



2024

capitol watch

Tort Reform Measures and Certificate of Need Repeals

The Georgia State Capitol took on a somber tone early in the week as legislators paused to mourn one of their own.

Representative Richard Smith, Chairman of the House Rules Committee, passed away unexpectedly on Tuesday in the early morning hours after a short battle with the flu. Lawmakers and lobbyists were shocked by the news, announced by Speaker Jon Burns just before the day's convening. Speaker Burns remembered Smith as "larger than life" and "in every sense of the word, a good, good man," Governor Brian Kemp appeared as a special guest in the House chamber on Tuesday to honor the memory of Smith as well.

The General Assembly also adjusted its adjournment schedule to allow lawmakers to pay their respects on Monday to the late House Rules Chairman Richard Smith. Lawmakers will be in adjournment on Monday, Feb. 5, which was previously slated to be Legislative Day 15. Legislators "swapped" Monday for Friday, Feb. 16 (a day which had previously been a day in adjournment).

The 2024 Legislative Session will reconvene at 10:00am Tuesday, February 6th, 2024

Awaiting Governor Kemp's Signature

SB 35 - Sen. Nikki Merritt

Continuous Glucose Monitors - Seeks to require the Department of Community Health to include continuous glucose monitors as a benefit for Medicaid recipients via the most cost-effective benefit delivery channel.

HB 455 - Rep. John LaHood

Physician Safe Haven - Seeks to provide confidentiality protections to participants in a wellness program for health care workers.

New Notable Legislation

Senate

SB 426 - Sen. Blake Tillery

Motor Vehicle Insurance Tort - Seeks to revise requirements for joining of a motor carrier and motor carrier's insurer to a cause of action; to provide for subrogation for unpaid final judgments relative to causes of action involving motor carriers.

SB 427 - Sen. Blake Tillery

Pharmaceutical and Legal Disclosures - Seeks to provide for disclosure requirements for advertisements for legal services and for drugs.

SB 428 - Sen. Blake Tillery

Motor Vehicle Injury Tort - Seeks to provide for a cap on damages recoverable against foster parents in personal injury actions involving the use of a motor vehicle by a child where the liability of the foster parent is based solely upon application of the family-purpose car doctrine or the negligent entrustment doctrine.

SB 431 - Sen. Blake Tillery

APEX Doctrine - Seeks to remove certain factors from consideration in discovery determinations.

SB 441 - Sen. Nikki Merritt

Controlled Substances Notifications by Providers - Seeks to revise notification requirements for prescribers prescribing opioids, require prescribers to discuss with patients, their parent, or guardian the risks of addiction, dependence, and fatal overdose associated with opioid use and all available alternative treatments and to require prescribers to document the notification.

SB 442 - Sen. David Lucas

Certificate of Need Repeal - Seeks to provide that after a certain date, certificate of need requirements shall not apply to institutional health services, health care facilities, clinical health services, or any other health care related service or expenditure in counties **with a population of less than 35,000**.

House

HB 1050 - Rep. Karen Mathiak

Licensing Provisions for Professional Counselors - Seeks to change licensing provisions relative to professional counselors, social workers, and marriage and family therapists.

HB 1056 - Rep. Kimberly New

Controlled Substances Penalty - Seeks to provide for enhanced penalties for certain persons who manufacture, deliver, distribute, dispense, administer, sell, or possess with the intent to distribute any controlled substance, counterfeit substance, or marijuana when such violation involves the manufacturing, delivering, distributing, dispensing,

administering, selling, or possessing with intent to distribute to a person 14 years of age or younger.

HB 1066 - Rep. Kim Schofield

Fertility Preservation for Chronic Conditions Act - Seeks to require health benefit policies to provide coverage for medically necessary expenses for standard fertility preservation services when a necessary medical treatment may directly or indirectly cause iatrogenic infertility.

HB 1072 - Rep. Sharon Cooper

Drug Repository - Seeks to provide for pharmacist to pharmacy technician ratios in the program, require reverse drug distributors to make and document diligent efforts to donate drugs rather than destroy them and provide for substitution of drugs in some instances.

HB 1077 - Rep. Sharon Cooper

Mental Health Workforce - Seeks to create a grant program to provide funding to eligible institutions for additional behavioral health workforce training positions and to create a behavioral health provider loan repayment program.

1078 - Rep. Jesse Petrea

PACE Program Establishment - Seeks to create a new adult day center licensure exclusion; to authorize the Department of Community Health to establish and implement the Georgia Program of All-Inclusive Care for the Elderly (PACE) as part of the state's medical assistance program.

HB 1081 - Rep. Darlene Taylor

Prenatal Biomarker Testing - Seeks to provide for mandatory preeclampsia biomarker testing for pregnant women during their first prenatal visit.

