

Georgia Legislative Session Update - Legislative Day 38

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Fri 26-Mar-21 2:49 PM

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Legislative Day 38

Only 2 Legislative Days remain in the 2020 session. The legislature is slated to Sine Die on Wednesday, March 31st.

On Wednesday, the Senate Appropriations Committee approved its version of the Fiscal Year 2022 State Budget, **HB 81**. In addition to the substantial funds headed to Georgia under the federal American Rescue Plan Act of 2021, the spending proposal makes a number of substantial changes to the version presented by the House. Below are a few highlights of the Senate's changes. The bill will be assigned a group of 6 conferees to finalize the changes of the Fiscal Year 2022 budget.

Behavioral Health and Developmental Disabilities

- Adult Developmental Disabilities Services
 - \$1.5M addition for respite services with priority to rural communities.
 - \$100,000 addition for Rockdale Cares for respite services.
- Adult Mental Health Services
 - \$1M addition for advancements in mental health telehealth capabilities
 - \$250,000 addition for The Bradley Center at St. Francis-Emory Health Care for mental health crisis services.
- Child and Adolescent Mental Health Services
 - \$1,480,822 reduction for crisis respite home due to non-implementation.

Community Health

- Departmental Administration

- \$278,408 increase for a third senior leadership position to support the department's increasing workload including contract oversight and working with the Governor's Office of Planning and Budget on value based purchasing, quality, and outcomes-based reimbursement for Medicaid across all programs
 - \$129,397 addition for a financial specialist.
 - \$50,000 addition for one-time funding for planning and implementation of an All-Payer Claims Database.
- Health Care Access and Improvement
 - \$12M reduction to Rural Hospital Stabilization Grants and language directing review of the grant process and reporting potential new formal grant processes to the Chairs of the House Appropriations Health Subcommittee and the Senate Appropriations Community Health Subcommittee and the Chairs of the House and Senate Appropriations Committees.
 - \$500,000 reduction eliminating two Federally Qualified Health Center start-up grants in Jeff Davis County and Marion County.
 - \$300,000 addition to provide an additional three year grant to rural hospitals for Electronic Intensive Care Units.
 - \$125,000 addition for South Central Primary Care Center dental program.
 - \$100,000 reduction reflecting elimination of funding for start-up funding for a charity clinic.
- Healthcare Facility Regulation
 - \$153,900 addition for a deputy director position to support skilled nursing facility quality incentives.
- Medicaid: Aged, Blind, and Disabled
 - \$5,735,269 reduction in State funds to reflect the 10% increase in FMAP for home and community-based providers from the American Rescue Plan Act of 2021.
 - \$3,470,204 reduction in State funds to reflect update on the general and professional liability, property insurance, and property tax pass-through rate components in 2019 cost reports.
 - \$569,362 reduction in State funds to update nursing home reimbursement rates and general and professional liability, property insurance, and property tax pass-through rate components to reflect 2019 cost reports with 3% inflation.
- State Health Benefit Plan
 - \$500,000 reduction to a pilot program for a drug deactivation system that provides a safe disposal of unused prescription and over-the-counter medications with direction to use existing funds.
 - Direction to use existing funds to begin a pilot program for the use of care coordination and technology in rural areas for patients with chronic medical conditions.
- Georgia Board of Health Care Workforce
 - \$250,000 increase to coordinate with medical education programs to develop graduate medical programs to address the shortage of medical examiners and forensic pathologists.
 - \$170,000 increase for the development and implementation of a formal grant program for new graduate medical education programs in Georgia.
 - \$250,000 reduction eliminating a proposed medical examiner/forensic pathologist at Mercer School of Medicine.
 - \$50,000 addition to expand physician loan forgiveness program to include forensic pathology fellowship program at Georgia Bureau of Investigation in

partnership with Medical College of Georgia.

[Click here](#) to view all of the Senate changes.

Awaiting Governor Kemp's Action

- **SB 4**, by Sen. Kay Kirkpatrick, relates to substance abuse treatment programs. **The bill seeks to prohibit substance abuse providers from receiving referral fees or reimbursement related to patient referrals.** The bill also amends code to prevent unfair billing practices for drug testing in substance abuse programs. This bill sits on the Governor's desk for further action.
- **SB 5**, by Sen. Kay Kirkpatrick, seeks to update code pertaining to sedation in non-hospital settings. The bill **directs the Georgia Composite Medical Board to establish rules regarding the use of sedation in "office based surgeries,"** which are defined as "any surgery or invasive medical procedure requiring sedation, when performed in a location other than a hospital, hospital associated surgical center, or an ambulatory surgical facility, including, but not limited to, physicians' offices and medi-spas. This bill sits on the Governor's desk for further action.
- **HB 112**, by Rep. Trey Kelley, seeks to amend multiple Code sections to **extend COVID-19 liability protections for one year after the August 5, 2020 effective date of the original legislation to July 14, 2022** (SB 359 in the 2020 Legislative Session). This bill sits on the Governor's desk for further action.
- **HB 163**, by Rep. Sharon Cooper, directs **Georgia's Medicaid program to adopt "express lane" eligibility for kids who qualify for Medicaid coverage.** The change would make it easier for uninsured Georgia kids who already qualify for Medicaid to enroll and stay covered. This bill sits on the Governor's desk for further action.
- **HB 234**, by Rep. Lee Hawkins, seeks to provide an option for self-funded healthcare plans, exempt from state regulation under federal law, to opt in to Georgia's **Surprise Billing Consumer Protection Act.** This bill sits on the Governor's desk for further action.
- **HB 316**, by Rep. Ron Stephens, seeks to **increase the pharmacist to pharmacy technician ratio for providing direct supervision** at any one time, from three to four. This bill sits on the Governor's desk for further action.
- **HB 367**, by Rep. Butch Parrish, seeks to make an **annual update to the state's dangerous drug scheduling list.** This bill sits on the Governor's desk for further action.

