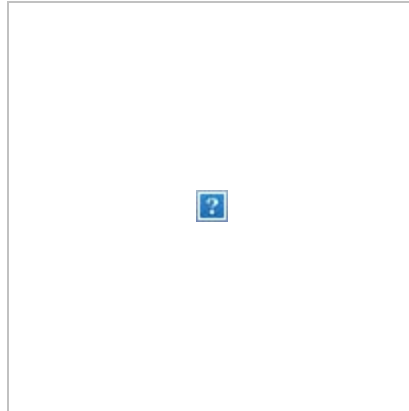


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To: [Robyn Garrett](#); [Jesse Hambrick](#)
Cc: [Travis Lindley](#); [Cathalene Teahan](#)
Subject: 2023 Georgia Legislative Session - Legislative Day 27
Date: Friday, March 3, 2023 7:54:17 PM



Under the Gold Dome *Legislative Day 27*

Crossover on the Horizon

As we head into Crossover on Monday, the Senate has set an ambitious agenda. There are over 65 measures on the Rules Calendar with another 25 laying on the table. The House will set their calendar Monday morning where we anticipate at least two supplemental calendars to take them into the late evening hours. As a reminder, both chambers have until midnight to pass their legislation for it to be eligible for the remainder of session.

While one of the more contentious measures and heavy floor debates in the Senate (Buckhead City independence) failed to pass this week, we anticipate some of the same lengthy floor debates in the House on similar measures.

We will have a full update next week of all bills that have made it across the chamber to continue on for the remainder of session.

Floor Action

The House took up and passed the following notable measures on the floor this week:

HB 295 - Rep. Lee Hawkins

Surprise Billing Consumer Protection Act Update - Seeks to revise certain procedures, timelines, and other matters concerning consumer protections against surprise billing, provide grounds for new violations of unfair claims settlement practices and to provide for payments by insurers. Additionally, the Commissioner of Insurance's powers (broadened); timing for arbitration (moving from 30 days to 60 days); fines to providers; and authority for the Department to promulgate rules. This legislation passed the House Floor 165-0.

HB 332 - Rep. Butch Parrish

Annual Dangerous Drug Update - Seeks to provide for certain provisions relating to Schedule I controlled substances, Schedule IV controlled substances, and Schedule V controlled substances. This legislation passed the House Floor 164-0.

HB 362 - Rep. Karen Mathiak

Insurance Disclosure - Seeks to require an insurer or other entity which provides for payment or reimbursement of health care expenses, to disclose to a treating provider a written accounting of all payments and reimbursements for such provider's health care services. This legislation passed the House Floor 164-0.

HB 416 - Rep. Deborah Silcox

Pharmacy Technician Vaccine Authorization - Seeks to authorize qualified pharmacy technicians to administer certain vaccines under the vaccine protocol agreement between their delegating pharmacist and a physician. The public emergency saw a need to designate technicians to give shots for COVID. The measure defines terms and conditions on how they may continue to give shots under a supervising pharmacist with only giving shots to adults. The vaccine must be CDC and FDA approved. The measure requires continuing education as well as the technician be certified in cardiac life support. There are also continuing education requirements outlined in the legislation. There are further requirements for the supervising pharmacist such as his or her documenting and reporting adverse events and checking the vaccine registry as well as registering the vaccine in the registry. It does not allow pharmacy technicians to order vaccines. This legislation passed the House Floor 164-2.

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 passed the House Floor 163-1.

HB 520 - Rep. Todd Jones

Mental Health Update - Seeks to implement recommendations from the 2022 Behavioral Health Reform and Innovation Commission. This legislation passed the House Floor 163-3.

The Senate took up and passed the following notable measures on the floor this week:

SB 99 - Sen. Greg Dolezal, MD

Certificate of Need Modernization in Rural Areas - Seeks to provide an exemption for acute care hospitals established in rural counties that meet certain criteria surrounding population density. This legislation passed the Senate Floor 42-13. **(NOTE: SB 99 is the only legislation to advance regarding Certificate of Need)**

SB 106 - Sen. Larry Walker

Healthy Mothers, Healthy Babies Act - Seeks to provide for a three-year pilot program to provide coverage for remote maternal health clinical services under the Medicaid program. This legislation passed the Senate Floor 54-1.

SB 196 - Sen. Ben Watson, MD

Seat Belts/Tort Relief - Seeks to allow for the admissibility of seat belts as evidence in a civil trial. This legislation failed the Senate Floor 24-30.

New Legislation

Senate Legislation

SB 267 - Sen. Nabilah Islam

Anesthetized Surgical or Diagnostic Procedures - Seeks to prohibit certain examinations on an anesthetized or unconscious patient without prior informed consent.

