House of Representatives

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STANDING COMMITTEES:
AGRICULTURE & CONSUMER AFFAIRS
APPROPRIATIONS
HEALTH
RETIREMENT

November 16, 2026

Dean Burke, M.D.
Commissioner
Georgia Department of Community Health
2 Martin Luther King Jr. Drive SE, East Tower
Atlanta, Georgia 30334

Re: Medicaid waiver flexibility for family caregivers and Elderly and Disabled Waiver Program (EDWP) renewal

Dear Commissioner Burke:

As a Member of the House Health Committee in the Georgia General Assembly, and with respect to the Department of Community Health's review of the Elderly and Disabled Waiver Program (EDWP) for renewal, I am submitting these recommendations for changes to Georgia's Medicaid Home- and Community-Based Services waivers that would allow more family members to receive compensation for providing care to eligible relatives.

Federal Medicaid guidance permits states, through § 1915(c) waivers, to compensate spouses and other legally responsible individuals for qualifying extraordinary care beyond ordinary family responsibilities, subject to safeguards.[1] Georgia's current waiver policies generally do not permit such compensation.[2] **I therefore ask DCH to pursue changes through the EDWP renewal, or separate waiver amendments where necessary, to allow spouses and other legally responsible individuals to receive Medicaid compensation for qualifying extraordinary care, subject to appropriate eligibility requirements, service authorization, and safeguards.**

Family members provide substantial care that would otherwise require paid assistance, often reducing their employment or foregoing income to do so. Georgia already permits certain relatives to receive Medicaid compensation through its waiver programs, but the eligibility requirements vary and exclude some caregivers who may be qualified to provide authorized services.

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[1] CMS, *Application for a § 1915(c) Home and Community-Based Waiver: Instructions, Technical Guide and Review Criteria, app. C-2-d*, at 109–10 (Jan. 2015).
[2] Ga. Dep't of Community Health, *EDWP General Services,* pt. II, § 905.1, at 102; *EDWP Personal Support Services*, pt. II, § 1417.6.1, at 48; *NOW/COMP*, pt. II, § 1216.3, at 136 (all Oct. 1, 2026).

I also request consideration of two specific policies:

- EDWP's Structured Family Caregiving requirements restrict caregivers from maintaining other employment, including work performed from home.[3] **DCH should consider whether caregivers who maintain employment can qualify when they remain able to meet assessed care needs, including through appropriate backup arrangements.**
- NOW and COMP generally require at least two specified exceptional circumstances before certain relatives may be hired.[4] **DCH, in coordination with DBHDD, should examine whether beneficiaries could have greater flexibility to select qualified relatives while preserving safeguards.**

Naturally, I recognize that payment for previously unpaid care may increase expenditures. DCH should distinguish changes possible within existing service budgets from those requiring additional Medicaid expenditures and a state match.

I would appreciate DCH's consideration of these issues while the renewal remains under development, especially changes available through administrative action or federal waiver approval without new state-only appropriations.

Sincerely,



Marvin Lim
State Representative
House District 98

[3] Ga. Dep't of Community Health, *EDWP Personal Support Services*, pt. II, at 47 (Oct. 1, 2026) (SFC eligibility excludes working caregivers, including those working from home).
[4] Ga. Dep't of Community Health, *NOW/COMP*, pt. II, §§ 913.2, 1212.2, at 74, 130 (Oct. 1, 2026).