Awaiting Final Agree/Disagree

- **SB 43**, by Sen. Matt Brass, seeks to prohibit insurance plans offering eye care benefits from requiring ophthalmologists and optometrists to provide discounts for **non-covered eye care** treatment for patients within the insurer's plan. Sen. Brass explained that the committee substitute covers both ophthalmologists and optometrists, both of which are supportive of the bill. This bill passed the House by substitute where it awaits a final decision on the Senate floor.
- **SB 80**, by Sen. Kay Kirkpatrick, **seeks to create the "Ensuring Transparency in Prior Authorization Act."** The bill would improve the prior authorization process by 1) requiring insurers and PBMs to be more transparent about the prior authorization process and requiring them to notify physicians and health care

providers when they change their prior authorization process or requirements and 2) requiring the opportunity for a physician to speak to a physician or other provider in the same or similar specialty before prior authorization determinations and appeals decisions are made and 3) requiring insurers to respond to prior authorization requests within fifteen calendar days between January 1, 2022 and January 1, 2023 and within seven days after January 1, 2023, for non-urgent care and within 72 hours for urgent care and 4) preventing insurers and PBMs from revoking, denying, or changing a prior authorization approval for 45 days unless the prior authorization is for a Schedule II controlled substance, and requiring payment when a prior authorization is granted. Failure to comply with the deadlines in this legislation would result in automatic authorization. This bill passed the House by substitute where it awaits a final decision on the Senate floor.

- **SB 195**, by Sen. Jeff Mullis, originally the Hemp Farming update, now encompasses **HB 645**, by Rep. Micah Gravely. The legislation seeks to **update the Georgia Hope Act** in regards to cannabis dispensing licenses, production licenses, and new treatment and delivery methods. Also included is **HB 601**, by Rep. Ron Stephens which seeks to **clarify that definitions for marijuana in the criminal code** does not include products approved by the FDA. This bill passed the House by substitute where it awaits a final decision on the Senate floor.
- **SB 235**, by Sen. Ben Watson, seeks to **exempt mask wearing to prevent the spread of COVID-19 or other infectious respiratory disease from state criminal anti-mask laws**. This bill awaits a hearing in the House Judiciary Non-Civil Committee. This bill passed the House by substitute where it awaits a final decision on the Senate floor.
- **HB 245**, by Rep. John LaHood, seeks to require that **individuals seeking to have their license to practice podiatry reinstated submit to a criminal background check**. It removes the requirement for renewals and also addresses an issue in the background check requirement in the interstate medical compact. This bill passed the Senate with a substitute where it awaits a final decision on the House floor.
- **HB 567**, by Rep. Sharon Cooper, seeks to create the **Newborn Screening and Advisory Committee**. This bill passed the Senate with a substitute where it awaits a final decision on the House floor.

Awaiting Senate Floor Action

- **HB 117**, by Rep. Mike Wilensky originally sought to add Ulcerative Colitis to the list of conditions for which medical cannabis may be prescribed to treat. The Senate Health and Human Services Committee removed the underlying bill and inserted the language from **SB 92**, by Sen. Randy Robertson. The legislation now seeks to **prohibit the sale to and by minors of drug products containing dextromethorphan**. Additionally instituting penalties for those products sold to minors without proper identification. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 290**, by Rep. Ed Setzler, seeks to **prohibit hospitals and nursing homes** from instituting any policy during a declared public health emergency that limits patients' abilities to be **visited by designated family members or friends**. This bill was amended in committee removing all language pertaining to visitation rights for families. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 307**, by Rep. Sharon Cooper, seeks to **amend the Georgia Telehealth Act in Title 33 to authorize health care providers to provide telemedicine services from home and patients to receive telemedicine services from**

their home, workplace, or school. The bill also provides that no insurer may require a deductible or an in-person consultation before providing coverage for telemedicine services. Additionally, the bill institutes restrictions on utilization review and requires insurers to allow open access to telehealth and telemedicine services, including the provision of prescription medications. This bill is set to be heard on the Senate floor on Monday, March 29.

