

Moving Forward

The Developmental Disabilities Advocates'
Guide to Legislation

March 31, 2011
Volume 16—Issue 13

Brought to you by the Georgia Council on Developmental Disabilities



Budget: The Senate voted out the budget on Wednesday morning, and we are happy to report that all the adds from the House were retained; 33 ICWP slots in DCH, and \$680,411 for new waivers in the BHDD budget. Other remaining differences will be conferenced this coming week. **The IDA Legislation, HB 226 passed the Senate on Monday, 52-0! Thanks to all our supporters!**

HB 229 and SB 245, the Medicaid Appeals and DD Definition bills will be worked on over the interim. **As of Wednesday evening, there had been no vote on Tax Reform legislation.**

Legislature will adjourn next week for Spring Break. They'll convene again on Tuesday, April 12th for Day 39, and **Thursday, April 14th will be Sine Die!**

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.

Senate Leadership—Presiding: **Lt. Gov.** Casey Cagle; **President Pro Tempore:** Tommie Williams, 19th; **Majority Leader:** Chip Rogers, 21st; **Majority Whip:** Cecil Staton, 18th; **Minority Leader:** Robert Brown, 26th. **Minority Whip:** 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, Governor's Proposed Budgets

The following figures are the House version of the FY 2012 budget. Cuts are in (). State dollars unless indicated.

Department of Behavioral Health and Developmental Disabilities; Georgia reached a settlement with the Department of Justice on October 19, 2010. Figures below support the Settlement Agreement.

FY 2012

Provide funding for 400 family supports, 5 crisis respite homes, and 6 mobile crisis teams for people with DD
\$12, 800, 081

[Note: This is broken down into \$1,684,800 for Family Support and \$9,617,681 for mobile crisis teams and crisis respite homes. The remaining \$1,497,00 annualizes the Family Support services from the 2011 budget.]

Annualize the cost of the FY 2011 150 waiver slots for the New Options Waiver (NOW) and COMP Waiver \$7,092,697

Provide for 250 additional waivers for NOW and COMP; 150 to transition people from hospitals, 100 for the community (6 months of funding) \$7,463,475

Provide funding for additional NOW/COMP waivers services for youth aging out of DFCS custody \$680,411

Replace loss of the enhanced Federal Medical Assistance Percentages (FMAP) from (ARRA) of 2009. \$42,144,989

[Note: With the \$42,144,989 above, \$8,166,004 added to Adult Mental Health, and \$7,790,838 added to Child and Adolescent Mental Health, the state dollars to replace the loss of ARRA funds are made whole.]

Realize efficiencies of serving fewer consumers in institutions by closing one state hospital. Adult DD Services: (2,289,405)

Direct Support Services (3,270,191)

Reduce one-time funds for the Marcus Institute (House restored funding to decrease waiting list for children with developmental disabilities) \$235,000

Department of Community Health; FY 2012:

Eliminate optional benefit coverage for adult vision, dental and podiatry (864,829) (6,163,079) (House, Senate:No)

Provide funding for 33 slots in the Independent Care Waiver Program to address the community waiting list \$545,543

Health Facilities Regulation: reduce funds for 6 new state licensure positions in FY 2011 appropriations. (478,181)

Restore funds for the Children 1st Program \$1,500,000

Reflect savings from the phase out of the Babies Born Healthy program. (2,915,006)

Reduce general grant-in-aid to county boards of health (2,484,328) House, Senate: No

Implement new copayments for PeachCare members 6 years of age and older (1,503,409)

Department of Education, FY 2012

Reduce funds provided for Residential Treatment Centers House: (38,701), Sparsity Grants (298,331), and Special Needs Scholarships (966,636)

Preschool Handicapped: Reduce funds. (574,851)

Pupil Transportation, reduce funds. (8,317,704)

QBE Formula: Increase funds for training and experience, newly certified math and science teachers and charter systems. House and Senate: \$29,822,134

Reduce funding provided for the RESAs core services. (482,344)

Reduce funds for GNETS (SED) (1,298,054)

School Nurses: Reduce funding for grants. (1,099,980)

Provide funds for physical fitness activities \$9,100, and teacher training and experience at Georgia School for the Deaf \$309,189

