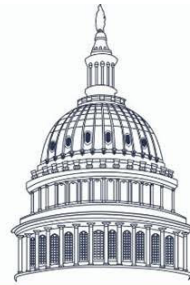


From: Jesse Hambrick
Sent: Friday, March 12, 2021 12:30 PM
To: Jesse Hambrick
Subject: Georgia Legislative Session Update - Legislative Day 31 (Crossover Edition)



2021

capitol watch

Legislative Day 31 Crossover Edition

As Crossover Day is in the rearview, legislators wasted no time getting to work with committee hearings to round off the 2021 session. Deliberations intensified on HB 81 (Fiscal Year 2022 Budget), as Senate Appropriations' subcommittees met to learn more about the Governor and agencies' priorities and changes made to the proposal by the House. Notably, the Department of Community Health, which oversees the Medicaid and PeachCare for Kids programs, has extended the care management organization ("CMO") contracts for two years until 2024. Thus, the procurement for new CMO contracts will likely be postponed

9 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)

Awaiting Governor Kemp's Signature

- **HB 367**, by Rep. Butch Parrish, seeks to make an **annual update to the state's dangerous drug scheduling list**.
-

Awaiting Final Agree/Disagree

- **SB 4**, by Sen. Kay Kirkpatrick, relates to substance abuse treatment programs. **The bill seeks to prohibit substance abuse providers from receiving referral fees or reimbursement related to patient referrals.** The bill also amends code to prevent unfair billing practices for drug testing in substance abuse programs. This bill passed the House with a substitute where it awaits a final decision on the Senate floor.
 - **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 and also addresses an issue in the background check requirement in the interstate medical compact. This bill passed the Senate with a substitute where it awaits a final decision on the House floor.
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Senate Bills Awaiting House Consideration

- **SB 5**, by Sen. Kay Kirkpatrick, seeks to update code pertaining to sedation in non-hospital settings. The bill **directs the Georgia Composite Medical Board to establish rules regarding the use of sedation in “office based surgeries,”** which are defined as “any surgery or invasive medical procedure requiring sedation, when performed in a location other than a hospital, hospital associated surgical center, or an ambulatory surgical facility, including, but not limited to, physicians' offices and medispas. This bill will be on the House floor on Monday, March 15.
- **SB 43**, by Sen. Matt Brass, seeks to prohibit insurance plans offering eye care benefits from requiring ophthalmologists and optometrists to provide discounts for **non-covered eye care** treatment for patients within the insurer's plan. Sen. Brass explained that the committee substitute covers both ophthalmologists and optometrists, both of which are supportive of the bill. This bill will be on the House floor on Monday, March 15.
- **SB 46**, by Sen. Dean Burke, seeks to amend language within the Department of Public Health authorizing certain medical personnel to administer **vaccines during public health emergencies** and certain provisions relating to the administration of vaccines under vaccine protocol agreements. Additionally, language pertaining to mass vaccination sites are able to waive the requirement of checking the state's GRITS system during a public health emergency. This bill sits in the House Rules Committee to be brought before the full House for a floor vote.

- **SB 80**, by Sen. 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 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 interim or final diagnosis of the patient. This bill received a hearing in the House Subcommittee on Insurance where some suggested changes pertaining to ERISA exclusions were made.
- **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 was heard in the House Judiciary Non-Civil Subcommittee where suggested changes were asked for by committee members. We anticipate a full committee next week.
- **SB 164**, by Sen. Chuck Hufstetler, seeks a **modernization of Georgia's HIV laws** to align services and policies with the best public health practices. The legislation 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. This bill awaits a hearing in the House Health and Human Services Committee.
- **SB 226**, by Sen. Jason Anavitarte, seeks to make the **sale or distribution of harmful material to minors statute applicable to libraries operated by schools.** This bill awaits a hearing in the House Judiciary Non-Civil Committee.
- **SB 235**, by Sen. Ben Watson, seeks to **exempt mask wearing to prevent the spread of COVID-19 or other infectious respiratory disease from state criminal anti-mask laws.** This bill awaits a hearing in the House Judiciary Non-Civil Committee.
- **SB 256**, by Sen. Dean Burke, seeks to **provide for the reorganization of county boards of health, revise the powers of county boards of health, and to authorize the Department of Public Health to select district health director.** This bill awaits a hearing in the House Health and Human Services Committee.

