2.6 million reduction based on the capping of the CCSP waiver** in October.

In the Georgia Vocational Rehabilitation Agency budget, **\$5 million in funding was added for the Roosevelt Warm Springs Institute.**

## Department of Education

**FY 2014:** The final budget incorporated a proposal by the Governor to transfer **\$6.3 million from the Georgia Learning Resource Center into federal programs.**

It includes \$2.6 million for the Sparsity Grant program but directs the Department of Education to study and evaluate the need for it. It also includes **\$291,361 for special education funding for students served in Residential Treatment Facilities.**

### Other 2014 items of note:

Increase funds based on enrollment growth & training: **\$146,583,599**  
Increase funds for Special Needs Scholarships to meet projected need: **\$52,247**

Adjust funds for the Georgia Preschool Handicapped program based on increased enrollment: **\$763,969**

Reduce funds for Georgia Network for Educational and Therapeutic Support (GNETS) due to declining enrollment: **(\$2,009,258)**

**FY 2013A:** Funds for Residential Treatment Centers were reduced by 1%.

In the Quality Basic Education (QBE) program, there are increases for enrollment growth, Special Needs scholarships, and charter schools, a fund increase of \$167,087,739. Out of that total increase, \$3,033,447 is for Special Needs scholarships.

## Stay Connected: GCDD Advocacy Resources

**GCDD Mailing & Email Lists:** [www.gcdd.org](http://www.gcdd.org) - scroll down & click "Stay Connected" on right hand side

**Unlock the Waiting Lists! advocacy website:**  
[www.unlockthewaitinglists.com](http://www.unlockthewaitinglists.com)

2 Peachtree Street, NW Suite 26-246  
Atlanta, Georgia 30303  
<http://www.gcdd.org>

888-ASK-GCDD  
TDD 404-657-2133  
FAX 404-657-2132

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**Thursday, March 28<sup>th</sup> was the final day, Sine Die, of the legislative session. In order to pass, a piece of legislation must have passed both chambers in identical form by midnight on Sine Die. Unless otherwise noted below, bills that passed are now awaiting the governor's signature. Below is the list of legislation tracked by Moving Forward, with the bills that passed listed first. Bills that did not pass will stay alive for next year's session.**

**Legislation that PASSED— HOUSE Bills:**

**HB 70:** To provide for the waiver of one of the special needs scholarship requirements under certain conditions. **Sponsors:** Golick, 40; Coleman, 97; Setzler, 35; Lindsey, 54; Dudgeon, 25; Kaiser, 59. **Status:** Ed, House Passed & Adopted; Ed&Y, Senate Passed & Adopted; House Agreed to Senate Amendments.  
**HB 78:** Relating to the protection of disabled adults and elder persons, and reporting abuse or exploitation of residents in long-term care facilities; to change provisions relating to cruelty to a person 65 or older. **Sponsors:** Willard, 51; Jones, 47; Lindsey, 54; Abrams, 89; Cooper, 43; Houston, 170. **Status:** Judy, House Passed & Adopted; JudyNC, Senate Passed & Adopted; House Agreed to Senate Amendments.  
**HB 198:** To provide for licensing of health insurance navigators under the federal Patient Protection and Affordable Care Act. **Sponsors:** Smith, R., 134; Meadows, 5; Maxwell, 17; Shaw, 176; Abrams, 89; Gardner, 57. **Status:** Insurance, House Passed & Adopted; I&L, Senate Passed & Adopted; House Agreed to Senate Amendments.  
**HB 207:** To authorize issuance of a special turkey-hunting permit and provide for an extended turkey season for young and mobility impaired hunters. **Sponsors:** Shaw, 176; Roberts, 155; Tankersley, 160; Williams, 168; Nimmer, 178; Black, 174. **Status:** GF&P, House Passed & Adopted; NR&E, Senate Passed & Adopted; House & Senate Agree to Amendments.  
**HB 242:** To enact comprehensive juvenile justice reforms recommended by the Governor's Special Council on Justice Reform in Georgia. **Sponsors:** Willard, 51; Coomer, 14; Hatchett, 150; Nimmer, 178; Oliver, 82; Neal, 2. **Status:** Judy, House Passed & Adopted; Judy, Senate Passed & Adopted; House Agreed to Senate Amendments.  
**HB 389:** Relating to insurance, so as to sunset requirements to provide conversion and enhanced conversion rights and coverage; to add new provisions allowing for the discontinuance of conversion and enhanced conversion coverage; to add new provisions allowing for the discontinuance of assignment system benefit plans. **Sponsors:**

Taylor, 173; Smith, 134; Meadows, 5; Shaw, 176; Rogers, 29; Atwood, 179. **Status:** Insurance, House Passed & Adopted; I&L, Senate Passed & Adopted.  
**HR 107:** A resolution creating the Joint Study Committee on Medicaid Reform. **Sponsors:** Sheldon, 104; Rynders, 152; Channell, 120; Parrish, 158; Cooper, 43; O'Neal, 146. **Status:** Appropriations, House Passed & Adopted; Rules, Senate Passed & Adopted.

