



2023

capitol watch

2023 Legislative Session Summary

The 2023 Legislative Session ran from Monday, January 9th through Wednesday, March 29th.

Includes key passed legislation as well as carried over legislation to the 2024 legislative session.

The 2023 Legislative Session has come to an end. Legislative Days 39 and 40 never fail to keep legislators and lobbyists alike on their toes. Late-arriving Rules Committee substitutes and amendments, measures being sent to the floor only to be recommitted for further perfection, and outright flops on final consideration made for long days.

The agreement on the Fiscal Year 2024 budget between the House and Senate ran into the final hours of Legislative Day 40. Consensus was finally met by adopting the Conference Committee report unanimously. The \$32.4 billion budget funds state operations beginning on July 1, 2023. This is a 7.4% increase, or \$2.2 billion, over the original FY 2023 budget. In the FY 2024 budget, 53% of funds are appropriated to education, 24% for health and human services, 7% for public safety, 7% for transportation, and 9% for economic development and general government services including debt service. The full budget document can be found by [clicking here](#)

Like the budget, most new laws take effect on July 1 unless another date is specified in the bill itself. The Governor has forty days following the legislative session to veto entire bills or line items in the budget. Below is a full breakdown of key identified pieces of legislation and their final status for 2023.

Senate Legislation Passed

***Legislation listed in this section was passed on or before Sine Die and is now sitting on Governor Kemp's desk.**

SB 1 - Sen. Greg Dolezal

COVID Vaccination Proof for Government Services - Seeks to remove the automatic repeal on the prohibition on state and local governments from requiring proof of COVID vaccination for government services.

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, tightens the definition of what an HMO is, and provides the Department of Insurance criteria in looking at network adequacy, monitoring and providing annual reports on network adequacy and assessing 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.

SB 27 - Sen. Matt Brass

Unfair Trade Practices - Seeks to prohibit a health care insurer from requiring an ophthalmologist or optometrist to extend any discounts on services that are not covered eye care services to receive increased payments, better reimbursements, preferential treatment, or any other benefit.

SB 46 - Sen. Chuck Hufstetler

HIV Testing of Pregnant Women - Seeks to require physicians and healthcare providers to test all pregnant women for HIV and syphilis at the first prenatal visit, at 28–32 weeks' gestation and at delivery.

SB 74 - Sen. Blake Tillery

False Advertising/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 don't have personal knowledge of the facts in dispute in litigation. This doctrine exists under federal rules of procedure in a few states but is not contained expressly in Georgia judicial process. Additionally, the legislation addresses legal actions regarding misrepresentation advertising for certain legal services.

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.

SB 140 - Sen. Carden Summers

Gender Dysphoria - Seeks to prohibit certain surgical procedures for the treatment of gender dysphoria in minors from being performed in hospitals and other licensed healthcare facilities and to prohibit certain surgical procedures for the treatment of gender dysphoria in minors. Additionally, there was a criminal provision added by the House Public Health Committee seeking to incriminate physicians.

***NOTE: This legislation was already signed by Governor Kemp on 3/23/23**

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.

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.

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.

SB 246 - Sen. Mike Hodges**Georgia Board of Healthcare Workforce Loan Repayment/HOPE Inclusive**

Postsecondary Education - Seeks to provide for HOPE Inclusive Postsecondary Education (IPSE) grants. Additionally, the bill seeks for the Georgia Board of Health Care Workforce, to provide for student loan repayment for certain nursing faculty.

Senate Resolutions Passed

SR 349 - Sen. Ben Watson

Colorectal Cancer Awareness Month - A resolution recognizing March 2023 as Colorectal Cancer Awareness Month.

House Legislation Passed

*Legislation listed in this section was passed on or before Sine Die and is now sitting on Governor Kemp's desk.

HB 76 - Rep. Alan Powell

Licensed Marriage and Family Therapists Training - Seeks to revise provisions relating to education, experience, and training requirements for licensure in marriage and family therapy. Additionally, this legislation would now repeal the Georgia Occupational Regulation Review Council.

HB 85 - Rep. Sharon Cooper

Biomarker Testing Coverage - Seeks to require health benefit policy coverage for biomarker testing if supported by medical and scientific evidence.

HB 203 - Rep. Mark Newton

Contact Lens Dispensing (1-800 Contacts) - Seeks to address the sales and dispensing of contact lenses. It would allow the use of technology to make eye assessments which could be included during a telemedicine visit. It also redefines eye examination to include telemedicine and does not require an in-person assessment.

