

Moving Forward

The Developmental Disabilities Advocates'
Guide to Legislation

Feb. 8, 2013

Volume 18—Issue 5

Brought to you by the Georgia Council on Developmental Disabilities



AMENDED BUDGET HEARINGS: This week, the subcommittees for House Appropriations held the final budget meetings and votes. The FY 2013A budget bill is scheduled for discussion in the House rules committee as this issue of Moving Forward goes to print; once the FY 2013A budget bill clears the full House, it moves to the Senate. Meanwhile, the House Appropriations subcommittees will begin hearings on next year's budget, FY 2014. This issue reviews the changes to the FY 2013A budget. You can view the budget yourself at <http://opb.georgia.gov>.

On Feb. 1, the House passed SB 24, which will allow the state to assess a fee on Georgia hospitals, in order to fund Medicaid in place of the expiring "bed tax." The bill passed the Senate last month. Without this new source of revenue, state hospitals in Georgia could have been in jeopardy of closure and Medicaid in the state would have faced significant cuts.

One bill advocates are watching closely is **HB 142**, introduced by House Speaker David Ralston (7th District) in response to statewide voter referendums calling for caps on lobbyist gifts. **The bill contains a broad definition of a lobbyist to include anyone "advocating a position or agenda for the purpose of influencing the decision-making of any public officer."** Under a strict interpretation of this law, individuals and parent advocates engaging in advocacy with legislators other than their own representatives could be subject to a lobbyist registration fee. The bill has drawn much attention and Ralston indicated earlier this week that tweaks are forthcoming.

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 2014 FY budget (beginning July 1, 2013).

Department of Behavioral Health and Developmental Disabilities; FY 2013A

The House Appropriations subcommittee did not recommend any changes to the governor's proposed 2013A budget for DBHDD, including the DOJ settlement funds.

Department Budget Summary—FY 2013A

	FY13 current	FY13 Amended
State General Funds:	\$927,970,753	\$898,406,282
⇒ (\$29,564,471) recommended reduction		
Tobacco Settlement:	\$10,255,138	\$10,255,138
TOTAL STATE FUNDS:	\$938,225,891	\$908,661,420
⇒ (\$29,564,471) recommended reduction		
Community Mental Health		
Services Block Grant:	\$14,141,291	\$14,141,291
Medical Assistance		
Program:	\$24,477,192	\$24,477,192
Prevention & Treatment of Substance		
Abuse Block Grant:	\$46,889,589	\$46,889,589
Social Services		
Block Grant:	\$35,981,142	\$35,981,142
TANF Block Grant:	\$11,568,720	\$11,568,720
Federal Funds		
Not Itemized:	\$10,738,935	\$10,738,935
TOTAL FED FUNDS:	\$143,796,869	\$143,796,869
Other Funds:	\$50,396,688	\$68,214,783
⇒ \$17,818,095 recommended increase		
Total Funds:	\$1,132,419,448	\$1,120,673,072
⇒ (\$11,746,376) recommended reduction		

DOJ Settlement-Related Spending; FY 2013A and FY 2014

DBHDD is in the third year of the Settlement Agreement with the Department of Justice, which was signed on October 19, 2010. The agreement lays out five years of deliverables to better serve people with mental illness and developmental dis-

abilities currently living in state institutions or at risk of institutionalization. This year, DBHDD took a 3 percent cut with all the other state agencies.

Settlement Funds for Developmental Disabilities—FY 2013A

	FY13 current	FY13 Amended
Family Supports for 1,350 Families:	\$4,648,400	\$4,648,400
NOW/COMP Waivers (650 Waivers):	\$19,846,352	\$19,846,352
Crisis Respite Homes (9) & Mobile Crisis Teams (6):	\$11,917,681	\$11,917,681
Education of Judges and Law Enforcement:	\$250,000	\$250,000
Waiver Audits:	\$200,000	\$200,000
DD Total spending:	\$36,862,433	\$36,862,433

Department of Community Health; FY 2013A

In the Aged, Blind and Disabled (ABD) program, the proposed \$3.5 million reduction in state funds to be achieved by better enforcing the level of care required to qualify for long-term care and home and community-based services did not change. The House Appropriations subcommittee did positively adjust funds allotted to the ABD program to reflect an updated Medicaid projection.

