

# 2018

## Legislative Summary

Includes bills of interest that carried over from the 2017 session as well as new bills introduced in 2018.

✓ PASSED ✗ FAILED

To get a feel for the events of this session overall, we suggest Andy Miller's article "Legislative Twists" which was published on March 20 in **Georgia Health News**, and which you can read [here](#).



## House Bills

### ✗ [HB 161](#) Harm Reduction

Rep. Betty Price, MD

Allows for needle exchange programs and the sale of clean needles and syringes.

### ✗ [HB 293](#) Evidence, Child's Testimony/Sexual Contact & Physical Abuse

Rep. Deborah Silcox

To provide an effective date for the procedure relating to the testimony of a child's description of sexual contact or physical abuse.

### ✗ [HB 301](#) Physician Preceptorship, Tax Credit

Rep. Jodi Lott

Deletes an income tax deduction for certain physicians serving as community based faculty physicians and creates an income tax credit for taxpayers licensed as physicians, APRNs, or PAs who provide uncompensated preceptorship training to medical, APRN, or PA students.

### ✗ [HB 519](#) Step Therapy

Rep. Sharon Cooper

Requires health benefit plans to utilize certain clinical review criteria to establish step therapy protocols and provides for a step therapy override determination process.

### ✗ [HB 314](#) Surprise Billing

Rep. Jason Shaw and Sen. Chuck Hufstetler

Comprehensively addresses the issue of out-of-network billing and billing transparency. Endorsed by the Medical Association of Georgia.

### ✗ [HB 646](#) Bariatric Pilot Program for State Health Benefit Plan

Rep. Katie Dempsey

Continues the SHBP Plan Pilot for Bariatric Surgery

### ✗ [HB 647](#) Obesity Treatment Pilot

Rep. Katie Dempsey

Provide for a pilot program to provide coverage for the treatment and management of obesity and related conditions.

### ✗ [HB 660](#) Criminal Procedures/Hate Crimes

Rep. Meagan Hanson

Provides sentencing for those who commit certain crimes which target a victim because of their race, color, religion, national origin, sexual orientation, gender, mental or physical disability; also provides law enforcement training.

### ✓ [HB 673](#) Texting & Driving/Distracted Driving

Rep. John Carson

Prohibits actions which distract a driver while operating a motor vehicle.

### ✗ [HB 675](#) Tax Credit - Medicaid Eligible Employee Placed on Employers Plan

Rep. Clay Cox

Would provide employers with an income tax credit for up to three years for each Medicaid eligible employee who participates in an employer's health benefit plan.

### ✗ [HB 678](#) Surprise Billing/Transparency

Rep. Richard Smith

Requires disclosure and transparency for out of network patients.

### ✓ [HB 683](#) FY2018 Budget ("Little" Budget)

Rep. David Ralston

### ✓ [HB 684](#) General Appropriations FY2019 Budget ("Big" Budget)

Rep. David Ralston

### ✓ [HB 697](#) Tax Exemption - Health Clinics - Sunset Removal

Rep. Darlene Taylor

Extends an exemption from state sales and use taxes for five additional years regarding the sale or use of tangible personal property for certain nonprofit health centers.

### ✓ [HB 701](#) Opioid Testing for State Employment

Rep. Kevin Tanner

Drug testing for state employment, so as to allow for testing for all forms of opioids.

### ✗ [HB 716](#) Pre-Arrest Diversion for Drug & Mental Health Treatment Act

Rep. Paulette Rakestraw

Would allow offenders of non-violent drug crimes to voluntarily opt to enter treatment in lieu of being arrested.

Everything that passed now enters a **forty day bill review period** during which they will either be signed or vetoed by Governor Deal.

✓ [HB 764/HB 65](#) **PTSD/THC Oil**

Rep. David Clark

Allows for small quantities of low THC oil to be distributed and dispensed to those with PTSD. **ADDED TO HB 65.**

✓ [HB 769](#) **House Rural Development Council**

Rep. Rick Jasperse

This bill reflects the House Rural Development Council recommendations on health care. **DETAILS ON PAGE 5.**

✗ [HB 776](#) **Cameras/Nursing Homes**

Rep. Demetrius Douglas

Would authorize electronic monitoring in long-term care facilities.

