

House Bill 990 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 47th, Ralston of the 7th, O`Neal of the 146th, Nimmer of the 178th, Ramsey of the 72nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to prohibit the expansion of Medicaid
3 eligibility through an increase in the income threshold without prior legislative approval; to
4 provide for legislative findings; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 WHEREAS, the General Assembly is constitutionally mandated to balance the Georgia state
9 budget through the annual appropriations process; and

10 WHEREAS, the Medicaid program comprises one of the largest expenditures of state funds
11 in the annual budget; and

12 WHEREAS, any decision to increase the income threshold for eligibility for the Medicaid
13 entitlement program in Georgia must be carefully considered within the context of the state's
14 responsibility to fund other critical state services, including education, infrastructure, and
15 public safety; and

16 WHEREAS, Governor Nathan Deal has demonstrated fiscal responsibility throughout his
17 first term in office; and

18 WHEREAS, Governor Deal has recently declined to expand Medicaid eligibility through an
19 increase in the income threshold in Georgia's Medicaid program despite efforts by the federal
20 government to compel states to expand this entitlement program through provisions of the
21 Affordable Care Act; and

22 WHEREAS, expanding Medicaid eligibility by increasing the income threshold for the
23 Medicaid entitlement program would dramatically increase the number of Georgians
24 receiving public assistance that otherwise do not qualify for Medicaid benefits by meeting
25 low-income program requirements for aged, blind, and disabled individuals; for families or
26 children age 18 and under; for aged, blind, and disabled individuals receiving nursing home
27 care; for individuals receiving hospice care; for pregnant women; or for individuals with
28 breast or cervical cancer; or by meeting other program requirements for children in foster
29 care or adopted from foster care or for children with disabilities receiving services under a
30 federal Deeming waiver; and

31 WHEREAS, in support of Governor Deal's stance against this effort to oblige states to
32 expand the income threshold for Medicaid benefits and, in an effort to assure any similar
33 efforts by the federal government are seriously evaluated in the future, the General Assembly
34 determines it is essential that a potential expansion of eligibility for Medicaid be thoroughly
35 debated and voted upon by the legislature.

36 **SECTION 2.**

37 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
38 medical assistance generally, is amended by adding a new Code section to read as follows:

39 "49-4-142.2.

40 On and after the effective date of this Code section, neither the department, the board, nor
41 any other representative of the state shall expand Medicaid eligibility under this article
42 through an increase in the income threshold without prior legislative approval; provided,
43 however, that this shall not apply to any increase resulting from a cost-of-living increase
44 in the federal poverty level. The legislative approval required under this Code section shall
45 be by Act of the General Assembly or the adoption of a joint resolution of the General
46 Assembly."

47 **SECTION 3.**

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