

# Moving Forward

The Developmental Disabilities Advocates'  
Guide to Legislation

March 22, 2013  
Volume 18—Issue 11

Brought to you by the Georgia Council on Developmental Disabilities



**Home stretch!** As we head into the final days of the legislative session, House and Senate members will be working in conference committee to create the **final version of the FY 2014 budget**.

Some exciting news: **\$50,000 was added into the Senate Appropriations budget for housing subsidies** that would support individuals with DD who want to live in homes of their own, and **\$100,000 was added to expand inclusive post-secondary education programs** for students with ID. Earlier on the House side, 28 Independent Care Waiver Program slots were added. **Please contact your Representative and your Senator to thank them for their support, and ask for their continued support of these important and exciting budget items.**

Another important budgetary item is the proposed 0.74% rate cut for home and community-based providers. **The House removed this cut entirely; Senate Appropriations reduced the cut to 0.37%.** Unlock the Waiting Lists! supports the removal of this cut and all the budget additions noted above. For further information on Unlock advocacy, go to [www.unlockthewaitinglists.com](http://www.unlockthewaitinglists.com).

## 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>

Visit [www.vote-smart.org](http://www.vote-smart.org) to identify your legislators. Find your legislators' contact information at [www.legis.state.ga.us](http://www.legis.state.ga.us) House Information, 1-800-282-5800; Senate Information 1-800-282-5803.

## Budget Information:

The 2013 Session tackles the 2013 supplemental budget, referred to here as FY 2013A, (ending June 30, 2013) and the 2014 FY budget (beginning July 1, 2013). This week's issue compares the governor's recommended FY 2014 budget, the FY 2014 budget approved last week by the House and the FY 2014 budget approved this week by the Senate Appropriations Committee. Once the Senate votes on the budget, it will go to conference committee, where all differences will be worked out. Stay tuned...

## Department of Behavioral Health and Developmental Disabilities; FY 2014

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 the other state agencies.

The House added \$250,000 in state funds into the budget for the Marcus Autism Center, with total funds added of \$500,000. The House also added 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

FY14 Governor	FY 14 House	FY 14 Senate Approp.
State General Funds:		
\$946,180,353	\$945,873,179	\$943,354,882
<b>TOTAL STATE FUNDS:</b>		
\$956,435,491	\$956,128,317	\$953,610,020
<b>TOTAL FEDERAL FUNDS:</b>		
\$144,355,412	\$145,162,586	\$144,967,401
<b>TOTAL FUNDS:</b>		
\$1,160,597,143	\$1,161,097,143	\$1,158,383,661

### DOJ Settlement-Related Spending — FY14

**Neither the House nor the Senate Appropriations budget made any changes to the items related to DD services under the DOJ settlement.** 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.

FY14 Governor	FY 14 House	FY 14 Senate Approp.
Family Supports:		
\$6,520,400	\$6,520,400	\$6,520,400
⇒ \$1,872,000 recommended increase over FY 2013, to serve 500 more families		
NOW/COMP Waivers:		
\$31,812,512	\$31,812,512	\$31,812,512
⇒ \$11,966,160 recommended increase over FY 2013 for 250 new waivers		

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

## Department of Community Health; FY 2014

The House added 28 Independent Care Waiver Program slots into the budget; Senate Appropriations approved a smaller addition of 14 ICWP slots. The Governor, House, and Senate Appropriations all have different takes on the proposed provider rate cut – please see the information at the top of this newsletter.

Both House and Senate Appropriations decided to keep the Aged, Blind and Disabled Medicaid program separate from the Low-Income Medicaid Program, and to increase the budgetary flexibility allowed between the two programs, from 2% to 10%. Both budgets add language 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.

The Governor, House and Senate Appropriations budgets all propose to save \$7.2 million in state general funds by better enforcing analyses of the level of care required to qualify for long-term care and home and community-based services. Finally, all three agreed to budget 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.

## Department of Human Services; FY 2014

There are two particular items of interest in the DHS budget regarding services for seniors: the governor proposed eliminating 17 adult protective service worker positions, a savings of \$528,871; and reducing contract respite services by \$484,559. The House budget and Senate Appropriations completely eliminated the proposed respite cut. The House completely eliminated the cut to adult protective service worker positions, and Senate Appropriations reduced this cut by half.

## Department of Education; FY 2014

The Governor, House and Senate Appropriations propose to transfer \$6.3 million in funds from the Georgia Learning Resource Center into federal programs.

The governor had proposed to end the \$2.6 million Sparsity Grant program; the House and Senate Appropriations retained those funds for the program but directed the Department of Education to study and evaluate the need for it.

The House added \$291,361 for special education funding for students served in Residential Treatment Facilities; this funding was not included in the Senate Appropriations budget.

### Other items of note:

<i>Increase funds based on enrollment growth &amp; training</i>		
Governor: \$147,352,939	House & Senate: \$146,583,599	
<i>Increase funds for Special Needs Scholarships to meet projected need</i>		
Governor: \$778,118	House & Senate: \$52,247	
<i>Adjust funds for the Georgia Preschool Handicapped program based on increased enrollment</i>		
Governor, House & Senate Appropriations: \$763,969		
<i>Reduce funds for Georgia Network for Educational and Therapeutic Support (GNETS) due to declining enrollment</i>		
Governor, House & Senate Appropriations: (\$2,009,258)		

## CALENDAR

**The calendar is set for the final days of the legislative session!**  
Monday, March 25—Tuesday, March 26... **Days 38-39**  
Thursday, March 28... **Day 40**

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**Thursday, March 7 was Crossover Day, or Day 30 of the legislative session. Any legislation that did not pass out of at least one chamber by that date will not pass this year unless it is attached to another bill that did cross over. Bills that did not cross over will be alive for next year's legislative session. Below is the list of legislation tracked by Moving Forward, with the bills that did make crossover listed first.**

**Legislation — HOUSE:**

**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 Read & Referred.

**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 Read & Referred.

**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.

**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 Committee Favorably Reported.

**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 Read Second Time.

**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 Committee Favorably Reported.

**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 Read & Referred.

**Legislation — SENATE:**

**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 Committee Favorably Reported.

**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; Donzella, 35; Tate, 38; Butler, 55. **Status:** PS, Senate Passed & Adopted; PS&HS, House Committee Favorably Reported.

**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 Committee Favorably Reported.

**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 Second Readers.

**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 Second Readers.

**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 Committee Favorably Reported.

**Legislation that failed to cross over — HOUSE:**

**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.

**HB 299:** Relating to tax returns; to provide for contributions to Special Olympics Georgia Inc. **Sponsors:** Watson, 172; Shaw, 176; Carter, 175; England, 116; Sharper, 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:** Mawell, 17; Channell, 120; Stephens, 164; Clark, 101; Martin, 49; Kaiser, 59. **Status:** HR&A; House Committee Favorably Reported.

**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 First 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 First Readers.

**Legislation that failed to cross over — SENATE:**

**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; Donzella, 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 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 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 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:** Senate Read Second Time.