✓ [HB 782/407](#) **PDMP (Prescription Drug Monitoring Program) Clean Up Bill**

Rep. Trey Rhodes

In conjunction with the Department of Public Health, will allow for interstate communication with other PDMPs, allow for EHR communication, and allows physician delegates to register directly with the Department of Public Health. **ADDED TO HB 407.**

✓ [HB 795](#) **STATE WORKERS COMP BOARD**

Rep. Katie Dempsey

Board now subject to Administrative Procedures Act (was previously the only state agency outside of corrections not subject to the APA).

✗ [HB 799](#) **Out of Network Hospitals - Post Stabilization Care**

Rep. Sharon Cooper

**WITHDRAWN. HOUSE STUDY COMMITTEE PENDING.**

✓ [HB 818](#) **Insurance Reimbursement Method - Credit Card Payments from Carriers**

Rep. Lee Hawkins

Provides that a health care provider shall choose the method by which such provider shall be reimbursed by an insurer for health care services performed.

✓ [HB 830](#) **Annual Drug Update Bill**

Rep. Buddy Harden

✓ [HB 831](#) **Georgia's Employment First Act**

Rep. Bill Werkhesier

Establishes the Employment First Georgia Council for all working age citizens with disabilities.

✗ [HB 847](#) **Psychology Interjurisdictional (i.e. Interstate) Compact**

Rep. Joyce Chandler

✓ [HB 853](#) **Psychiatric Residential Treatment - Quality Basic Education**

Rep. Katie Dempsey

Provides that children placed in psychiatric residential treatment facilities pursuant to a physician's order may not be charged tuition.

✗ [HB 872](#) **Selection Standards for Provider Participation**

Rep. David Knight

Would require insurers to develop selection standards for provider participation.

✗ [HB 873](#) **Prior Authorization Reform**

Rep. David Knight

Would promote consistency and clarity in the disclosure of prescription drug formularies.

✗ [HB 895](#) **Prohibition & Minor Age Verification Cough Medicines**

Rep. Sharon Cooper

Would prohibit the sale of dextromethorphan to minors.

✗ [HB 915](#) **Massage Therapists Licensure**

Rep. Lee Hawkins

Allows for state licensure as a massage/bodywork therapist.

✗ [HB 943](#) **Opioid Alternative Treatment Act**

Rep. Karen Mathiak

Mandates carriers to cover other treatment options.

✓ [HB 977/461](#) **Microblading (Eyebrow tattooing)**

Rep. Karen Mathiak

Allows for temporary tattoos above the eye socket.

**ADDED TO HB 461.**

✗ [HB 992](#) **Automated External Defibrillators**

Rep. Jodi Lott

Mandates that after use of any automated external defibrillator emergency medical services are to be contacted.

✗ [HB 999](#) **Weapons Carry License**

Rep. Christin Coomer

Would bring Georgia in line with federal gun background check requirements.

## Senate Bills

✗ [SB 31](#) **State Health Benefit Plan**

Sen. Josh McKoon

Requires at least two members of the Board of Community Health to be members of SHBP and creates a Customer Advisory Council that will advise on ways to improve the SHBP.

✓ [SB 118](#) **Autism Coverage**

Sen. Renee Unterman

Would raise the mandatory age cap for autism insurance coverage from 6 to 21.

✗ [SB 164](#) **PT Insurance/Co-Payment**

Sen. Fran Millar

Prohibits insurers from imposing a copayment, coinsurance, or office visit deductible amount greater than such charges imposed on a physician or an osteopath to an insured for services rendered by a physical therapist, an occupational therapist, or chiropractor.

✗ [SB 318](#) **EMT/1013**

Sen. Doc Rhett

A pilot program allowing EMTs to order a provisional 1013 in two urban counties.