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.

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.

HB 383 - Rep. Matt Reeves

Violence Against Healthcare Workers - Seeks to provide for enhanced penalties for aggravated assault and aggravated battery committed upon emergency health workers and healthcare workers located on a hospital campus.

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 to adults only under a supervising pharmacist. The vaccine must be CDC and FDA approved. The measure requires continuing education as well as the technician certification in cardiac life support. There are also continuing education requirements outlined in the legislation. There are further requirements for the supervising pharmacist, such as him or her documenting and reporting adverse events and checking the vaccine registry, as well as registering the vaccine. It does not allow pharmacy technicians to order vaccines.

House Resolutions Passed

HR 510 - Rep. Deborah Silcox

Colorectal Cancer Awareness Month - A resolution recognizing March 2023 as Colorectal Cancer Awareness Month.

Defeated Legislation

SB 102 - Sen. Larry Walker

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 a practice of nursing, rather than a delegated medical act. This legislation was defeated in the committee by a vote of 8-6.

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 196- Rep. Alan Powell

Georgians Access to Medical Cannabis Update - Seeks to abolish the Georgia Access to Medical Cannabis Commission and transfer it to the Department of Agriculture. Additionally, it shall be subject to the Administrative Procedure Act and laws governing open meetings and open records. The bill also allows each licensee one additional dispensary to be located at its production facility and distribution of another licensee's products at any licensee's dispensary. Additionally, the bill establishes a legislative oversight commission and provides for up to four additional Class I licenses and five additional Class II licenses, up to a maximum of 20 Class I and Class II licenses. This legislation was defeated on the Senate floor on legislative day 40.

Legislation Held Until 2024

Senate Legislation Held for 2024

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.

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. It provides an additional exemption from certificate of need laws for rural acute care hospitals in Title 31. It would impact 118 of 159 counties. There are some restrictions on which hospitals can participate in this exemption — such as 10 percent classified as indigent care, accept Medicare and Medicaid, file form 990 of a nonprofit, etc. If it a hospital in a county with 50,000 and that county's population grows, then the hospital would be deemed to fall under the exemption.

SB 109 - Sen. Shelly Echols

Continuous Glucose Monitors for Medicaid Recipients - Seeks to require the Department of Community Health to include continuous glucose monitors as a pharmacy benefit for Medicaid recipients. This would increase patient access to monitors because access to a pharmacy is more accessible than to an endocrinologist. Additionally, this piece of legislation has House Bill 417 attached to it.

SB 162 - Sen. Ben Watson, MD

Certificate of Need Repeal - Seeks to eliminate certificate of need requirements for all health care facilities except certain long-term care facilities and services. The new amended bill is more condensed and incorporates SB 99 language as well. It allows single-specialty ASCs to convert to multi-specialty ASCs. Additionally, the Directed Payment Plan is included in the legislation. Currently, under the Directed Payment Plan there are 21 different hospitals made whole, including two major teaching hospitals, as long as parameters are met. Further, all 61 rural hospitals are made whole with the Directed Payment Program.

SB 198 - Sen. Sally Harrell

IDD Commission - Seeks to create the Georgians with Intellectual and Developmental Disabilities Innovation Commission.

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 don't have personal knowledge of the facts in dispute in litigation. This doctrine exists under federal rules of procedure in a few states but is not contained expressly in Georgia judicial process.

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.

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 Held for 2024**HB 63 - Rep. Noel Williams**

Furnishing of Insurance Claims - Seeks to require insurers providing policies for groups of 20 or more to timely furnish claims experience at the request of a group policyholder and to allow such insurers that use other methods to apply to the Commissioner for approval of the use of an alternative form of claims experience reporting.

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 AIDS, it costs \$30,000 annually (without hospitalizations). Changes were made to reflect the legislation taking the cap from 138 to 100.

HB 278 - Rep. John LaHood

Athletic Trainers Supervision - Seeks to require athletic training students to be under the direct supervision of a physician or licensed athletic trainer. A hearing only was held.

HB 343 - Rep. Mark Newton

Lowering Prescription Drug Costs for Patients (Share the Savings)- 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.

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.

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.

HB 434 - Rep. Lee Hawkins

Radiologist Assistants - Seeks to provide for the licensing of radiologist assistants.

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.

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.

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 Senate Rules Committee.

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.

