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**Sent:** Friday, March 5, 2021 5:13 PM  
**To:** Lyly Trinh  
**Subject:** Georgia Legislative Session Update - Legislative Day 27



**2021**

capitol watch

## Legislative Day 27

While the legislators were in session only 3 days this week, both Tuesday and Thursday spawned heavy committee schedules in hopes for legislators last attempt to meet the crossover deadline. Crossover Day is deadlineactive legislation be passed in its originating chamber by Monday, March 8th at 11:59 pm in order to continue moving in this session.

Earlier in the week, all eyes were on the omnibus election reform bill (HB 531) in the House, which spurred vigorous debate but ultimately passed by a party-line 97-72 vote.

Just 13 Legislative Days remain in the 2020 session:

- ~~Monday, March 1st—Legislative Day 25~~
- ~~Wednesday, March 3rd—Legislative Day 26~~
- ~~Friday, March 5th—Legislative Day 27~~
- Monday, March 8th - Legislative Day 28 (CROSSOVER)
- Tuesday, March 9th - Legislative Day 29
- Wednesday, March 10th - Legislative Day 30
- Thursday, March 11th - Legislative Day 31
- Monday, March 15th- Legislative Day 32
- Tuesday, March 16th - Legislative Day 33
- Wednesday, March 17th - Legislative Day 34
- Thursday, March 18th- Legislative Day 35
- 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)

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### **Fiscal Year 2022 Budget Update**

On Friday, The Georgia State House budget approved a \$27.2 billion fiscal 2022 state budget that restores 10% across-the-board spending cuts the General Assembly imposed last year, with a careful emphasis on education and mental health.

Recommendation came to restore \$567.5 million in “austerity” cuts to the state’s public schools. The Amended Fiscal Year 2021 budget the Governor Kemp signed last month mimic a similar amount of more than \$1 billion in reductions to K-12 schools.

Among additional education spending, the House added \$5 million to the Department of Education’s school nutrition program, consistently scrambling to deliver meals to students stuck at home due to the COVID-19 pandemic.

Additionally, legislators added \$36 million to the \$22 million requested by Governor Kemp for the Department of Behavioral Health and Developmental Disabilities, making a grand total of \$58 million for the fiscal year starting July 1.

The extra money includes \$12.3 million to give providers of mental health services a 5% rate increase and almost \$300,000 to help Georgia join a new national '988' suicide hotline and add a full-time epidemiologist to work with suicide data.

Nursing homes, which have been hit particularly hard with patient hospitalizations and deaths from COVID-19, would get \$7.4 million to “stabilize” staffing. Another \$11.9 million would go toward a 2% rate increase for skilled nursing centers.

The House also added \$25.3 million to pay for a 10% increase for home- and community-based services, while the Department of Public Health would receive \$1.5 million to track the state’s COVID-19 vaccine rollout.

The Budget was immediately transmitted to the Senate upon approval.

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### **Senate Floor Update**

- **SB 80**, by Senator 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, 7 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 passed the Senate Floor, 50-0 and has been assigned to the House Insurance Committee where it awaits a hearing.
- **SB 82**, by Sen. Michelle Au, deemed **Prudent Lay Person** Legislation, proposes a measure requiring insurers to pay for emergency services, regardless of the final diagnosis of the patient. This bill passed the Senate Floor, 50-1 and has been assigned to the House Health and Human Services Committee where it awaits a hearing.

- **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 passed the Senate Floor, 44-1. It now moves to the Senate where it awaits a committee assignment.

### **House Floor Update**

- **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 passed the House Floor, 159-0. It now moves to the Senate where it awaits a committee assignment.
- **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 passed the House Floor 143-12. It now moves to the Senate where it awaits a committee assignment.
- **HB 450**, by Rep. Mark Newton, MD 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 passed the House Floor, 153-0. It now moves to the Senate where it awaits a committee assignment.
- **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 passed the House Floor, 157-3. It now moves to the Senate where it awaits a committee assignment.
- **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 passed the House Floor, 161-0. It now moves to the Senate where it awaits a committee assignment.
- **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 passed the House Floor, 95-69. It now moves to the Senate where it awaits a committee assignment.
- **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 passed the House Floor, 161-0. It now moves to the Senate where it awaits a committee assignment.
- **HR 185**, by House Speaker David Ralston **reauthorizes the House Rural Development Council**. This resolution passed the House Floor, 164-0.

### Senate Health and Human Services Committee

- **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. The House passed HB 163 earlier this month and the Senate Health and Human Services Committee recommended a Do Pass to move on to Senate Rules.
- **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. Sen. Kay Kirkpatrick presented a substitute that addresses an issue in the background check requirement in the interstate medical compact. The bill was recommended Do Pass and moves on to the Senate Rules Committee.
- **SB 256**, by Sen. Dean Burke, seeks to **address the structure of the Department of Public Health and the county boards of health.** Senator Burke presented a substitute to the Committee, which is substantially pared down. Specifically, the substitute now clarifies that district health directors are hired by and report to the Commissioner of the Department of Public Health and confusion in the Code regarding whether the district health director and county health director is the same role. This bill will be on the Senate Floor for Crossover Day.