**Legislation that PASSED— SENATE Bills:**

**SB 14:** To create a Georgia Alzheimer's and Related Dementias State Plan Task Force. **Sponsor:** Unterman, R. 45. **Status:** H&HS, Senate Passed & Adopted; HR&A, House Passed & Adopted.  
**SB 24 (Companion bill to HB51):** To enact the "Hospital Medicaid Financing Program Act"; to authorize the Department of Community Health to assess a provider payment on hospitals. **Sponsors:** Bethel, 54; Jeffares, 17; Jackson, 24. **Status:** RI&U; House & Senate Passed & Adopted; Signed by Governor.  
**SB 62:** To establish the Federal and State Funded Health Care Financing Programs Overview Committee. **Sponsors:** Hill, 32; Shafer, 48; Unterman, 45; Miller, 49; Gooch, 51; Hill, 6. **Status:** H&HS, Senate Passed & Adopted; HR&A, House Passed & Adopted; House & Senate Conference Committee Reports Adopted.  
**SB 115:** To provide that performance data of students in certain placements are included in the resident school system data. **Sponsors:** Tippins, 37; Wilkinson, 50; Jeffares, 17; Williams, 19; Harper, 7; Millar, 40. **Status:** Ed&Y, Senate Passed & Adopted; Ed, House Passed & Adopted.  
**SB 236:** To require insurers issuing accident and sickness policies to indicate on their premium statement to consumers the amount of the premium increase, if any, attributable to the Patient Protection and Affordable Care Act. **Sponsors:** Jones, 25; Murphy, 27; Harper, 7; Tippins, 37; Ginn, 47. **Status:** I&L, Senate Passed & Adopted; Insurance, House Passed & Adopted; Senate Agrees to House Amendments.

**Legislation that did NOT pass— HOUSE Bills:**

**HB 18:** The "Blind Persons' Braille Literacy Rights and Education Act"; to provide requirements for textbook publishers relating to electronic materials; to provide license requirements relating to Braille for certain teachers. **Sponsor:** Waites, K., 60; Scott, 76. **Status:** Ed, House Second Readers.  
**HB 67:** To expand the Brain and Spinal Injury Trust Fund provisions to authorize additional penalty assessments for additional violations. **Sponsor:** Culver, 145. **Status:** Judy, House Second Readers.  
**HB 74:** To require health plans to provide coverage for hearing aids for certain individuals. **Sponsors:** Edward Lindsey, 54; Doug Holt, 112; Mike Glanton, 75; Tom Dickson, 6; Tommy Benton, 31; Pat Gardner, 57. **Status:** Insurance, House Second Readers.  
**HB 119:** To provide for enhanced sentencing of defendants guilty of crimes that target a victim due to the victim's race, religion, gender, gender identity, sexual orientation, disability, or national origin. **Sponsors:** Marin, 96; Waites, 60; Brooks, 55; Bell, 58. **Status:** JudyNC, House Second Readers.  
**HB 166:** The "Parent Protection Act"; to provide for leave for employees to attend school conferences and medical appointments; to provide that retaliatory actions are unlawful. **Sponsors:** Bruce, 61; Anderson, 92; Abrams, 89; Hugley, 136; Mitchell, 88; Holcomb, 81. **Status:** I&L, House Second Readers.  
**HB 290:** To allow employees to use sick leave for the care of immediate family members. **Sponsors:** Dempsey, 13; Benton, 31; Clark, 101; Brockway, 102; Kaiser, 59; Powell, 171. **Status:** HR&A, House Committee Favorably Reported by Substitute.  
**HB 299:** Relating to tax returns; to provide for contributions to Special Olympics Georgia Inc. **Sponsors:** Watson, 172; Shaw, 176; Carter, 175; England, 116; Sharp, 177; Black, 174. **Status:** W&M, House Second Readers.  
**HB 309 (Partner bill to SB 191):** "Ava's Law," to provide for certain insurance coverage of autism spectrum disorders. **Sponsors:** Harbin, 122; Dempsey, 13; Ramsey, 72; Randall, 142; Neal, 2; Battles, 15. **Status:** Insurance; House Second Readers.  
**Mirror bill — HB 559:** **Sponsor:** Sims, 169. **Status:** Insurance, House Second Readers.  
**HB 398:** Relating to unfair or deceptive practices in consumer transactions unlawful, so as to authorize licensed personal care homes and community living arrangements to use certain terms. **Sponsors:** Maxwell, 17; Channell, 120; Stephens, 164; Clark, 101; Martin, 49; Kaiser, 59. **Status:** HR&A, House Committee Favorably Reported by Substitute.  
**HB 461:** To provide for a single administrator for dental services for Medicaid recipients and PeachCare for Kids participants; to require the Department of Community Health to competitively bid out and contract with such single administrator. **Sponsors:** Rogers, 29; Channell, 120; Parrish, 158; Cooper, 43. **Status:** H&HS, House Committee Favorably Reported.  
**HB 546:** To require the Department of Public Health to establish a pilot program to assess the need for and effectiveness of using protocol technicians in areas of this state which do not have access to a hospital; to provide for legislative findings; to provide for the design of the program. **Sponsors:** Beverly, 143; Watson, 166. **Status:** H&HS, House Second Readers.

