

Moving Forward

The Developmental Disabilities Advocates'
Guide to Legislation

March 29, 2013
Volume 18—Issue 12

Brought to you by the Georgia Council on Developmental Disabilities



SINE DIE! The 2013 General Assembly finished the session on March 28th as the clock ticked down to midnight. One of the many bills that passed on Sine Die was the FY 2014 budget.

Budget highlights: 20 Independent Care Waiver Program slots were added. The proposed 0.74% provider cut was eliminated. \$100,000 was added for inclusive post-secondary education. The Department of Justice-related spending for DD services is supported in full. Unfortunately, the funding for housing subsidies for individuals with DD that was included in the Senate budget did not make the final FY 2014 budget.

Other end-of-session news: House Bill 78, which deals with protections for adults with disabilities and seniors, passed both chambers and awaits the governor's signature. Two bills that create committees to examine Medicaid and possible reform, House Resolution 107 and Senate Bill 62, passed. And the much-talked about ethics bill, House Bill 142, was one of the final pieces of legislation to pass both chambers.

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!

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 to identify your legislators. Find your legislators' contact information at 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 FY 2014 budget (beginning July 1, 2013). This week's issue reports on budget numbers included in the final FY 2014 budget, that passed on Sine Die and is on its way to the governor's office for his signature.

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 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

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

DOJ Settlement-Related Spending — FY14

The final budget did not make 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.

Final Fiscal Year 2014 Appropriation

| | |
|---|---------------------|
| Family Supports: | \$6,520,400 |
| ⇒ \$1,872,000 recommended increase over FY 2013, to serve 500 more families | |
| NOW/COMP Waivers: | \$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 |
| Education of Judges and Law Enforcement: | \$250,000 |
| Waiver Audits: | \$200,000 |
| DD Total spending: | \$50,700,593 |
| ⇒ \$13,838,160 recommended increase over FY 2013 | |

Department of Community Health; FY 2014

The Conference Committee struck a compromise between the House and Senate appropriations for new Independent Care Waiver Program slots (their budgets called for 28 and 14 new slots, respectively), adding **20 new ICWP slots** to the final budget. The Governor, House, and Senate Appropriations all had different takes on the proposed provider rate cut, and ultimately, the final budget maintained the FY 2013 rate.

The final budget maintained decisions by the House and Senate 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%. The final budget also **kept 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 final budget also maintained a proposal agreed upon by the Governor and both chambers 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, the FY 2014 budget included generally agreed-upon 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. The House eliminated this cut, proposing to keep all 17 positions, but the final budget adopted the Senate proposal to **cut half that many positions, for a reduction of \$264,463**.

Both the House and Senate, however, rejected a proposal by the Governor to reduce contract respite services by \$484,559.

The final budget maintains that decision, holding FY 2014 expenditures for contract respite services at FY 2013 levels.

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**.

The governor had proposed to end the \$2.6 million Sparsity Grant program; the final budget retained funding for the program but directed the Department of Education to study and evaluate the need for it.

The final budget **kept \$291,361 added by the House for special education funding for students served in Residential Treatment Facilities**.

Other items of note:

Increase funds based on enrollment growth & training
Final: **\$146,583,599**

Increase funds for Special Needs Scholarships to meet projected need
Final: **\$52,247**

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

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

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

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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 could not pass this year unless it was attached to another bill that did cross over. Below is the list of legislation tracked by Moving Forward, with the bills that did make crossover listed first. Bills that did not pass both chambers will stay alive for next year's session.

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 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 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 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; 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 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 Com-

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 Passed & Adopted.

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 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 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 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 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.

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 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 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 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.