SB 274 - Sen. Marty Harbin

Commission for the Blind and Visually Impaired - Seeks to create the Commission for the Blind and the Visually Impaired and to transfer the direction and supervision of Georgia Industries for the Blind from the Georgia Vocational Rehabilitation Agency to the commission.

SB 283 - Sen. Brian Strickland

Pregnancy Protection Act - so as to enact the "Pregnancy Protection Act"; to provide for reasonable accommodations to job applicants and employees for circumstances related to pregnancy, childbirth, and related conditions.

SB 286 - Sen. Ben Watson

Lowering Prescription Drug Costs for Patients- Seeks to require pharmacy benefits managers to calculate defined cost sharing for insureds at the point of sale. Patients often receive explanations of benefits which outline the list price for a service and contract price. The bill addresses exemptions, and it omits self-funded plans which are federally regulated.

House Legislation

HB 582 - Rep. Sharon Cooper

Personal Care Homes Enrollment in Medicaid - Seeks to permit assisted living communities and personal care homes to enroll as Medicaid providers.

HB 606 - Rep. Sharon Cooper

CON/LNR Modernization - Seeks to update LNR provisions of the Certificate of Need laws to increase capital thresholds and update indigent care requirements.

HB 653 - Rep. Josh Bonner

Gender Alteration - Seeks to prohibit health care providers from performing specified practices on minors relating to altering a person's appearance relating to gender.

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 authorize hospitals and long-term care facilities to require visitors to wear personal protective equipment.

Committee Updates

Senate Regulated Industries

SB 200 - Sen. Bill Cowsert

APEX Doctrine - Seeks to provide for a process for a high-ranking government or corporate officer of whom a deposition is sought to seek a protective order. The doctrine establishes judicial procedures through which the leadership of companies may reject on the basis that they have personal knowledge of the facts in dispute in litigation. This doctrine exists under federal rules of procedure and in a few states but is not contained expressly in Georgia judicial process. Despite the Georgia Trial Lawyers' work to defeat, the bill was recommended Do Pass and will be heard on the Senate Floor for Crossover.

SB 88 - Sen. Carden Summers

Parents and Child Protection Act - Seeks to prohibit certain actions by an adult acting in loco parentis with respect to child privacy. Specifically, the bill prohibits such adults from discussing topics of sex education, sexual orientation, or gender identity without express parental consent. This bill was presented in committee two weeks ago as a hearing only noting there were still changes that needed to be made to the legislation. Continued pushback by many has tabled the bill where it will no longer be able to proceed this legislative session.

Senate Health and Human Services Committee

SB 164 - Sen. Chuck Hufstetler

APRN Licensure - Seeks to create licensure of advanced practice registered nurses. This legislation as it stands has gone through the Georgia Occupational Regulatory Review Council and thus received a Do Pass recommendation and will be on the Senate Floor on Crossover.

SB 197 - Sen. Chuck Hufstetler

Health Care Practitioners Truth and Transparency Act - Seeks to prohibit deceptive or misleading terms or false representations by health care practitioners in advertisements and representations. The bill is intended to make sure health practitioners are open and clear about their credentials in advertising and representations. This legislation received a Do Pass recommendation and will be on the Senate Floor on Crossover.

SB 223 - Sen. Ben Watson

Cancer Clinical Trials - Seeks to authorize reimbursement of patient incurred expenses related to participation in a cancer clinical trial. Specifically, the bill clarifies that these reimbursements are not illegal inducements and requires that reimbursement provisions be addressed in clinical trial documentation. This legislation received a Do Pass recommendation and will be on the Senate Floor on Crossover.

SB 238 - Sen. Mike Hodges

Georgia Healthcare Professional Data System - Seeks to provide for the establishment of the Georgia Health Care Professionals Data System, through the Georgia Board of Health Care Workforce. This legislation received a Do Pass and moved on to the Senate Rules Committee.

Senate Insurance and Labor Committee

SB 20 - Sen. Kay Kirkpatrick, MD

CATCH Act - Seeks to ensure consumer access to quality healthcare by setting adequacy standards for network plans offered by an insurer. It seeks to exempt the HMOs from the legislation and it tightens the definition of what an HMO is, provides the Department of Insurance criteria in looking at network adequacy, monitor and provide annual reports on network adequacy and assess penalties for violations in response to final ruling by the Georgia Department of Insurance. As a note, the legislation only impacts group health plans and the employers who are purchasing plans for their employees. This legislation received a Do Pass recommendation and will be on the Senate Floor on Crossover.