Department of Labor; Vocational Rehabilitation, 2012

Reduce funds for personal services. (1,079,897)

Reduce funds for contracts. (391,362)

Total State Budget FY 2011 \$17,889,360,261

Total State Budget FY 2012 Revenue Estimate \$18,252,362,852

Change FY 2011 to FY 2012 \$363,002,591

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Department of Human Services; 2012 (Division of Aging Services)

Eliminate the contract with the Center for the Visually Impaired.
House, Senate, Fully Restored Funding

Reduce funds for Alzheimers Respite Services and Non-Medicaid Home Community Based Respite Services.
House, Senate, Fully Restored Funding

Transfer the Family Connection program to the Governor's Office of Children and Families and recognize savings from consolidation.
House, Senate: NO

Reduced county collaborative contracts. House, Senate, Restored Funding

Legislation:

HB 23: To require the Department of Human Services to establish regulations governing the use of psychotropic medications for foster children in state custody. **Sponsor:** M.Oliver, 83. **Status:** HHS; House Second Readers.

HB 24: To substantially revise, supersede, and modernize provisions relating to evidence, [including] to change provisions relating to foreign language interpreters and interpreters for the hearing impaired. **Sponsors:** Willard, 49; Lindsey, 54; Weldon, 3; Dobbs, 53; Jacobs, 80. **Status:** Judy; Senate Read and Referred.

HB 52: To add public and private schools, public and private colleges, and public and private universities to the places where disabled persons may be accompanied by a guide or service dog; to prohibit the requiring of extra deposits for persons with guide or service dogs. **Sponsor:** Bearden, 68. **Status:** H.Ed; Senate Read Second Time.

HB 77: To amend an Act providing appropriations for the State Fiscal Year beginning July 1, 2010, and ending June 30, 2011. **Sponsors:** Ralston, 7; Jones, 46; O'Neal, 146; England, 108; Collins, 27; Huckaby, 113. **Status:** Approp; House Date Signed by Governor.

HB 78: To make and provide appropriations for the State Fiscal year beginning July 1, 2011 and ending June 30, 2012. **Sponsors:** Ralston, 7; Jones, 46; O'Neal, 146; England, 108; Collins, 27; Huckaby, 113. **Status:** Approp; Senate Passed / Adopted.

HB 92: To provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; **Sponsors:** Hamilton, 23; Meadows, 5; England, 108; Mosby, 90; Heard, 114; Sheldon, 105. **Status:** SLGO; Senate Read Second Time.

HB 181: 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, 34; Coleman, 97; Casas, 103; Lindsey, 54; Nix, 69. **Status:** Ed&Y; Senate Read and Referred.

HB 214: To establish the Department of Public Health; to reassign functions of the Division of Public Health of the Department of Community Health to the Department of Public Health; to provide for transition to the new agency; to create a Board of Public Health and a commissioner of public health; to amend various titles for purposes of conformity. **Sponsors:** Channell, 116; Parish, 156; England, 108; Sheldon, 105; Cooper, 41; Huckaby, 113. **Status:** HHS; Senate Committee Favorably Reported.

HB 226: To provide for the comprehensive regulation of individual development accounts; to add to uses for individual development accounts. **Sponsors:** Sheldon, 105; Houston, 170; Hill, 21; Cooper, 41; Clark, 98. **Status:** HHS; Senate Passed / Adopted.

HB 229: Relating to administrative hearings and appeals under Medicaid generally, so as to provide that the decision of the administrative law judge shall be the final administrative decision of the commissioner. **Sponsors:** Cooper, 41; Jacobs, 80; Channell, 116; Lindsey, 54; Oliver, 83. **Status:** Judy; Favorably Reported.

HB 324: Relating to the habitation of the developmentally disabled generally; to repeal various obsolete provisions relating to procedures for obtaining services from the DBHDD relative to developmentally disabled persons; to provide for hearings by administrative law judges; to eliminate hearing examiners; **Sponsors:** Neal, 1; Collins, 27th; Cooper, 41; Gardner, 57; Murphy, 120. **Status:** HHS; Senate Committee Favorably Reported.