House Bills Awaiting Senate Consideration for 2021

- **HB 112**, by Rep. Trey Kelley, seeks to amend multiple Code sections to extend COVID-19 liability protections for one year after the August 5, 2020 effective date of the original legislation (SB 359 in the 2020 Legislative Session). This bill sits in the Senate Rules Committee to be brought before the full Senate for a floor vote.

- **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. This bill sits in the Senate Rules Committee to be brought before the full Senate for a floor vote.
- **HB 234**, by Rep. Lee Hawkins, seeks to provide an option for self-funded healthcare plans, exempt from state regulation under federal law, to opt in to Georgia's **Surprise Billing Consumer Protection Act.** This bill sits in the Senate Rules Committee to be brought before the full Senate for a floor vote.
- **HB 247**, by Rep. John Carson, **seeks to remove the first offender leniency from Georgia's hands free driving law.** The provision that is being removed has passed in other states further explaining that the leniency presents problems due to communication issues across jurisdictions. This bill awaits a hearing in the Senate Public Safety Committee.
- **HB 290**, by Rep. Ed Setzler, seeks to **prohibit hospitals and nursing homes** from instituting any policy during a declared public health emergency that limits patients' abilities to be **visited by designated family members or friends.** This bill awaits a hearing in the Senate Health and Human Services Committee.
- **HB 307**, by Rep. Sharon Cooper, seeks to **amend the Georgia Telehealth Act in Title 33 to authorize health care providers to provide telemedicine services from home and patients to receive telemedicine services from their home, workplace, or school.** The bill also provides that no insurer may require a deductible or an in-person consultation before providing coverage for telemedicine services. Additionally, the bill institutes restrictions on utilization review and requires insurers to allow open access to telehealth and telemedicine services, including the provision of prescription medications. This bill awaits a hearing in the Senate Health and Human Services Committee
- **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 awaits a hearing in the Senate Health and Human Services Committee.
- **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 awaits a hearing in the Senate Health and Human Services Committee.
- **HB 450**, by Rep. Mark Newton, 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 awaits a hearing in the Senate House Health and Human Services Committee.
- **HB 454**, by Rep. Mark Newton, seeks to provide certain coverage requirements concerning providers that become out-of-network during a plan year. When an **insurer's provider directory** includes a provider as a participating provider for a network plan at such time as a prospective covered person selects his or her health benefit plan, the insurer would be required cover the provider charges at in-network rates for the duration of the contract year for the

covered person, regardless of whether the provider remains a participating provider in the insurer's network plan. The legislation would also ensure that the covered person shall not be responsible for more than the amount for which they would have been responsible had the services been delivered by an in-network provider under the network plan. This bill awaits a hearing in the Senate Insurance Committee.

- **HB 458**, by Rep. Sharon Cooper, seeks to **require sexual misconduct training for members of the Georgia Composite Medical Board**. The bill also requires continuing medical education credits include ongoing education and training on professional boundaries and physician sexual misconduct. This bill has awaits a hearing in the Senate Health and Human Services Committee.
- **HB 479**, by Rep. Bert Reeves, seeks to amend multiple Titles to **alter the state's citizen arrest laws**. The bill still allows off-duty law enforcement officers to detain and arrest individuals within their jurisdiction of employment or when aiding another officer. The bill specifically prohibits private citizens from using force that could cause bodily harm to detain another citizen. This bill awaits a hearing in the Senate Judiciary Committee.
- **HB 539**, by Rep. Sharon Cooper, seeks to **update the "Medical Practice Act"** by defining 'institution' to mean a hospital licensed by the Department of Community Health, a board approved medical school, a teaching hospital in this state, or a clinic in this state that services predominantly Medicaid, indigent, and underserved populations. This bill awaits a hearing in the Senate Health and Human Services Committee.
- **HB 567**, by Rep. Sharon Cooper, seeks to create the **Newborn Screening and Advisory Committee**. This bill awaits a hearing in the Senate Health and Human Services Committee.
- **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 awaits a hearing in the Senate Judiciary Committee.
- **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 awaits a hearing in the Senate Regulated Industries Committee.
- **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 awaits a hearing in the Senate Health and Human Services Committee.
- **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 awaits a hearing in the Senate Health and Human Services Committee.