**HB 606:** to revise the definition of private home care provider to exclude from the definition contractual arrangements with independent contractors; to change certain provisions concerning certain employees; to revise exempt services. **Sponsor:** Knight, 130; **Status:** H&HS, House Second Readers.  
**HB 608:** To expand criminal background check requirements for applicants for employment by certain facilities licensed by the Department of Community Health; to revise provisions relating to criminal background checks for directors and employees of personal care homes and employees of nursing homes. **Sponsor:** Houston, 170. **Status:** H&HC, House Second Readers.

**Legislation that did NOT pass— SENATE Bills:**

**SB 23:** The "Stacey Nicole English Act," to aid in the location of missing persons who may be incapacitated due to serious medical conditions. **Sponsor:** Davenport, 44; Fort, 39; Jones, 10; James, 35; Tate, 38; Butler, 55. **Status:** PS, Senate Passed & Adopted; PS&HS, House Committee Favorably Reported.  
**SB 47:** To provide that each individual accident and sickness health insurance policy sold shall provide coverage for treatment of dependent children with cancer and provide coverage for autism. **Sponsors:** Fort, 39; Henson, 41; Tate, 38; Sims, 12; Lucas, 26; James, 35. **Status:** I&L, Senate Read & Referred.  
**SB 50:** Relating to absentee voting, so as to change the time periods for advance voting. **Sponsors:** Henson, 41; Ramsey, 43; Tate, 38; Butler, 55; Lucas, 26; Fort, 39. **Status:** Ethics, Senate Read & Referred.  
**SB 163:** To require the Department of Community Health to study and identify options for Medicaid reform; to provide for a report on findings and recommendations. **Sponsors:** Ligon, 3; Albers, 56; Millar, 40; Loudermilk, 14; McKoon, 29; Crane, 28. **Status:** H&HS, Senate Passed & Adopted; H&HS, House Committee Favorably Reported by Substitute.  
**SB 191 (Partner bill to HB 309):** "Ava's Law," to provide for certain insurance coverage of autism spectrum disorders. **Sponsors:** Albers, 56; Stone, 23; Hufstetler, 52; Williams, 19. **Status:** I&L, Senate Read & Referred.  
**SB 202:** Formalizing procedures regarding arbitration agreements when a patient enters a long-term care facility. **Sponsors:** Unterman, 45; Mullis, 53; Chance, 16. **Status:** H&HS, Senate Read and Referred.  
**SB 207:** To add private home care providers to the list of persons who may be disqualified from employment when discharged as a felony offender under a first offender plea. **Sponsors:** Albers, 56; Stone, 23; McKoon, 29; Shafer, 48; Unterman, 45; Beach, 21. **Status:** PS, Senate Passed & Adopted; JudyNC, House Committee Favorably Reported by Substitute.  
**SB 220:** To provide for a pilot program for the use of smart cards for Medicaid program recipients. **Sponsor:** Hill, 32. **Status:** H&HS, Senate Read & Referred.  
**SR 345:** A resolution creating the Senate Select Alternative Funding for Medicaid and Other Health Care Federal Funding Committee. **Sponsors:** McKoon, 29; Unterman, 45; Shafer, 48; Gooch, 51; Dugan, 30. **Status:** Rules, Senate Passed & Adopted by Substitute.