Department of Human Services; FY 2013A

In the Elder Community Living Services program, the \$2.6 million reduction based on the capping of the CCSP waiver in October 2012 did not change.

In the Georgia Vocational Rehabilitation Agency budget, the House Appropriations subcommittee added \$1 million to the governor's recommended funds for the Roosevelt Warm Springs Institute based on projected expenditures.

Department of Education; FY 2013A

In the Non-Quality Basic Education Formula Grants, the governor's budget recommended reducing funds for Residential Treatment Centers and Sparsity Grants by 3 percent. The House Appropriations Subcommittee reduced these cuts to 1 percent.

In the Quality Basic Education (QBE) program, the House Appropriations subcommittee did not change the amount of additional funding recommended by the governor for enrollment growth and Special Needs scholarships; those were rolled into one item along with funding for charter schools.

Calendar: Week of 2/11 - 2/14

Monday, Feb. 11 — Senate Community Health Appropriations Subcommittee, 2:30 p.m. in 307 CLOB; Senate Education Appropriations Subcommittee, 2:30 p.m. in 310 CLOB; Senate Human Development & Public Health Appropriations Subcommittee, 4 p.m. in 307 CLOB.

Tuesday, Feb. 12 — Senate Higher Education Appropriations Subcommittee, 1:30 p.m. in 310 CLOB; House Health Appropriations Subcommittee, 2 p.m. in 515 CLOB;

Wednesday, Feb. 13 — House Health Appropriations Subcommittee, 2 p.m. in 506 CLOB.

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Legislation — HOUSE:

HB 18: The "Blind Persons' Braille Literacy Rights and Education Act"; to require an evaluation of a blind or visually impaired child to determine such child's need for Braille instruction; to require Braille instruction in the individualized education plan of a blind or visually impaired student; to provide requirements for textbook publishers relating to electronic materials; to provide license requirements relating to Braille for certain teachers. **Sponsor:** Waites, K., 60. **Status:** Prefiled.

HB 51: Relating to care and protection of indigent and elderly patients, so as to enact the "Hospital Medicaid Financing Program Act"; to authorize the Department of Community Health to assess a provider payment on hospitals for the purpose of obtaining federal financial participation for Medicaid. **Sponsors:** Hatchett, 150; Carter, 175; Coomer, 14. **Status:** Gov. Affairs; House Second Readers.

HB 70: Relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions. **Sponsors:** Golick, 40; Coleman, 97; Setzler, 35; Lindsey, 54; Dudgeon, 25; Kaiser, 59. **Status:** Education; House Second Readers.

HB 74: To require health plans to provide coverage for hearing aids for certain individuals; to provide for the frequency of replacement of hearing aids; to provide for coverage of services and supplies; to provide options for higher priced devices. **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 78: Relating to crimes and offenses, when depositions to preserve testimony in criminal proceedings may be taken, 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 years of age or older; to prohibit exploitation of disabled adults, elder persons, and residents. **Sponsors:** Wendell, 51; Jones, 47; Lindsey, 54; Abrams, 89; Cooper, 43; Houston, 170. **Status:** Judiciary; House Second Readers.

HB 119: To provide for 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; to provide for enhanced sentences such cases. **Sponsors:** Marin, 96; Waites, 60; Brooks, 55; Bell, 58. **Status:** J N-C; 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 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 First Readers.

HB 205: To provide for a psychiatric advance directive; to provide for a competent adult to express his or her mental health care treatment preferences and desires directly through instructions written in advance and indirectly through appointing an agent to make mental health care decisions on behalf of that person; to provide for related matters; to repeal conflicting laws; and for other purposes. **Sponsors:** Lindsey, 54; Gardner, 57; Willard, 51; Neal, 2; Weldon, 3; Oliver, 82. **Status:** House Hopper.