HB 1083 - Rep. Bruce Williamson

Residential Mental Health Services Licensing - Seeks to extend grace periods applicable to the Department of Community Health, including creation and promulgation of rules and regulations and the issuance of a one-time provisional license.

Certificate of Need Update

As we draw closer to the halfway point of the session, we continue to see some action on CON this legislative session. Both chambers continue to have a different approach to addressing the never ending CON discussion.

Senate Action

- 2 proposed bills holdover from the 2023 legislative session
- Comprehensive Study Committee & findings
- Committee findings
- Full CON Repeal - first finding
- Supports massive overhaul of the current law - send findings

- SB 442 - CON repeal in counties with population of 35,000 or less
- Additional bills expected soon

House Action

- 1 proposed bill holdover from the 2023 legislative session
- House Study Committee & findings
- Similar hearings and process has executed in the Senate
- No clear findings, report has contradictory statements and findings
- No bill appears to be coming from House Study Committee
- We expect an independent bill to be introduced in the coming week, calls for update to current laws brokered by key leaders with the hospital community and surgeons
- Continued dialog surrounding a repeal / reform and Medicaid expansion (discussion centers around North Carolina effort and Arkansas)

Senate Regulated Industries and Utilities Committee

HB 434 - Rep. Lee Hawkins

Radiologist Assistants - Seeks to provide for the licensing of radiologist assistants.] A substitute was offered. The measure would create a license for radiologist assistants who would practice under a radiologist's direct supervision. This would only allow licensed assistants to provide diagnostic testing; it would not allow assistants the ability to diagnose or prescribe medicine. The substitute reformats the original language to match other licensure code sections. Committee rules require substitutes to be presented 24 hours in advance. Since the changes were not finalized, Chairman Cowsert held the bill for further consideration.

Senate Health and Human Service Committee

SB 198 - Sen. Sally Harrell

Georgians with Intellectual and Developmental Disabilities Innovation Commission - The legislation is to create a commission to help address the gaps in services for individuals who have intellectual and developmental disabilities. This legislation received a Do Pass and moved onto Senate Rules.

Senate Insurance and Labor Committee

SB 307 - Sen. Kay Kirkpatrick, MD

Gold Card Bill - Seeks to require insurers operating in the state to create and register a prior authorization program with the Department of Insurance. The legislation will streamline the approval process for providers that meet certain thresholds as it relates to prior authorization. The legislation received Do Pass and moved onto the Senate Rule Committee.

House Public Health Committee

HB 1035 - Rep. Sharon Cooper

Opioid Antagonists - Seeks to expand the exemption of naloxone from the definition of a dangerous drug to include any opioid antagonist when used for drug overdose prevention. This legislation received a Do Pass and moved onto the House Rules Committee.

HB 1037 - Rep. Lauren Daniel

Georgia Commission on Maternal and Infant Health - Seeks to create the Georgia Commission on Maternal and Infant Health. This legislation received a Do Pass and moved onto the House Rules Committee.

House Health Committee

HB 874 - Rep. Lee Hawkins

School Automatic Defibrillators - Seeks to require automated external defibrillators in all schools, provide for the establishment of emergency action plans to address a person in cardiac arrest, provide for internal response teams, and provide for practice drills.

House Insurance Committee – Life & Health Subcommittee

HB 924 - Rep. Mandi Ballinger

Insurance Discrimination (Whitebagging) - Seeks to prohibit insurers from discriminating against certain health care facilities and providers in connection with the procurement, delivery, and administration of provider administered drugs. Specifically, the bill targets “white bagging” and “brown bagging” practices and prohibits insurers from requiring insureds to obtain provider administered drugs through specific specialty pharmacies. The bill does not prohibit these practices if optional and selected, but it does bar insurers from requiring insureds to secure pharmaceuticals in this way. No formal action was taken on this bill but will be heard in full committee.

House Insurance Committee

HB 945 - Rep. Lee Hawkins

SHBP Out of Network - Seeks to provide protection for covered persons under a state health plan when an in-network hospital becomes out-of-network prior to the end of the plan year. The legislation clarifies that individuals who were covered under those plans would continue to have in-network coverage rates for the duration of the plan year. This legislation received a Do Pass and moved onto the House Rules Committee.

To find any bill, go to www.legis.ga.gov and use the search box at the top left of the page. There is also an advanced search option that allows you to find bills by keyword or sponsor.

Physicians Day at the at the Capitol 2024

The date is set for **Wednesday, February 7, 2024 from 7:30am - 1:00pm**

Legislators and Constitutional Officers will be invited to attend the luncheon. We will be meeting with individual legislators throughout the morning hours on the House and Senate ropes.

Click [HERE](#) to register now!



For legislative highlights and review, watch *Lawmakers*, which airs on **Georgia Public Broadcasting** at **7PM** every night the Georgia General Assembly is in session.