HB 520 - Rep. Todd Jones

Mental Health Update - Seeks to implement recommendations from the 2022 Behavioral Health Reform and Innovation Commission. This legislation was part 2 to the legislation that passed in 2022 (HB 1013).

HB 521 - Rep. Scott Hilton

Whole Genome Sequencing - Seeks to provide for Medicaid coverage of rapid whole genome sequencing.

HB 546 - Rep. Rick Jasperse

Pharmacy Practice Act - Seeks to revise the definition of "pharmacy care" and allows pharmacists to perform prescription adaptation.

HB 557 - Rep. Ron Stephens

APRN Schedule II Prescribing - Seeks 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.

HB 558 - Rep. Todd Jones

Charity Care Floor and Trade Pilot Program - Seeks to provide for the establishment of a pilot program to conduct a simulated exchange for hospitals to purchase and sell charity care credits to meet their charity care requirements.

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 require visitors to wear personal protective equipment.

Certificate of Need Updates

Certificate of Need legislation was largely stalled this year in both the Senate and House. While the Senate and Senate leadership heard and passed SB 99 by Sen. Greg Dolezal (listed above) early in the session, the House had multiple hearings with no formal action taken. Additionally, SB 162, by Sen. Ben Watson, MD (listed above) was also introduced in the Senate. SB 99 is a very light approach to CON focusing on rural areas and acute care hospitals while SB 162 is a more aggressive approach essentially seeking to repeal Certificate of Need while leaving in place indigent care commitments.

The House had very little appetite for any CON modernization, reform, or even entertaining discussion. HB 603, by Rep. Sharon Cooper (listed above) is likely the most measured approach to current CON laws. Due to the party politics and significant change in House leadership, this legislation was introduced late in the session, missing the Crossover deadline to be pushed for the 2023 session.

Current posture for CON leaves all three bills in play moving into the 2024 session. Below you will see two study committees, both of which passed their respective chambers as resolutions to move forward in studying CON over the interim. These study committees will look to make recommendations moving into 2024.

SR 279 - Sen. Greg Dolezal

Senate Study Committee on Certificate of Need (CON) Reform - Seeks to address CON reform policies that will preserve the ability of hospitals to continue to provide open access to all patients in a community.

(A) Seven members of the Senate, which shall include the Chairperson of the Senate Regulated Industries Committee and the Chairperson of the Senate Health and Human Services Committee, and

(B) Five non-legislative members, including:

- (i) A citizen representative who serves in an executive role in a nonprofit health system;
- (ii) A citizen representative who serves in an executive role in a for profit health system;
- (iii) A citizen representative who serves in an executive role in a rural hospital;
- (iv) A citizen representative who practices medicine as an independent physician; and
- (v) A citizen representative who has expertise in healthcare costs and works in the insurance industry.

The President of the Senate shall designate a legislative member of the committee as chairperson of the committee.

HR 603 - Rep. Sharon Cooper

House Study Committee on Certificate of Need (CON) Modernization - Seeks to address CON reform policies that will preserve the ability of hospitals to continue to provide open access to all patients in a community. The committee shall be composed of:

- (A) Seven members of the House of Representatives to be appointed by the Speaker of the House of Representatives.
- (B) The Speaker shall also appoint four additional non legislative members with expertise or qualifications as determined by the Speaker. The Speaker shall designate a legislative member of the committee as chairperson of the committee.

Georgia Board of Workers Compensation Update

Last year, the multiple procedures wording for J1 codes was updated. Questions posed on why the J1 Status Indicator language did not address the 2nd highest procedure being paid at 50%. While the 2nd highest procedure is addressed in the Multiple Procedures paragraph of the Outpatient Services section of the Fee Schedule, actual J1 procedure codes refer you back to the Status Indicator. The language may be found below.

Georgia-Specific Guidelines: When multiple J1 codes are performed at the same session, the highest paying J1 code is reimbursed at 100 percent of the fee schedule amount and the next highest paying J1 code is reimbursed at 50 percent of the fee schedule amount. Additional J1 codes are not separately reimbursable and are packaged with the primary and secondary J1 codes. See "Multiple Procedures" in Section XV. Outpatient Services – Hospital/ASC. See Section IV: General Reimbursement Requirements, Implants/Allografts/Instrumentation, of The Georgia Workers' Compensation Medical Fee Schedule, for more information on certain high-cost, device-intensive related outpatient procedures designated as status indicator J1.

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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