HR 24: Proposing an amendment to the Constitution so as to authorize the General Assembly to provide for additional penalties or fees for offenses involving illegal parking in spaces reserved for persons with disabilities, operating a motorcycle without protective headgear, operating a boat or other watercraft while under the influence of alcohol or drugs, and reckless driving; authorized to allocate such additional penalties or fees to the Brain and Spinal Injury Trust Fund. **Sponsor:** Kidd, 145. **Status:** Judiciary; House Second Readers.

HR 49: A resolution requesting the Congress of the United States to pass legislation restoring the deep cuts to mental health services, research, special education, and supportive housing for children and adults living with mental illness; and for other purposes. **Sponsor:** Waites, 60. **Status:** H&HS; House Second Readers.

Legislation — SENATE:

SB 14: Relating to indigent and elderly patients, so as to create a Georgia Alzheimer's and Related Dementias State Plan Task Force. **Sponsor:** Unterman, R. 45. **Status:** H&HS; Senate Read Second Time.

SB 23: To establish the "Stacey Nicole English Act" and to aid in the location of missing persons who may be incapacitated due to serious medical conditions; to prohibit minimum waiting periods for initiating a missing person report; to authorize a state-wide endangered person advisory. **Sponsor:** Davenport, 44; Fort, 39; Jones, 10; Donzella, 35; Tate, 38; Butler, 55. **Status:** PS; Senate Read and Referred.

SB 24: Companion bill to HB51; Sponsors: Bethel, 54; Jeffares, 17; Jackson, 24. **Status:** RI&U; Senate Passed & Adopted.

SB 34: To provide that it shall be unlawful for a mentally incompetent person or an addicted person to possess a handgun, shall be unlawful to provide a handgun to a mentally incompetent person or an addicted person, and shall be unlawful to provide a handgun to any person known by the provider of the weapon to be a substantial risk of using the weapon illegally. **Sponsor:** Donzella, 35. **Status:** J.N-C.; Senate Read and Referred.

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 and 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 and Referred.

SB 62: Relating to care and protection of indigent and elderly patients, so as 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 Read and Referred.

SB 65: To authorize a licensed professional counselor to perform certain acts which physicians, psychologists, and others are authorized to perform regarding emergency examinations of persons who are mentally ill or alcoholic or drug dependent; to require a licensed professional counselor to secure certification to perform certain acts from the Department of Behavioral Health and Developmental Disabilities. **Sponsor:** Unterman, 45. **Status:** H&HS; Senate Read and Referred.

SB 79: To raise the age of mandatory education from 16 to 17. **Sponsors:** Jackson, 2; Henson, 41; Tate, 38; Sims, 12. **Status:** E&Y; Senate Read and Referred.

SB 90: To provide for the periodic submission of certain information by state, regional, and local transportation authorities to the Governor's Development Council; to require the submission of certain information to the Georgia Coordinating Committee for Rural and Human Services Transportation by the Governor's Development Council. **Sponsors:** Gooch, 51; Miller, 49; Mullis, 53; Chance, 16; Beach, 21; Hufstetler, 52. **Status:** Transportation; Senate Read and Referred.

SR 12: A resolution urging the Governor to expand Medicaid coverage under the Affordable Care Act. **Sponsors:** Henson, 41; Fort, 39; Tate, 38; Harbison, 15; Lucas, 26; James, 35. **Status:** H&HS; Senate Read and Referred.

SR20: A resolution requesting that all physicians include autism spectrum disorders screening in all well-child visits no later than 18 months of age. **Sponsors:** Donzella, 35; Davenport, 44; Orrock, 36; Henson, 41. **Status:** H&HS; Senate Read and Referred.

Dates to Remember:

February is Self-Advocates Month at the Capitol
Mental Health Day at the Capitol: February 19th

Disability Day at the Capitol: February 21st! - Register at GCDD.org or by calling 404-656-6593