



Legislative Session Update - Legislative Day 25

Cross-Over Day is Coming, Legislative Day 28 Alert

All legislation must advance from its chamber of origin in order to complete the legislative process this legislative session. Bills not crossing to the other chamber are active for the 2020 legislative session.

Action of the Week

Medicaid Waivers

The Senate approved [SB 106](#) this week. Introduced by Sen. Blake Tillery, this is Gov. Brian Kemp's health care legislation surrounding waivers. [SB 106](#), also known as the 'Patients First Act,' would authorize the Georgia Department of Community Health (DCH) to submit a Section 1115 waiver to the Centers for Medicare & Medicaid Services (CMS) to expand the number of Georgians who are insured by Georgia's Medicaid program. Furthermore, the legislation would allow the Administration to submit a Section 1332 waiver to the U.S. Secretary of Health and Human Services to get permission to find innovative ways to provide residents with access to affordable quality health care. A waiver granted from the U.S. HHS Department would allow Georgia to use the Medicaid expansion funds to buy private insurance in the state health insurance exchange for eligible Georgia citizens **at or below 138 percent of the federal poverty level.**

Preexposure (PrEP) to HIV Pilot Program

[HB 290](#) by Rep. Sharon Cooper, which establishes a three-year pilot program to provide pre-exposure prophylaxis drug assistance or services to persons at risk of being infected with HIV, was approved by the House and moves to the Senate.

Out of Network Billing

The Senate Rules Committee is expected to pass [SB 56](#) early next week. The Out of Network billing legislation introduced by Sen. Chuck Hufstetler is nearly identical to last years' Out of Network legislation. The bill will result in greater transparency for elective

procedures, establish a patient/physician arbitration process for “unexpected events” that take place during elective medical procedures, and establish a standard physician payment model for out-of-network emergency care.

Interstate Medical Licensure Compact

The House Health Committee will hear [SB 16](#) next week, by Sen. Kay Kirkpatrick, M.D. This legislation will improve the process for physicians to obtain licenses in other participating states. Georgia will be the 25th state to become a part of the compact should this clear the House and be signed into law by the Governor.

PDMP

PDMP Revision - [SB 121](#) , by Sen. Larry Walker, changes the length of time data is kept on the PDMP. The language allowing law enforcement to search without cause has been removed.

Other Legislation On The Move

2020 Fiscal Year Budget - [HB 31](#) - Passed House

Hospital Bed Tax - [HB 321](#) - Passed House

No Action To Date

Chiropractic Lien - [HB 9](#)

DXM Cough Medicine Age Verification - [HB 112](#)

PBM Reform - [HB 323](#)

Podiatry Scope Expansion - [HB 330](#)

Vaccine Mandated Warnings - [HB 416](#)

Dyslexia Screening - [SB 4](#)

Health Strategies Council - [SB 114](#)

New Legislation

Pharmacy Anti Steering - [HB 233](#), by Rep. David Knight, would enable a transparency program for Pharmacy Benefit Managers.

Hospice Orders - [HB 374](#), by Rep. John LaHood, authorizes certified medication aides to administer medications to residents under hospice care pursuant to a physician's written orders.

Dangerous Drug Update - [HB 483](#), by Rep. Ron Stephens, is the annual update to Schedules I, IV, and V controlled substances.

Mental Health Reform and Innovation Commission - [HB 514](#), by Rep. Kevin Tanner, would create a commission comprised of 21 experts to develop a statewide plan for mental and behavioral health.

APEX Program Foundation Creation - [HB 524](#), by Rep. David Stover, would provide for a foundation to fund the Georgia Apex Program.

Emergency Involuntary Treatment - [HB 544](#), by Rep. Chuck Efstrotation, would revise procedures regarding emergency involuntary treatment.

Tort - [SB 155](#), by Sen. Bill Cowsert would provide that in a suit to recover damages for death or injury only the actual amounts paid for health care treatment or services shall be recoverable.

E-Discovery - [SB 189](#), by Sen. Bill Cowsert, would mandate costs for the copying of medical records and require electronic delivery of the records.

Religious Freedom Restoration Act - [SB 221](#), by Sen. Marty Harbin, would provide right to choose a religion (or no religion) without interference by the government.

Georgia Council on Criminal Justice Reform Council Creation - [SB 222](#), by Sen. Jesse Stone extends the term of the Criminal Justice Reform Council to 2022.

Hot Topic of the Week: CON

CON repeal facing better odds in General Assembly

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Legislation before the General Assembly would repeal state-imposed restrictions of the Cancer Treatment Centers of America hospital in Newnan.
BYRON E. SMALL

Senate Fails to Act on CON Reform

The Senate Regulated Industries Committee held a hearing on [SB 72](#) on Thursday. Chairman Bill Cowsert announced there were not enough votes to move the bill out of committee. Earlier in the week Sen. Matt Brass added language to restore the Health Strategies Council - which was abolished in the 2008 CON Reform Package.

House Committee Advances 2 CON Reform Bills

The House Special Committee on Access to Quality Health held a forth hearing. The committee passed legislation that would allow for a CON exemption and a multi-specialty ASC for Legacy Sports. As the only such center allowed under the law, it would be obligated to a 5% indigent care tax.

The committee passed a committee substitute to [HB 198](#) by Rep. Matt Hatchett which was originally a CON repeal proposal.

The committee substitute includes:

- Additional exemptions:
 - Cardiology procedures allowed in an ASC
 - Psychiatric facilitates
 - Legacy Sports
 - Multi specialty ASCs with separate single specialty ASCs in groups of 50 or more physicians
- Authorizes conversion of CTCA from a specialty hospital to a general hospital

- Objection to a CON application only by a similar facility located within a 35 mile radius of the proposed facility
- Provides a mechanism to appeal an OSHA or Judicial review
- Annual reports on indigent care
- Fines/penalties would go to Indigent Care Trust Fund (ICTF)
- Transition/grandfather provisions i.e. (CON->LNR or CTCA->hospital); all CON/LNR would be grandfathered in with respect to indigent requirements until a modification is made to their license

For our complete legislative tracking sheet [click here.](#)

Legislative Calendar

Legislators will be in session Monday, Tuesday, Thursday and Friday next week, taking the session through legislative day 29.

Sine Die (Legislative Day 40) is set for Tuesday, April 2nd.

Find My Legislator

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LM **LAWMAKERS**

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