### Senate Insurance and Labor Committee

- **SB 166**, by Sen. Bill Cowsert seeks to **stipulate that a relationship with an insurance company that may have a financial interest in the outcome of the case is grounds for disqualification of a juror.** Jurors must fill out a questionnaire that identifies their current employers and insurance companies. This bill received a Do Pass and moves on to the Senate Rules Committee.
- **SB 191**, by Sen. Bill Cowsert **seeks to remove the provision in Georgia law that allows for direct actions against motor carriers and their insurers.** This direct action statute has been in law for 80 years and the ability to directly sue an insurer is necessary because motor carriers are transient. This bill was defeated in committee.

### Senate Judiciary Committee

- **SB 164**, by Sen. Chuck Hufstetler seeks to **provide modernization updates to the state's laws related to HIV.** Sen. Hufstetler walked the committee through the bill's provision specifically adding a measure for the intent to transmit HIV. This bill was recommended Do Pass and will be on the Senate Floor for Crossover Day.
- **SB 189**, by Sen. Bill Cowsert seeks to **provide courts with the ability to make bifurcation decisions for issues of liability and damage.** The sizable damages awarded in many civil cases, which he characterized as sometimes excessive may require extending existing bifurcation statutes to preserve the impartiality of juries and clear up judicial backlogs. This bill was defeated in committee by a vote of 5-4.

- **SB 190**, authored by Sen. Bill Cowsert seeks to **limit recovery of damages for medical and health care expenses** to amounts equaling the amount paid to healthcare providers on behalf of a claimant and necessary to satisfy incurred but unpaid medical expenses (phantom damages). This bill was defeated in a committee by a vote of 5-4.

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

- **HR 188**, by Rep. Kim Schofield, **seeks the creation of a State Workgroup to Increase Chronic Disease Information and Screenings in Communities of Color**. This resolution was recommended Do Pass and the bill now moves to the House Rules Committee.
- **HB 346**, by Rep. Dominic LaRiccia, seeks to **enact “Jarom’s Act” to authorize emergency medical services personnel the ability to administration of hydrocortisone sodium succinate to patients with congenital adrenal hyperplasia under certain conditions**. This bill was recommended Do Pass and now moves to the House Rules Committee.
- **HB 629**, by Rep. Mark Newton seeks to address the **sales and dispensing of contact lenses**. All of the discussion was around what could be permitted by safely using telehealth or telemedicine. After extensive discussion on the proposal, including opposing testimony by the Georgia Optometric Association, the bill was tabled.
- **HB 377**, authored by Rep. Sharon Cooper seeks **enactment of the Georgia Women’s Care (Child Care, Alternatives, Resources, and Education) Act**. Specifically, the legislation seeks to revise provisions relating to the arrests of pregnant women and provide that women who have been arrested are offered pregnancy testing upon detention. This bill was recommended Do Pass and moves on to the House Rules Committee.
- **HB 567**, authored by Representative Sharon Cooper, which seeks to **create the Newborn Screening and Genetics Advisory Committee**. Georgia already has a law which identifies a number of screenings to be made on newborns and this Committee would make recommendations on any new disorder to be screened as identified by the Federal Uniform Screening Panel. This bill was recommended Do Pass and moves on to the House Rules Committee.
- **HB 627**, by Rep. John LaHood, seeks to **require athletic training students to be under the direct supervision of a physician** or licensed athletic trainer as well as revise and update certification requirements. After much discussion and concern on protocols, the bill was tabled.

### **House Insurance Committee**

- **SB 4**, by Sen. Kay Kirkpatrick, seeks to establish **standards for substance abuse providers to limit some marketing practices of paying inducements to potential patients** and of overcharging or overusing drug tests. The bill was recommended Do Pass recommendation, moving to the House Rules Committee.

### **House Special Committee on Access to Quality Healthcare**

- **HB 164**, by Rep. Demetrius Douglas, seeks to require health insurers to pass along no less than 80 percent of all prescription drug rebates to the customer at the pharmacy counter. This bill was recommended Do Pass and moves on to the House Rules Committee.
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### **New House Legislation**

- **HB 678**, by Rep. David Wilkerson seeks to enact the "Inmate Mental Health Act." The bill outlines procedures that must be followed by the Department of Corrections upon receiving credible information that an inmate may have a mental illness along with procedures for death investigations in correctional facilities. This bill was referred to the House Public Safety and Homeland Security Committee.
- **HB 717**, by Rep. Sharon Cooper seeks to amend code pertaining to examination and treatment for mental illness, so as to provide for authorization of peace officers to take a person to a physician or emergency receiving facility for emergency examination under certain circumstances

### **New House Resolutions**

- **HR 294**, by Rep. Micah Gravley, urges the US Congress to enact, and the state government to coordinate, laws relating to financial services and cannabis. This resolution was referred to the House Regulated Industries Committee.

### **New Senate Legislation**

- **SB 271**, by Sen. Kay Kirkpatrick, seeks to update fingerprinting and criminal background checks for health care professionals licensed by the Georgia Composite Medical Board.

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.

### **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**



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

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