

Subject: Georgia Legislative Session Update - Legislative Day 35



## Legislative Day 35

As Sine Die tensions flare, standoffs between the House and Senate continue. Little floor action took place this week, posturing both chambers to have a long few days ahead before the March 31st wrap date. Series of election reform legislation still remains active as does HB 81, the Fiscal Year 2022 Budget. As it stands currently, the Fiscal Year 2022 budget has a revenue estimate of \$27.2 billion. Since the passage of the initial Fiscal Year 2021 in June of 2020, the state's fiscal position has substantially improved.

5 Legislative Days remain in the 2020 session:

- Monday, March 22nd - Legislative Day 36
- Tuesday, March 23rd - Legislative Day 37
- Thursday, March 25th - Legislative Day 38
- Monday, March 29th - Legislative Day 39
- Wednesday, March 31st - Legislative Day 40 (SINE DIE)

### **Awaiting Governor Kemp's Signature**

- **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 Governors 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 in the Senate Rules Committee to be brought before the full Senate for a floor vote.

- **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 Governors desk for further action.

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### Awaiting Final Agree/Disagree

- **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 passed the House with a substitute where it awaits a final decision on the Senate floor.
- **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 passed the House by substitute where it awaits a final decision on the Senate Floor.
- **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.
- **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.

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## Committee Updates

### Senate Insurance and Labor Committee

- **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 is ruled unconstitutional or if the law is repealed. This bill was recommended Do Pass and now sits in Senate Rules Committee.

### **Senate Health and Human Services Committee**

- **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 was recommended Do Pass and now sits the Senate Rules Committee.
- **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 was recommended Do Pass and now sits the Senate Rules Committee.
- **HB 567**, by Rep. Sharon Cooper, seeks to create the **Newborn Screening and Advisory Committee.** This bill was recommended Do Pass and now sits in the Senate Rules Committee.

### **Senate Insurance and Labor Subcommittee**

- **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 was recommended Do Pass and now awaits a hearing in the full Senate Insurance Committee.

### **House Health and Human Services Committee**

- **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 was recommitted to House Health and Human Services for a minor tweak by the Department of Public Health. This bill now sits in House Rules, once again.
- **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 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.

### House Insurance Committee

- **SB 80**, by Sen. Kay Kirkpatrick, **seeks to create the "Ensuring Transparency in Prior Authorization Act."** The bill includes a requirement that insurers' criteria and statistics for prior authorizations be posted online for providers, qualifications for reviewers, review deadlines that match current CMS guidelines (72 hours for urgent, 15 days for non-urgent issues), criteria for honoring prior authorizations, and requirement that prior authorizations be honored when plans or prior authorization reviewers are changed within the same insurer. This bill originally received a Do Pass to move on to House Rules. However, it has been recommitted to committee.
- **SB 82**, by Sen. Michelle Au, deemed **Prudent Lay Person** Legislation, proposes a measure requiring insurers to pay for emergency services, regardless of the interim or final diagnoses of the patient. This bill received a hearing in the House Subcommittee on Insurance where some suggested changes pertaining to ERISA exclusions were made. This bill was recommended Do Pass and now sits in the House Rules Committee.

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### Senate Bills Awaiting House Consideration

- **SB 92**, by Sen. Randy Robertson, 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. The committee added a friendly amendment, adding in lines 67 "no county, municipality, or consolidated government may enact or enforce...". This bill was heard in House Judiciary Non-Civil Subcommittee where suggested changes were asked for by committee members. We anticipate a full committee hearing next week.
- **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 awaits a hearing in the House Judiciary Non-Civil Committee.
- **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.

### House Bills Awaiting Senate Consideration for 2021

- **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 will be on the Senate Floor for a vote on Monday, March 22.
- **HB 247**, by Rep. John Carson, **seeks to remove the first offender leniency from Georgia's hands free driving law**. The provision that is being removed has passed in other states further explaining that the leniency presents problems due to communication issues across jurisdictions. This bill awaits a hearing in the Senate Public Safety Committee.
- **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 awaits a hearing in the Senate Health and Human Services Committee.
- **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 Schedule II drugs in emergency situations. This bill awaits a hearing in the Senate Health and Human Services Committee.
- **HB 450**, by Rep. Mark Newton, seeks to authorize the **Department of Public Health to release deidentified data** to government entities and other entities for research, statistical analysis and educational purposes. This bill awaits a hearing in Senate House Health and Human Services Committee.
- **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 has awaits a hearing in the Senate Health and Human Services Committee.
- **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 awaits a hearing in the Senate Judiciary Committee.
- **HB 539**, by Rep. Sharon Cooper, seeks to **update the "Medical Practice Act"** by defining 'institution' to mean a hospital licensed by the Department of Community Health, a board approved medical school, a teaching hospital in this state, or a clinic in this state that services predominantly Medicaid, indigent, and underserved populations. This bill awaits a hearing in the Senate Health and Human Services Committee.
- **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 awaits a hearing in the Senate Judiciary Committee.

- **HB 601**, by Rep. Ron Stephens, seeks to **clarify that definitions for marijuana in the criminal code** does not include products approved by the FDA. This bill awaits a hearing in the Senate Regulated Industries Committee.
- **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 expected to be heard Senate Health and Human Services Committee on Tuesday, March 23.
- **HB 645**, by Rep. Micah Gravely, seeks to **update the Georgia Hope Act** in regards to cannabis dispensing licenses, production licenses, and new treatment and delivery methods. This bill is expected to be heard Senate Health and Human Services Committee on Wednesday, March 24.
- **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 awaits a hearing in the Senate Health and Human Services Committee.

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To find any bill, go to [www.legis.ga.gov](http://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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### **Contact Your Legislators**

It makes a difference if you contact your Representatives and Senators early in the session.

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

If you have personal relationships with any state elected officials, please help us by making us aware of these crucial relationships. If you need assistance finding your legislator, please click the link below.

### **Find My Legislator**

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More information: Please reach out to our office at 770.435.5586 or reach out to us personally via our cell phones.

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