



GEORGIA DEPARTMENT  
OF COMMUNITY HEALTH

# Overview of the Office of General Counsel



Presentation to: Board of Community Health  
Presentation by: Marial L. Ellis, Esq., General Counsel

Date: 02/12/15



## Mission Statement

The mission of the Department of Community Health is to provide access to affordable, quality health care to Georgians through effective planning, purchasing, and oversight.

**We are dedicated to A Healthy Georgia**

# Overall Responsibilities

- » Provide legal support and guidance within DCH
- » Coordinate various efforts with sister agencies, primarily DPH, DBHDD and DHS/DFCS
- » Represent DCH/Division of Medical Assistance in administrative proceedings
- » Support DCH's representation by the Law Department
- » Research and analyze proposed legislation
- » Review, negotiate, and draft contractual documents
- » Respond to open records requests
- » Handle and coordinate matters concerning HIPAA Privacy & Security

# Overview of OGC Units

1. Legal Services
2. Contracts Administration
3. Open Records

# Legal Services

- Review and assist with content of Medicaid/PeachCare for Kids Policy & Procedure Manuals
- Represent DCH/Division of Medical Assistance in administrative proceedings
- Provide litigation support to the Law Department

# Legal Services

Primary categories of administrative representation:

- A. Applicant eligibility appeals for Medicaid. OCGA Sec. 49-4-153(b)(1)
- B. Recipient appeals of reduction or denial of services. OCGA Sec. 49-4-153(b)(1)
- C. Provider appeals re: claims reimbursement or denials. OCGA Sec. 49-4-153(b)(2)
- D. Provider appeals re: enrollment denial or termination. OCGA Sec. 49-4-153(b)(3)

# Legal Services

## **Applicant Eligibility, Recipient, and Provider Reimbursement Appeals**

- In notice of denial, person informed of right to hearing.
- Hearing held before OSAH.
- If adverse decision issued to petitioner, may appeal to Commissioner's designee.
- If Commissioner's designee upholds OSAH's decision, may petition for judicial review in superior court.

## **Provider Enrollment Appeals**

- Appeal Department's decision to Commissioner's designee.
- May further petition for judicial review in superior court.

# Legal Services

**Staff:** Director, 7 attorneys, 3 support staff

**FY2013:** Legal Services received approx. 824 individual and provider appeals

**FY2014:** Legal Services received approx. 1,447 individual and provider appeals (approx. 1,355 individuals and 92 providers appealed)

**FY2015 YTD\*:** Legal Services has received approx. 457 individual and provider appeals (approx. 443 individuals and 14 providers have appealed)

\*As of mid-Jan. 2015

# Contracts Administration

- Contract review, drafting and negotiation support to all Divisions and Offices within the Department
- Contracts, amendments, extensions, renewals, other.
- Varied Complexity: printing and production to technology development and support.
  - A. Budget: ensures sufficient funding
  - B. Procurement: bid vs exempt

# Contracts Administration - Process

## Business Unit:

- Identifies need; develops scope and deliverables; initiates request
- Requests Budget and Procurement approvals
- Sends request to Contracts Administration

## Routing:

- To issue final document, requires approval by Business Unit representative, Director/Deputy of CA, GC; notification to Commissioner
- Execution of final documents: Third party, Business Unit representative, Commissioner



# Contracts Administration

**Staff:** 4 attorneys including Director, Deputy, Staff Attorneys; 3 support staff.

**FY14:** 127 Contractual Documents

**FY15 YTD:** Approx. 134 active contracts

Approx. value of all contracts for services for FY: \$372 million

# Open Records

- Georgia Open Records Act (GORA), OCGA Sec. 50-18-70 *et seq.*
- Respond with records within 3 business days, unless not available.
- May charge for costs of search, retrieval, redaction, copying, production.

# Open Records - Process

- Requests: written or verbal
- Acknowledge receipt; log for tracking and completion.
- Notify affected Divisions/Offices within the Department.
- Gather estimates of time, costs if records not immediately available.
- Redact if records contain protected health information; personal information such as SSNs, home addresses; other statutory exceptions.

# Open Records

Staff: One attorney, one paralegal

- FY14: 466 GORA requests received/processed.
- FY15 YTD\*: 171 GORA requests received.

\*As of mid-Jan. 2015

# Other OGC Support

- State Health Benefit Plan
- Health Information Technology
- HIPAA Privacy & Security
- Office of Inspector General
- Healthcare Facility Regulation Division

# Questions?

Thank you