



2020

capitol watch

Legislative Day 21

The Georgia General Assembly is officially past the halfway mark and both chambers were active with a five-day legislative week as lawmakers took on committee work and floor action. We understand that the House and Senate are close to finalizing their budget plans for the remaining portion of the Amended Fiscal Year 2020 Budget and the Fiscal Year 2021 Budget.

Legislators will be in session Monday through Thursday next week. Crossover Day is seven legislative days away; bills must be heard quickly in order to be voted upon and moved out of their originating chamber to remain active for the balance of the session.

Crossover Day (Day 28) is set for Thursday, March 12th.

On Friday, Gov. Kemp signed an executive order to create an 18-person coronavirus task force. The group, made up of health, airport, school, and emergency preparedness officials, will work to identify ways to prevent, limit, or address any potential cases of coronavirus in Georgia.

Click [here](#) for more details.

Actions of the Week

House Special Committee on Access to Quality Healthcare

The House Special Committee on Access to Quality Healthcare, chaired by Rep. Mark Newton considered multiple measures in committee on Thursday afternoon and Friday morning.

Rep. Lee Hawkins presented [HB 888](#) which addresses balanced billing in Georgia. The bill specifically excludes Medicare and Medicaid rates from the average insurance payment calculation. The bill adds a new section to allow

out-of-network hospitals to arbitrate payments in emergency situations. The bill was approved by the committee early Friday morning and is now in the House Rules Committee.

Rep. David Knight presented [HB 946](#) - relating to pharmacy benefits managers - to the committee. He explained that PBMs represented a "corporate takeover of our healthcare system." He further explained that PBM practices harm patients by inflating drug prices and create difficulties in obtaining important medications. Rep. Knight asserted that because insurance companies are often no longer independent of pharmacies, they are able to steer patients into their "channels" and increase costs. HB 946 works to strengthen anti-steering provisions from previous legislation. Section one of the bill prevents steering in Medicaid Managed Care Organizations which were carved out of last year's legislation. Section two of the bill increases fines and penalties for violations by PBMs. Section three addressed prior authorizations. Section four increases the Commissioner's authority to conduct financial and compliance audits. Rep. Knight explained that section five, pertaining to transparency, is the most important part of the bill. The bill also contains a 10% surcharge for PBMs that continue to engage in steering practices. The bill passed the committee, now in House Rules.

Rep. Knight also discussed [HB 947](#) which directs DCH to conduct an actuarial study on carving out pharmacy benefits from Medicaid. He also added that the bill will help local pharmacists which often act as the first line of healthcare in rural areas. Rep. Knight explained that there has been too much compromise with PBMs in the past which has resulted in poor outcomes for Georgians. He further stated that they had the ability to work with him but refused to offer any concessions. The bill passed the committee, now in House Rules.

New Legislation

The following legislation of interest was introduced in the House this week:

- [HB 1024](#), by Rep. Mark Newton, seeks to amend Georgia's Certificate of Need laws. It proposes to provide for free-standing emergency departments under the state's CON program and provide for an exemption from CON for those with one inpatient beds for behavioral health patients and for free-standing emergency departments in rural counties. This bill was referred to the House Special Committee on Access to Quality Healthcare.
- [HB 1027](#), by Rep. Lee Hawkins, seeks to amend code section relating to regulation and licensure of pharmacy benefit managers. New definitions are added and it further proposes to require that pharmacy benefit managers annually report aggregate amounts of all pharmacy rebates but also to calculate enrollee's defined cost sharing for each prescription drug at the point of sale based on a price that is reduced by an amount equal to at least 80 percent of all rebates received, or to be received, in conjunction with the dispensing or administration of the prescription drug. This bill was referred to the House Special Committee on Access to Quality Healthcare.

- HB 1032, by Rep. Matt Hatchett, seeks to amend Georgia's Certificate of Need ("CON") Laws and specifically provide an exemption for ambulatory surgery centers which perform medical procedures in non-sterile procedure rooms and not in ORs and have a letter of determination from the Department of Community Health so that such would not be subject to CON review.
- HR 1282, by Rep. Shelly Hutchinson creates a House Study Committee on evaluating, simplifying, and eliminating duplication of regulatory requirements for mental health and social services providers.

House Bills on the Move

- HB 719, by Rep. Deborah Silcox, seeks a modernization of Georgia's HIV laws. The goal is to align services and policies with the best public health practices. It 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. The legislation received a Do Pass recommendation.
- HB 932, by Rep. Houston Gaines, seeks to update Georgia's Podiatry Practice Act to, in part, allow that doctors of podiatry may join corporations of doctors of medicine or doctors of osteopathy. It also seeks to amend concerning amputations "distal to and including the tarsometatarsal joint is permitted if in a hospital or ambulatory surgery center." It strikes current law that the podiatrist must be certified by the board and such rules having been approved by the Composite Board of Medicine for such practice. The legislation received a Do Pass to the substitute.
- HB 987, by Rep. Sharon Cooper, seeks to provide additional protections for the elderly. It also renames the State Board of Nursing Home Administrators to the State Board of Long-Term Care Facility Administrators and provides for the licensure of assisted living community administrators and certain personal care home administrators. Chairman Cooper thanked the news media for bringing the concerns to light the care being provided and about the need for regulation oversight of these entities. This legislation received a lengthy discussion and debate. This bill also received a Do Pass recommendation to the substitute.
- HB 994, authored by Rep. Bert Reeves, amends code to provide for enhanced enforcement of gang related crime. The bill outlines a list of gang related crimes that will cause a child between the ages of 13-17 to be tried as an adult. The bill also gives courts the ability to require individuals divest from corporations or enterprises in the state when found guilty of gang related violations. This bill was referred to the House Judiciary Non-Civil Committee.

Senate Bills on the Move

- [SB 306](#), authored by Sen. Valencia Seay is Audiology and Speech-Language Pathology Interstate Compact. This bill imposes criminal background checks for licensees so that such fingerprint and background checks will be conducted by the GBI and FBI. This compact, if passed, must be passed by nine other states before it becomes functional. This bill passed the Senate Health and Human Services Committee and awaits Senate Rules.
- [SB 415](#), by Sen. Steve Gooch, would make many changes to civil law in Georgia. It would change the information that could be provided to jurors trying civil cases, make it more difficult to sue landowners for injuries caused by a third party and limit the amount of time someone has to bring a product liability lawsuit, among other provisions. Click [here](#) to view a tort reform legal climate one-pager.
- [SB 427](#), by Sen. Jeff Mullis, seeks to insert a new code section to address pharmacy benefits under the Department of Community Health. It requires that the Department to engage an actuary to conduct an actuarial study which is to be completed no later than December 1, 2020. The purpose is review of the fiscal impact of carving out the pharmacy benefits from the state's current Medicaid care management organizations and providing pharmacy benefits to care management organization members exclusively through the Department's Medicaid fee-for-service program. If the results of the actuary review find that the savings to the state and federal government combine to be \$20 million or more, than the Department is to provide pharmacy benefits for a care management organization's members; if the savings are found to be annual savings of at least \$10 million but less than \$20 million then the Department has the authority but not the obligation to proceed with the carve out of the pharmacy benefits. This bill was referred to the Senate Health and Human Services 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.

Watch the General Assembly LIVE! Each day that the General Assembly is in session, you can watch the proceedings live via the internet at: <http://www.legis.state.ga.us/>. Click the Live Broadcast option. You can also watch the *Prime Time Lawmakers* daily broadcast on Georgia Public Broadcasting each evening the General Assembly is in session.

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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.

Thank you for taking time out of your busy schedules to help protect our interests and our patients!

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