

Welfare Watch - February 20, 2009 - Legislative Watch

Legislation of Interest to Child Welfare Providers - These updates and summaries are provided with generous assistance of the [Barton Clinic](#). Selections are made based on the interests of those who provide services to at-risk children. These bills are linked and their current status can be determined by clicking link.

[SB 3](#) (Murphy, 27th) would require insurers and pharmacy benefits managers to speed up prior approvals for prescription drugs, would set rules regarding non preferred drugs and step-therapy, and in some instances would require the insurers or managers to reimburse doctors and give discounts to patients. It would require entities distributing drugs for Medicaid and PeachCare patients to distribute generics when available and appropriate. SB 3 is in Senate Insurance and Labor.

[HB 10](#) would allow the Georgia Crime Information Center to release criminal records to private individuals and businesses without the consent or fingerprints of the individual. The bill provides an exception for the records of juvenile's adjudicated delinquent, which could not be released under the bill. [HB 10](#) has been assigned to the House Non-Civil Judiciary Committee.

[HB 20](#) (Oliver, 83rd) would require DHR and the Trauma Commission to adopt regulations regarding the operation of public benefits and grants through the formal Administrative Procedures Act (APA) process with an opportunity for public comment. Currently they are exempted from the APA. SB 20 is in House governmental Affairs.

[HB60 - Licensing requirements and exceptions; professional counseling, social work, or marriage and family therapy; provided](#)

provided, however, that no such person shall hold himself or herself out as being licensed to practice professional counseling, social work, or marriage and family therapy or any combination thereof or use the words 'licensed' or 'licensure' or any other words, letters, titles, images, or figures stating or implying that he or she is licensed to practice any such specialty, and no organization shall present itself as authorized to license individuals to practice any such specialty.

[SB 69](#) would expand the definition of sexual exploitation in the mandatory reporting statute to include exploitation by persons who are not a child's parent or caretaker. [SB 69](#) has been assigned to the Senate Judiciary Committee.

[SB79 - Social Services; provide access by certain gov. entities/persons to records concerning reports of child abuse; define a certain](#) term; to provide for access by certain governmental entities and certain persons to records concerning reports of child abuse; to provide that certain records relating to a child fatality or near fatality shall not be confidential; to repeal conflicting laws; and for other purposes.

[SB92 - Social Services; convert Medicaid/PeachCare for Kids Programs funds to premium assistance; low-income; private sector health insurance plan](#) to allow low-income families to participate in private sector health insurance plans; to provide for definitions; to provide for an amended state plan for Medicaid and PeachCare; to designate qualified health benefit plans; to provide for enrollment in a qualified health benefit plan; to provide for premium assistance; to provide for premiums and cost sharing; to provide for an individual incentive program; to provide for health opportunity accounts; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.
Referred to Insurance and Labor

[SB 132 - Dropout Deterrent Act](#); revise the age of mandatory education to age 17.

[HB 123](#) would amend O.C.G.A. § 16-6-4 by expanding the offenses of child molestation and aggravated child molestation to include direct or indirect contact including contact via the internet and by electronic and telephonic means. [HB 123](#) has been assigned to the House Non-Civil Judiciary Committee.

[HB 163](#) would amend O.C.G.A. § 17-3-1 and 17-3-2.1 to eliminate the statute of limitations for prosecuting offenders accused of committing the following offenses when the victim is younger than 16 years old at the time of the violation: cruelty to children, rape, sodomy, aggravated sodomy, statutory rape, child molestation, aggravated child molestation, enticing a child for indecent purposes, and incest. [HB 163](#) has been assigned to the House Non-Civil Judiciary Committee

[HB228 - Restructuring of the Department of Human Resources](#) - The legislation would form a new Department of Behavioral Health to oversee the mental health and addictive disease programs currently housed in DHR. The new department would report directly to the Governor and increase fiscal transparency. The reorganization plan would also merge the Department of Community Health with the public health and health regulation programs of DHR to create the

Department of Health. Current DCH Commissioner Dr. Rhonda Medows would lead the new Department of Health. Merging the two departments will streamline the health related activities currently residing in two separate departments and establish a lead agency to focus on improving Georgians' health. The remaining social services under DHR would become the Department of Human Services. Programs included in this department include Developmental Disabilities, Aging, Division of Family and Children Services (DFCS) and Child Support. Current DHR Commissioner B.J. Walker would lead the new Department of Human Services.

The bill is 192 pages long so I am attaching it's link - http://www.legis.state.ga.us/legis/2009_10/pdf/hb228.pdf. The bill is organized into four sections and the PDF version has line numbers:

Section 1 - Creates the Department of Health

Section 2 - Creates the Department of Human Services (beginning on page 75, line number 2620)

Section 3 - Creates the Department of Behavioral Health (beginning on page 137, line number 4799)

Section 4 - Effective Date and Repealer

Code edits (section 2.2) for the Department of Human Services begin on page 105 at line 3672.

Code edits (section 3.2) for the Department of Behavioral Health begins on page 186 at line 6541.

The Office of Regulatory Services is referenced in [49-5-12](#) The code section begins at [49-5-1](#)

[HB237 - Human Resources, Department of; financial assistance for adoptive parents; revise](#) provision relating to financial assistance for adoptive parents; to provide for related matters; to repeal conflicting laws; and for other purposes. Referred to Children and Youth

[HB 245](#) would amend O.C.G.A. § 15-11-66 related to the disposition of a delinquent child. Specifically, the bill would reduce the short term program (STP) from 60 days to 30 days. The bill is part of the legislative package of the Department of Juvenile Justice (DJJ) and they estimate the provision will save DJJ \$7 million. [HB 245](#) has been assigned to the House Non-Civil Judiciary Committee.

[HB 246](#) would amend O.C.G.A. § 15-11-46.1 related to the pre-adjudication detention of children. The bill would require the use of a written risk assessment instrument at intake before a child can be detained pre-adjudication. The court would retain the ability to override the instrument with written findings that consider a set of factors such as the nature of the allegations against the child, the age of the child, and the child's prior history, among others. Pre-adjudication detention is allowable under [HB 246](#) in order to ensure the child's appearance in court, reduce the risk of harm to others, or reduce the risk of harm to the child at the request of the child. [HB 246](#) has been assigned to the House Non-Civil Judiciary Committee.

[HB254 - Human Resources, Department of; juvenile proceedings; locate adult relatives](#) of a child removed from the custody of his or her parents; to provide for notice; to provide that the court shall order the disclosure of adult relatives of such child; to provide conditions for the placement of a child following a termination order; to provide for findings of fact; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to Judiciary Non-Civil

[HB 303](#) would Amend O.C.G.A. § 49-5-41 to allow a solicitor-general or assistant solicitor-general access to records concerning reports of child abuse. [HB 303](#) has been assigned to the House Non-Civil Judiciary Committee.

[HB388 - The Option of Adoption Act](#) which relating to adoption, so as to provide for legislative intent to change the definition of "child" to include a human embryo; to provide for procedures for embryo adoption; to provide for non-applicability of certain dependent exemption for income tax purposes;