



2024

capitol watch

4th and Goal...Two Legislative Days Remain

With only two legislative days remaining before adjournment sine die, legislators and lobbyists are trying everything they can for final passage of their legislation. No matter the planning and preparation work, there is no denying that getting a bill passed takes a little luck.

Georgia Senate budget writers approved a \$36.1 billion state budget Thursday with pay raises for state employees and public school teachers as well as mental health and public health dollars allocated towards Georgians. The spending plan, which takes effect July 1, would raise salaries for many state workers by \$4,000, with additional raises of \$3,000 for employees in state agencies plagued by high turnover rates.

[The full Senate budget can be found here.](#)

The 2024 Legislative Session will reconvene at 10:00am Tuesday, March 26th, 2024

Awaiting Governor Kemp's Signature

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. This legislation now awaits signature by the Governor.

SB 480 - Sen. Mike Hodges

Mental Health Workforce - Seeks to provide for student loan repayment for mental health and substance use professionals serving in certain capacities. The Board for Physician Workforce will create the rules and regulations. The measure is contingent on appropriations. This legislation now awaits signature by the Governor.

HB 502 - Rep. Deborah Silcox

Georgia Cosmetic Laser Services Act- Seeks to update the definition of “cosmetic laser services” and addresses supervision requirements, eliminating the requirement for a senior cosmetic laser services practitioner to be “on-site”. This legislation now awaits signature by the Governor.

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. This legislation now awaits signature by the Governor.

HB 1028 - Rep. John LaHood

Department of Public Health Cleanup - Seeks to to repeal the requirement of screening of public school children for scoliosis, to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to revise the state health officer's authorization to issue standing orders, to repeal provisions relating to the Georgia Diabetes Control Grant Program, to repeal provisions relating to a pilot program for preexposure prophylaxis drug assistance or services; to repeal provisions relating to control of mass gatherings. This legislation now awaits signature by the Governor.

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. This legislation now awaits signature by the Governor.

HB 1326 - Rep. Ron Stephens

Dangerous Drug Clean Up - Seeks to provide for certain provisions relating to Schedule I controlled substances, Schedule III controlled substances, and Schedule IV controlled substances. This legislation received a Do Pass and moved on to the Senate Rules committee. This legislation now awaits signature by the Governor.

HB 1339 - Rep. Butch Parrish

Hospital Certificate of Need Update - Seeks to amend Title 31 relating to the State’s Certificate of Need Law. The final language left in place the capital thresholds in place for physician owned and hospital joint venture ASCs. The original House version of House Bill 1339 and the Senate version of the bill removed the capital thresholds. A few key points of the bill are:

- Exempting proposals to build hospitals in rural counties from having to obtain a CON if they plan to have a full-time emergency room, accept psychiatric and substance-abuse patients, participate in Medicaid, provide indigent care, and offer a training program.

- Allow ambulatory surgical centers to be utilized by physicians who are of the same single specialty, who may include physicians who are not owners or employees of the single group practice of physicians that own and operate the center.
- Allow for entering into an arrangement with an outside entity for practice management and/or administrative services
- Allow rural hospitals that have been closed to reopen without a CON, a provision aimed at the planned reopening of a closed hospital in Cuthbert.
- exempting a proposed hospital in southern Fulton County from having to get a CON would pave the way for a new facility to replace the Atlanta Medical Center, which closed its doors in 2022.
- Raise the state's rural hospital tax credit from an annual cap of \$75 million to \$100 million.

[The full text of the bill can be found here.](#)

Senate Floor Action - Awaiting Agree/Disagree by House

HB 663 - Rep. Matt Hatchett

No Patient Left Alone Act - Seeks to establish certain rights of minors and adults admitted to hospitals to authorize hospitals and long-term care facilities to limit or restrict visitation in certain circumstances and to require visitors to wear personal protective equipment. This legislation awaits an agree by the House.

HB 1010 - Rep. Jan Jones

Paid Parental Leave - Seeks to increase the number of hours permitted for paid parental leave to 240 for state employees. This legislation received a Do Pass and now sits in the Senate Rules committee. This legislation awaits an agree by the House.

