



Legislative Session Update - Legislative Day 20

The 2019 Legislative Session is halfway completed as of Friday, Legislative Day 20.

Lawmakers are busy working to get their legislation through the committee process ahead of "cross-over" day, which is March 7th (Legislative Day 28).

In Committee and on the Floor

Mammograms

The Senate Health Committee passed [HB 62](#) also by Rep. Sharon Cooper (R-Marietta) would require a health care facility to notify a patient whenever it detects dense breast tissue in a mammogram. The legislation includes specific language that must be included in that notification. It will now go to the Senate Floor for a vote.

Medicaid Waivers

The Senate Health & Human Services Committee approved SB 106 this week. Introduced by Sen. Blake Tillery (R-Vidalia) was 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 and 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.**

Chairman Watson heard testimony from multiple stakeholders on the Governors initiative.

State Health Benefit Plan Bariatric Surgery Pilot Renewal & Expansion

HB 160, passed the House this week, sponsored by Rep. Katie Dempsey (R-Rome), the bill renews and expands the pilot for a bariatric surgery benefit to a four year pilot allowing for 250 plan participants per year through 2024. The bill has been assigned to Senate Health and will be heard before the committee on Wednesday.

Preexposure (PrEP) to HIV Pilot Program

HB 290 by Rep. Sharon Cooper (R-Marietta), 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 Committee on Health and Human Services and now goes to the House Rules Committee for further action.

Step Therapy

The House passed **HB 63** by Rep. Sharon Cooper (R-Marietta) that would establish exceptions to health insurer step therapy protocols. Currently, the bill is in Senate Insurance.

HIV Medicaid and ADAP Recipients

HB 158 introduced by Rep. Deborah Silcox (R-Sandy Springs), passed the House this week and will be heard in the Senate Health Committee on Monday. The bill would make it easier for HIV-positive Medicaid recipients to receive the most effective medications, allowing physicians to get patients into treatments quickly with the most effective drug regimen possible.

Out of Network Billing

The Senate Insurance and Labor Committee is expected to hear **SB 56** the Out of Network billing legislation introduced by Sen. Chuck Hufstetler (R-Rome). As a reminder, this bill 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 Senate passed **SB 16** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) making it easier 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 Senate and be signed into law by the Governor. The bill will be heard in the House Health Committee next Wednesday.

Health Strategies Council

SB 114 was introduced that would change the state’s ‘Certificate of Need’ (CON) program by doing the following:

- 1) reinstate the state's Health Strategies Council
- 2) increase the capital expenditure threshold
- 3) add freestanding emergency departments to the definition of a “health care facility” and
- 4) change the out-of-state requirements for Cancer Treatment Centers of America
- 5) exempt rural hospitals from paying the CON application fees
- 6) exempt previously-approved equipment from the CON requirement.

This legislation has been assigned to the Senate Regulated Industries Committee.

Needle Exchange - [HB 217](#) - Passed House Health

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

No Action To Date

Chiropractic Lien - [HB 9](#)

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

PBM Reform - [HB 323](#)

Dyslexia Screening - [SB 4](#)

New This Week

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

Podiatry Scope Expansion - [HB 330](#), by Rep. Rick Williams, will expand the scope of practice for podiatrists, proposal allows for additional surgical procedures. (including amputations)

Vaccine Mandated Warnings - [HB 416](#), by Rep. Rick Williams, will establish a State Vaccine Consumer Protection Office.

PDMP Revision - [SB 121](#), by Sen. Larry Walker, will allow law enforcement officials to search the PDMP for high script counts, without cause.

CON Votes Coming Next Week

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

CON Reform

The House Special Committee on Access to Quality Health met Friday for its third hearing on the Certificate of Need legislation trending. A mandatory vote will be taken on Monday. [HB 198](#) by Rep. Matt Hatchett (R-Dublin).

The Senate Regulated Industries Committee held a hearing on [SB 72](#) introduced by Sen. Matt Brass (R- Newnan). A vote is expected early in the week.

As it stands, the proposal is as follows:

- Applies to most things cut out of CON (hospitals, ASCs, clinical health services), except capital expenditures by existing facilities. expenditures on medical equipment, and all diagnostic imaging services
- CON exemptions carried forward to special license exemptions
- Additional exemptions:
 - Legacy
 - Cardiology procedures in an ASC
 - Multispecialty ASC's with separate single specialty ASC's
- Authorizes conversion of CTCA to regular hospital
- Objection by similar facility only if within 10 mile radius of proposed facility
- No objection to facilities in HPA 3 (unless within 10 mile radius of existing facility outside of HPA 3)
- Appeal to OSAH/Judicial review
- Indigent care requirements set at 2 yr rolling average (less 3% if for profit)
- Medicaid/PeachCare requirements
- Exempts CHOA/Shepherd from indigent requirements due to high Medicaid population served
- DSH payments withheld if hospital misses indigent requirements for two consecutive years
- Annual reports on indigent care (earned forward from CON)
- Fines/penalties go to Indigent Care Trust Fund (ICTF)
- Transition/grandfather provisions (CON->/LNR->/CTCA->hospital); all CON/LNR 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 through Friday next week, taking the session through legislative day 25.

As a reminder, legislative "Cross-over day" (Legislative Day 28) is on Thursday, March 7th and Sine Die (Legislative Day 40) is on Tuesday, April 2nd.

For legislative highlights and review, watch ***Lawmakers***, which airs at **7 PM on GPB** every day the General Assembly is in session.



LM **LAWMAKERS**

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to www.legis.state.ga.us and click
the *Live Broadcast* link on the left.