HB 343: Relating to the powers and duties of the DBHDD as it related to

mental health, so as to provide for crisis stabilization units for the purpose of providing psychiatric stabilization or detoxification services; to provide for a definition; to provide for licensure; to provide for requirements; to provide for rules and regulations. **Sponsors:** Cooper, 41; Huckaby, 113; Collins, 27; Carter, 175; Houston, 170; Howard, 121. **Status:** Senate HHS; Favorably reported.

HB 421: Relating to change provisions relating to the proceedings upon a plea of mental incompetency to stand trial; to provide for definitions and the use of consistent terminology; to provide for a bench trial for competency proceedings; to provide for maximum commitment to the DBHDD under certain circumstances; to amend the "Crime Victims' Bill of Rights" so as to change provisions relating to victim notification from the DBHDD. **Sponsors:** Welch, 110; Willard, 49; Manning, 32; Atwood, 179. **Status:** Judy; Senate Read Second Time.

HB 432: Relating to general provisions relative to labor and industrial relations, so as to allow employees to use sick leave for the care of immediate family members; to provide for definitions; to provide for conditions to take leave; to provide that retaliatory actions are unlawful. **Sponsors:** Dempsey, 13; Manning, 32; Smith, 129; McKillip, 115; Sims, 119; Kaiser, 59. **Status:** IR; House Second Readers.

HB 476: To establish the Georgia Health Exchange Authority; to provide for legislative intent; to provide for definitions; to provide for a board of directors; to provide for composition, terms, and officers; to provide for powers and duties of the authority; to provide for the Georgia Health Exchange and the Small Business Health Options Program (SHOP) Exchange; to provide for automatic repeal under certain conditions; to provide for a trust fund; to provide for an advisory committee; to provide for limited liability; to provide for rules and regulations; to provide for accounts and audits. **Sponsors:** Smith, 131; Meadows, 5. **Status:** Ins; House Withdrawn, Recommitted.

SENATE

SB 10: Relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of only malt beverages and wine by retailers is lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales if approved by referendum; **Sponsors:** Bulloch, 11; Rogers, 21; Balfour, 9; Stoner, 6; Sims, 12; Grant, 25. **Status:** RegInd; House Committee Favorably Reported.

SB 14: To raise the age of mandatory education from 16 to 17; to revise provisions relating to adult literacy for purposes of conformity. **Sponsors:** Jackson, 2; Jones, 10; Sims, 12. **Status:** Ed&Y; Senate Read and Referred.

SB 17: To establish the Special Advisory Commission on Mandated Health Insurance Benefits; to provide for review of proposed legislation containing a mandated health insurance benefit or provider; and other matters. **Sponsors:** Golden, 8; Goggans, 7; Shafer, 48. **Status:** Ins; House Postponed.

SB 178: Relating to health care facilities, so as to provide for the regulation and licensing of assisted living communities; to provide for procedures and criteria; to provide for requirements for medication aides; to revise provisions relating to personal care homes; to amend various provisions of the Official Code of Georgia Annotated, so as to provide changes for purposes of consistency and conformity. **Sponsors:** Grant, 25; Williams, 19; Hill, 32; Murphy, 27; Jackson, 24; Mullis, 53. **Status:** HHS; House Committee Favorably Reported.

SB 198: Relating to primaries and elections generally, so as to provide definitions; to cover all disabilities in providing assistance in voting. **Sponsors:** Goggans, 7; Grant, 25; Unterman, 45. **Status:** Ethics; Senate Read and Referred.

SB 238: Relating to general provisions relative to handicapped persons, so as to provide that any motorized wheelchair or scooter operated on public ways and sidewalks after dark shall be equipped with reflectors; to provide that any such wheelchairs and scooters sold in this state shall be equipped with reflectors. **Sponsors:** James, 35; Davenport, 44; Tate, 38; Seay, 34; Orrock, 36; Henson, 41. **Status:** PS; Senate Read and Referred.

SB 245: Relating to definitions relative to governing and regulation of mental health, so as to revise the definition of "developmental disability." **Sponsor:** Goggans, 7. **Status:** HHS; Senate Passed / Adopted.



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