

House Bill 582

By: Representatives Cooper of the 45<sup>th</sup>, Silcox of the 53<sup>rd</sup>, Buckner of the 137<sup>th</sup>, Taylor of the 173<sup>rd</sup>, and Seabaugh of the 34<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to regulation of hospitals and related institutions, so as to permit assisted living  
3 communities and personal care homes to enroll as Medicaid providers; to provide for  
4 development of a model for implementation; to provide for submission of a state plan  
5 amendment or waiver, if necessary; to provide for legislative intent; to provide for related  
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 It is the intent of the General Assembly:

- 10 (1) To assist Georgians who need the services of assisted living communities and larger  
11 personal care homes in order to age in place without moving to a skilled nursing facility,  
12 but don't have the financial resources to do so; and  
13 (2) To allow home and community based services funded under the Medicaid program  
14 to be accessible to Georgians, in some instances when such services have been previously  
15 prohibited by state law and policy;

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16 (3) To have the Department of Community Health initiate a program to allow such  
 17 persons to receive Medicaid home and community based services, but not room and  
 18 board, in assisted living communities, all personal care homes, and subsidized housing  
 19 when such facilities choose to be enrolled as Medicaid providers; and

20 (4) That such program enabled by this Act provide an opportunity for provider choice  
 21 to persons in need of home and community based services, such as residents in assisted  
 22 living communities who have exhausted the resources required for licensed assisted  
 23 living and persons living independently in their home or in subsidized housing who need  
 24 a higher level of care.

25 **SECTION 2.**

26 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
 27 regulation of hospitals and related institutions, is amended in Code Section 31-7-12.2,  
 28 relating to regulation and licensing of assisted living communities, by revising subsection (i)  
 29 as follows:

30 ~~"(i) An assisted living community shall not be permitted to enroll as a provider of medical~~  
 31 ~~assistance, as defined in paragraph (6) of Code Section 49-4-141, or receive any funds~~  
 32 ~~authorized or paid pursuant to Title XIX of the Social Security Act. Reserved."~~

33 **SECTION 3.**

34 Said article is further amended by adding a new Code section to read as follows:

35 "31-7-12.9.

36 (a) Unless otherwise prohibited by federal law or regulation, assisted living communities  
 37 and personal care homes shall be permitted to enroll as providers of medical assistance, as  
 38 defined in paragraph (6) of Code Section 49-4-141, and receive any funds authorized or  
 39 paid pursuant to Title XIX of the Social Security Act.

40 (b) In order to implement the provisions of this Code section, the department shall convene  
41 stakeholders and develop a model to allow assisted living communities and personal care  
42 homes to enroll as providers of medical assistance, as defined in paragraph (6) of Code  
43 Section 49-4-141, and receive any funds authorized or paid pursuant to Title XIX of the  
44 Social Security Act. Such model shall initially provide services for up to 200 recipients of  
45 medical assistance.

46 (c) To implement the provisions of this Code section, the department shall submit a  
47 Medicaid state plan amendment, waiver request, or amendment to an existing waiver to the  
48 United States Department of Health and Human Services, as necessary, no later than  
49 December 31, 2024."

50

**SECTION 4.**

51 All laws and parts of laws in conflict with this Act are repealed.