- **HB 369**, by Rep. Alan Powell, seeks to alter the rules for physician assistants and advanced practice registered nurses. The bill would **no longer require PA's to submit job descriptions to the Georgia Composite Medical Board** and would allow APRNs to prescribe in emergency situations. The House of medicine removed many of the provisions relating to PA's and APRN's prescribing. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 454**, by Rep. Mark Newton, seeks to provide certain coverage requirements concerning providers that become out-of-network during a plan year. When an **insurer's provider directory** includes a provider as a participating provider for a network plan at such time as a prospective covered person selects his or her health benefit plan, the insurer would be required cover the provider charges at in-network rates for the duration of the contract year for the covered person, regardless of whether the provider remains a participating provider in the insurer's network plan. The legislation would also ensure that the covered person shall not be responsible for more than the amount for which they would have been responsible had the services been delivered by an in-network provider under the network plan. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 458**, by Rep. Sharon Cooper, seeks to **require sexual misconduct training for members of the Georgia Composite Medical Board.** The bill also requires continuing medical education credits include ongoing education and training on professional boundaries and physician sexual misconduct. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 479**, by Rep. Bert Reeves, seeks to amend multiple Titles to **alter the state's citizen arrest laws.** The bill still allows off-duty law enforcement officers to detain and arrest individuals within their jurisdiction of employment or when aiding another officer. The bill specifically prohibits private citizens from using force that could cause bodily harm to detain another citizen. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 509**, by Rep. Houston Gaines, seeks to **protect individuals who have pre-existing conditions when procuring health insurance coverage.** This legislation would become effective if the Affordable Care Act's provisions on pre-existing health conditions are ruled unconstitutional or if the law is repealed. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 539**, by Rep. Sharon Cooper, in its original format seeks to **update language pertaining to institutions in the "Medical Practice Act."** The underlying legislation was completely removed and now entails **SB 189**, by Sen. Bill Cowsert. The legislation seeks to **provide courts with the ability to make bifurcation decisions for issues of liability and damage.** The sizable damages awarded in many civil cases, which he characterized as sometimes excessive, may require extending existing bifurcation statutes to preserve the impartiality of juries and clear up judicial backlogs. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 591**, by Rep. Don Hogan seeks to **authorize licensed marriage and family therapists to perform certain acts related to emergency mental health treatment (i.e. 1013 involuntary commitment).** This bill is set to be heard on the Senate floor on Monday, March 29.

- **HB 605**, by Rep. Sharon Cooper, seeks **permission to allow cameras in long-term care facilities** so that families can have some piece of mind on their loved one's care. The legislation addresses a patient's decision making capacity; disagreement if a patient, who shares a room, may encounter when they do not wish to have a camera device; addresses sharing of recordings; addresses when a camera/recording may be discontinued. The bill does address the movement of a patient if he or she does not wish to be in a room with another individual who has a camera. This bill is set to be heard on the Senate floor on Monday, March 29.
- **HB 653**, by Rep. Rick Jasperse, seeks to **update the Georgia Pharmacy Practice Act** relating to the ordering and administering of COVID-19 testing. This bill is set to be heard on the Senate floor on Monday, March 29.

Awaiting House Floor Action

- **SB 46**, by Sen. Dean Burke, seeks to amend language within the Department of Public Health authorizing certain medical personnel to administer **vaccines during public health emergencies** and certain provisions relating to the administration of vaccines under vaccine protocol agreements. Additionally, language pertaining to mass vaccination sites are able to waive the requirement of checking the state's GRITS system during a public health emergency. This bill has been recommitted to the House Rules Committee.
- **SB 92**, by Sen. Randy Robertson, originally seeking to **prohibit the sale to and by minors of drug products containing dextromethorphan**, has been amended in committee to only include original language for **HB 369**, by Rep. Alan Powell. Seeking to alter the rules for physician assistants and advanced practice registered nurses, the bill would **no longer require PA's to submit job descriptions to the Georgia Composite Medical Board** and would allow APRNs to prescribe Schedule II drugs in emergency situations. This bill was recommended Do Pass and now sits in the House Rules Committee. The House of Medicine will work to defeat this bill as written.
- **SB 164**, by Sen. Chuck Hufstetler, seeks a **modernization of Georgia's HIV laws** to align services and policies with the best public health practices. The legislation does add that certain conduct by an individual who has HIV is unlawful if the conduct has a significant risk of transmission. This legislation addresses Georgia's laws which were originally implemented in the 1980s and addresses criminal code changes so as to require an "intent to harm;" and addresses the needle exchange law passed in 2019. This bill was recommended Do Pass and now sits in the House Rules Committee.
- **SB 226**, by Sen. Jason Anavitarte, seeks to make the **sale or distribution of harmful material to minors statute applicable to libraries operated by schools**. This bill was recommended Do Pass and now sits in the House Rules Committee.
- **SB 256**, by Sen. Dean Burke, seeks to **provide for the reorganization of county boards of health, revise the powers of county boards of health, and to authorize the Department of Public Health to select district health director**. This bill was recommended Do Pass and now sits in 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.

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Discuss the issues that are important to your practice, your patients, and your community.

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