House Public Health Committee

HB 226 - Rep. Sharon Cooper

HIV Medicaid Treatment Services - Seeks to require the Department of Community Health to submit a Section 1115 waiver request to the federal Centers for Medicare and Medicaid Services for a demonstration project to provide treatment services under

Medicaid to persons in this state living with HIV. This legislation addresses the ability for individuals to get access to HIV medications and allows individuals to live normally if they take their medications with their viral suppression load, so that they do not transmit the disease. It allows individuals who have HIV to go into Medicaid when eligible - it costs about \$10,000 to treat folks, and if full-blown AIDS, it costs \$30,000 annually (without hospitalizations). Changes were made to reflect the legislation taking the cap from 138 to 100. This legislation received a Do Pass and moved onto the House Rules Committee.

HB 557 - Rep. Ron Stephens

APRN Schedule II Prescribing - Seeks to to authorize physicians to delegate the authority to advanced practice registered nurses and physician assistants to prescribe Schedule II controlled substances. which would allow APRNs and PAs working under protocol agreements, or job descriptions, to prescribe Schedule II drugs for a five-day supply. For patients under the age of eighteen, the prescription is limited to medications to treat attention deficit hyperactivity disorder, so long as the delegating physician is a pediatrician, family practice physician, internal medicine physician, or psychiatrist. This legislation received a Do Pass and moved onto the House Rules Committee.

House Health Committee

HB 343 - Rep. Mark Newton

Lowering Prescription Drug Costs for Patients- Seeks to require pharmacy benefits managers to calculate defined cost sharing for insureds at the point of sale. Patients often receive explanations of benefits which outline the list price for a service and contract price. The bill addresses exemptions, and it omits self-funded plans which are federally regulated. Original language had a rebate pass through of 80%, the newest version has dropped to 50% pass through. The legislation received a Do Pass recommendation and moved onto the House Rules Committee.

HB 441 - Rep. Katie Dempsey

Teledentistry - Seeks to authorize and regulate teledentistry in this state by licensed dentists pursuant to permits issued by the Georgia Board of Dentistry. This legislation received a Do Pass and moved onto the House Rules Committee.

HB 445 - Rep. Karen Mathiak

Certified Registered Nurse Anesthetist - Seeks to revise a provision relating to the administration of anesthesia by certified registered nurse anesthetists. The legislation would remove the requirement that a CRNA work under the direction and responsibility of a physician, therefore allowing independent practice. Additionally, the legislation designates CRNA administration of anesthesia as the practice of nursing, rather than a delegated medical act. This legislation failed to receive the majority of votes in committee and was defeated 5-9.

HB 455 - Rep. John LaHood

Physician Safe Haven - Seeks to provide confidentiality protections to participants in a wellness program for health care workers. This legislation received a Do Pass and moved onto the House 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.

House Insurance Committee – Life & Health Subcommittee

HB 417 - Rep. David Knight

Insurance Discrimination - 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.

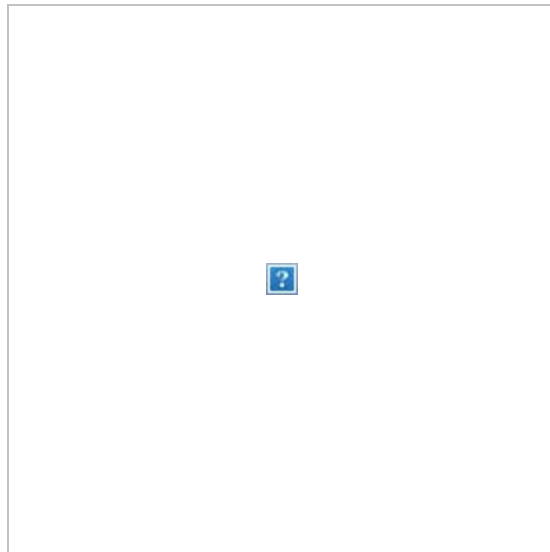
House Public Safety and Homeland Security Committee

HB 451 - Rep. Devan Seabaugh

First Responder Occupational PTSD - Seeks to require the provision of supplemental, illness-specific insurance to certain first responders diagnosed with occupational post-traumatic stress disorder. Without a fiscal note, the Chairman was unable to take any action on the legislation; he did hope that the information would be received soon, and the committee could meet to take action on the substitute.

The 2023 Legislative Session will reconvene at 10:00am Monday, March 6th, 2023 for Crossover Day.

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.



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 2023 session, so keep an eye on your inbox to stay updated on all of the happenings from under the Gold Dome.

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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