- **HB 653**, by Rep. Rick Jasperse, seeks to **update the Georgia Pharmacy Practice Act** relating to the ordering and administering of COVID-19 testing. This bill awaits a hearing in the Senate Health and Human Services Committee.
-

Senate Bills Held until 2022

- **SB19**, by Sen. Gloria Butler, relates to the **implementation, regulation and construction of surgical smoke systems in hospitals and other health care facilities**. This bill would require hospitals and ambulatory surgical centers to utilize surgical smoke evacuation systems during surgical procedures to protect patients and health care workers from the hazards of surgical smoke.
- **SB 180**, by Sen. Jen Jordan, seeks to provide for certain conditions for permits for facilities that emit **ethylene oxide**.
- **SB 181**, by Sen. Jen Jordan, **seeks to require that no health insurer that provides coverage for prescription insulin to charge more than \$50 per 30 day supply as a cost sharing amount**.
- **SB 271**, by Sen. Kay Kirkpatrick, seeks to **update fingerprinting and criminal background checks for healthcare professionals** licensed by the Georgia Composite Medical Board.

House Bills Held until 2022

- **HB 73**, by Rep. Carolyn Hugley, seeks to **address limits copayments, co-insurance, or other cost sharing arrangements charged by insurers or pharmacy benefit managers for insulin** so that such changes can be no more than \$50 per 30 days' supply of the drug.
- **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.
- **HB 261**, by Rep. Todd Jones, seeks to create a **pilot program to conduct a simulated exchange for health care facilities to purchase and sell charity care credits to meet their charity care requirements**. The pilot is focused on not-for-profit hospitals and way that they can buy and sell credits. The Georgia Hospital Association, Georgia Alliance of Community Hospitals, and the Georgia Department of Community Health all oppose this legislation.
- **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.
- **HB 401**, by Rep. Ginny Ehrhart, seeks to prohibit any healthcare professional from performing any procedure on a minor with the purpose of attempting to affirm the minor's sex, if the **minor's sexual perception is different than their biological sex**.
- **HB 413**, by Rep. Beth Camp, seeks to stipulate that **the state cannot require the receipt of a COVID-19 vaccine as a condition for employment, school**

attendance, professional licensure, educational certification or degree, admittance to any place of business or entertainment, or access to any mode of transportation. This prohibition occurs under the absence of a specific list of situations including a non emergency use authorization for the vaccine and long term health effect evaluations have been completed. The bill also allows individuals to submit in writing that receiving a vaccine conflicts with their philosophical beliefs which exempts them from any requirement if all other aspects of the bill have already been met.

- **HB 447**, by Rep. David Knight, seeks disclose to the state all cost related data relative to the **state health benefit plan, including pricing information, spread pricing and negotiated price**, rebate accounting, reimbursement rates, net profits, consulting fees, claims payment information, networks, and quality information.
- **HB 468**, by Rep. Kasey Carpenter, seeks to **allow any and all business to continue operating during a public health emergency** if it conforms to the health and safety measures contained in any Executive Order from the Governor.
- **HB 474**, by Rep. Sharon Cooper, seeks to **require concurrent opioid antagonist prescriptions for all opioid prescriptions.**
- **HB 569**, by Rep. Matthew Wilson, **seeks to prohibit the practice of conversion therapy by professional counselors, physicians, or psychologists** and to specifically define "conversion therapy."
- **HB 590**, by Rep. Don Hogan, seeks to establish an **assisted outpatient treatment pilot program for persons with mental illness.** The system is specifically designed for individuals that have trouble maintaining engagement with essential mental health treatment. The bill creates a three-year assisted outpatient treatment grant program.
- **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.
- **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.
- **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.
- **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.
- **HB 752**, by Rep. Sharon Cooper, seeks to **provide for a psychiatric advance directive** for a competent adult to express his or her mental health care treatment preferences and desires directly through instructions written in advance and

indirectly through appointing an agent to make mental health care decisions on behalf of that person.

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.

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