HB 1046 - Rep. David Clark

APRN/PA Death Certificates - Seeks to authorize advanced practice registered nurses and physician assistants to sign death certificates under delegating authority by the physicians. The new version stripped out the permissions for APRNs and PAs the ability to write home health orders; it left intact the permission for them to sign death certificates and granted them the authority to do so in Titles 31 and 43. The APRN or PA would be required to have such authority in the practice agreement or protocol from the physician. Additionally, they will be required to complete biennial continuing education regarding the recognition and documentation of the causes of death and appropriate execution of death certificates, as approved by the Composite Medical Board and check a box that the certificate is signed by a non-physician. The bill was presented as a substitute that deletes lines 111-131. **SB 460 - Sen. Clint Dixon - APRN/PA Supervision**; was added - revising provisions relating to the number of advanced practice registered nurses

and physician assistants that a physician can authorize and supervise at any one time from 4 to 8. Senator Rick Williams added language to provide **immunity from liability**. This legislation awaits an agree by the House.

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. This legislation received a Do Pass and moved on to the Senate Rules committee. **HB 546 - Rep. Rick Jasperse, Pharmacy Practice Act** - Seeks to revise the definition of "pharmacy care," and allows pharmacists to perform prescription adaptation. It adds a new definition for "pharmacy care" to allow for the adaptation of a prescription drug order. It allows the pharmacist to change the quantity of medication prescribed under certain conditions; change the dosage of the prescription prescribed if in the best interest of the patient; or complete missing information on a prescription drug order if there is evidence to support the change. There is a requirement for the pharmacist to document any adaptation. This legislation awaits an agree by the House.

HB 1114- Rep. Will Wade

Data Analysis for Tort Reform Act - Seeks to provide for data collection from certain insurers, insurance rating organizations, and state agencies. This legislation failed on an initial Senate floor vote, 28-22, it is set for reconsideration for next week.

House Floor Action - Awaiting Agree/Disagree by Senate

SB 293 - Sen. Ben Watson

Public Health District Directors - Seeks to establish in code that district health directors, appointed by the DPH Commissioner, serve as the chief executive officer of county boards of health. This bill removes the requirement that district health directors be a non-physician, as long as the Chief Medical Officer is one.. This bill further clarifies the right of the Commissioner to appoint an interim director to fill temporary vacancies without county board of health approval. This legislation awaits an agree by the Senate.

SB 455 - Sen. Brian Strickland

Medical Assistance Provisions - Seeks to bar liable third-party payers from refusing payment solely because a health care item or service did not receive prior authorization and to require a third-party payer to respond to a state inquiry regarding a health care claim within 90 days. Additionally, **HB 1179 - Rep. Sharon Cooper, Mental Health Step Therapy** - Seeks to provide that step therapy protocols may not be required for medications prescribed for the treatment of serious mental illness under health benefit plans to establishment by health benefit plans of step therapy protocols, exception process, time requirements, appeals, construction, and application and to provide that step therapy protocols may not be required for medications prescribed for the treatment of serious mental illness under health benefit plans. This legislation awaits an agree by the Senate.

SB 505 - Sen. Blake Tillery

Hospital Transparency - Seeks to revise provisions relating to required publication by hospital of certain financial documents on its website. The legislation reverted back to the as-introduced version of the bill but also added language around how county and municipal hospital authorities are to fill vacancies. Under current law, the governing body of the area of operation submits a list of three eligible persons to the board of the hospital authority, and the board then selects one of the three named on such list or declines to make that selection. This revision eliminates the option for them to reject the names. The bill also eliminates the requirements for reporting by for-profit hospitals and eliminates the community benefit language in the prior version. This legislation awaits an agree by the Senate.

COMMITTEE UPDATES

Senate Regulated Industries and Utilities Committee

HB 1077 - Rep. Sharon Cooper

Mental Health Workforce (Medicaid Expansion) - The underlying legislation was stripped and substituted in committee on a Medicaid Expansion effort. This legislation failed on a tie vote.

HB 1260 - Rep. Houston Gaines

Georgia Nicotine Vapor Products Directory Act - Seeks to protect retailers and convenience stores from inappropriate vape products. The new Substitute allows products pending FDA approval to be sold along with already approved products. Currently, there are 23 approved products. This legislation received a Do Pass and moved onto the Senate Rules committee.

HB 1264 - Rep. Ron Stephens

Provider Wellness Program - to authorize the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists to establish a professional health program to provide for monitoring and rehabilitation of impaired healthcare professionals. It also authorizes the Georgia Board of Nursing to establish a professional health program to monitor and rehabilitate impaired healthcare professionals. Additionally, **SB 529 - Sen. Kim Jackson, Foreign Medical Graduates** - Seeks to provide for certain licensure for qualifying foreign medical graduates and to provide for a nonrenewable limited provisional license under certain conditions.

Senate Public Safety Committee

HB 498 - Rep. Danny Mathis

Funeral Directors and Embalmers Licensing Provisions is now **SB 473 - Sen. John Albers, Georgia Consumer Privacy Protection Act** - Seeks to enact the

"Georgia Consumer Privacy Protection Act"; to protect the privacy of consumer personal data in this state. This legislation originated back to previous versions and stronger than the language that left the House Technology committee. All HIPPA and clinical research protection languages remain intact.

Senate Judiciary Committee

HB 470 - Rep. Sharon Cooper

CANDOR - Seeks to establish a CANDOR system that would allow for voluntary open communications related to healthcare that are protected from future disclosure in a civil suit. This legislation received a Do Pass and moved on to the Senate Rules committee.

HB 1371 - Rep. James Burchett

Tort Criminal Liability - Seeks to provide for legislative findings, to clarify liability regarding third-party criminal activity regarding liability of owners and occupiers of land. After 2.5 hours of debate on this bill and multiple amendments and motions for tabling, the bill received a Do Not Pass on an 8-7 vote.

HB 1409 - Rep. Rob Leverett

Mental Health Tort Relief - Seeks to limit liability for mental health care providers under certain circumstances. Specifically, the bill limits liability for mental health care providers providing care to individuals age 21 or under to instances of gross negligence (instead of mere negligence), provides considerations for the jury in such cases, and limits liability for punitive damages. This legislation received a Do Pass and moved on to the Senate Rules committee.

Senate Education and Youth Committee

HB 1104 - Rep. Omari Crawford

Note: SUBJECT CHANGE: Mental Health Resources Student Athletes - Seeks to require schools to make mental health resources available to student-athletes. The legislation would mandate no additional screenings. Specifically, the bill requires that school athletic associations collaborate with the Department of Behavioral Health and Developmental Disabilities to develop mental health awareness materials for posting online and requires coaches to review mental health awareness materials annually. A substitute was presented that includes the following:

- Requiring notification to parents and legal guardians of public school students of the right to receive email notification each time their child obtains school library materials

- Authorizing Georgia public school to operate or facilitate separate teams for members of each gender where selection for such teams is based upon competitive fairness or student safety
- Prohibiting sex education for public school students in this state before the 5th grade.

Additionally, there was an amendment offered replacing references to “mental health” with “suicide risk and prevention” and removing private schools from the requirement. This legislation received a Do Pass as amended and moved on to the Senate Rules committee.

House Regulated Industries Committee

SB 449 - Sen. Larry Walker

Medical Military Personnel - Seeks to exempt certain military medical personnel from certain requirements to qualify for their healthcare position within 24 months of service. Additionally, the bill allows the exemption from an examination requirement to qualify as a certified nursing aide. Substitute language was added in committee to have a separate license for advanced practice registered nurses and adds a definition for rural hospital organizations. This legislation received a Do Pass and moved on to the House Rules committee.

House Technology and Infrastructure Committee

SB 473 - Sen. John Albers

Georgia Consumer Privacy Protection Act - Seeks to enact the "Georgia Consumer Privacy Protection Act"; to protect the privacy of consumer personal data in this state. This legislation after being heavily watered down, received a Do Pass and moved on to the House Rules committee. All HIPPA and clinical research protection languages remain intact.

House Public Health Committee

SB 198 - Sen. Sally Harrel

Georgians with Intellectual and Developmental Disabilities Innovation Commission, Now HB 1363 - Rep. Karen Mathiak, PBM Transparency - Seeks to require that drugs dispensed to a covered person for self-administration under a state health plan be reimbursed using a transparent, index based price, plus a dispensing fee. The legislation is an attempt to bring stability, transparency, and savings and

encourages the use of the National Drug Acquisition Cost to set pricing and dispensing fees. This legislation received a Do Pass and moved onto the House Rules committee.

House Health Committee

HR 1360 - Rep. Katie Dempsey

House Study Committee on Alternatives to Opioids for Pain Management -

Seeks to create the House Study Committee on Alternatives to Opioids for Pain Management. This study will be conducted by 14 members. Amendments were offered to create five non-legislative members rather than four and address the name of the Georgia Council for Recovery (which is named Georgia Council on Recovery) in the bill. This resolution received a Do Pass and moved onto the House Rules committee.



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

We will be sending out legislative updates regularly throughout the 2024 session, so keep an eye on your inbox to stay updated on all of the happenings from under the Gold Dome.

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