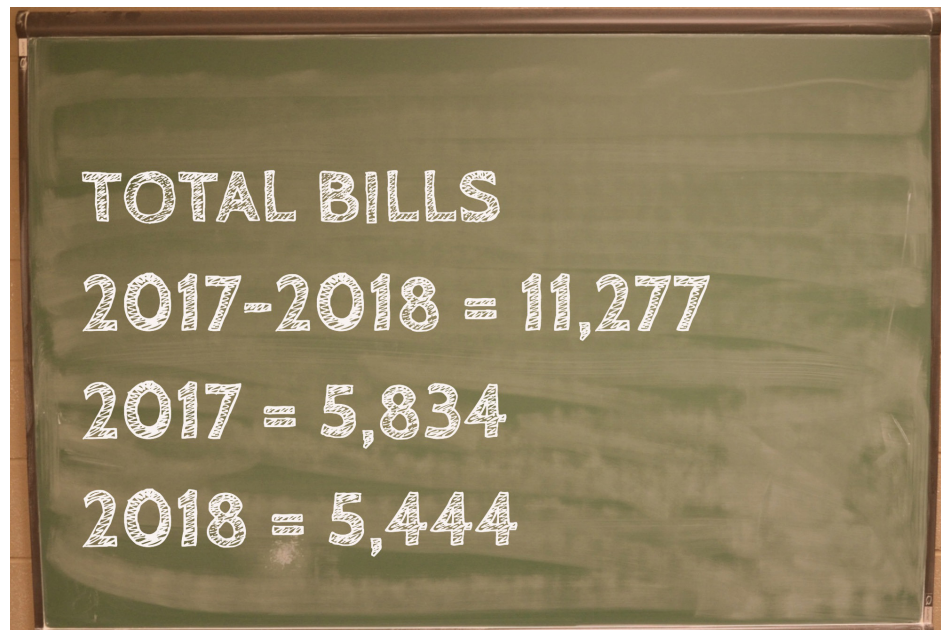
✓ [SB 321](#) **False Medicaid Claims**

Sen. Blake Tillery

Increases civil penalties for false or fraudulent Medicaid claims.

✗ [SB 325](#) **Interstate Medical Compact**

Sen. Kay Kirkpatrick, MD



✗ [SB 334](#) **Nursing Board Transfer to DCH as an Attached Agency**

Sen. Renee Unterman

Moves the nursing board from under the Secretary of State's Office to DCH, much like the Composite Medical Board.

✗ [SB 351](#) **APRN Full Prescriptive Authority**

Sen. Renee Unterman

Amended to allow for expanded supervision only - no prescribing authority.

✗ [SB 352](#) **Commission on Substance Abuse and Recovery**

Sen. Renee Unterman

Creates a way for communities and recovery treatment providers to work together to expand access to treatment, sets up a K-12 education strategy designed to educate students about and prevent abuse of substances (both street drugs and household medications); it will also include insurance reforms to protect patients who are undergoing treatment for drug addiction.

✓ [SB 357](#) **Health Coordination & Innovation Council of the State**

Sen Dean Burke

This council is a recommendation of Lt. Gov. Cagle's health care task force, and would coordinate health planning and services of all relative state agencies.

✗ [SB 359](#) **Consumer Coverage Protection for Out of Network Medical Care Act**

Sen. Chuck Hufstetler

Addresses surprise/out of network billing and reflects the collective efforts of the Medical Association of Georgia and a board coalition of physician specialties.

✓ [SB 364](#) **Anesthesiologist PA**

Sen. Chuck Hufstetler

Authorizes a higher supervisory ratio for physician assistants who have completed a board approved anesthesiologist assistant program.

✓ [SB 382](#) **Optometric Injection Training Course**

Sen. P.K. Martin

Provides for guidance and oversight by the Department of Public Health of optometric training courses.

✓ [SB 406](#) **Long-Term Care Background Check**

By Sen. Brian Strickland

Requires background checks for all personnel.

✓ [SB 407](#) **Criminal Justice System**

Sen. Brian Strickland

This bill reflects the Governor's suggested justice reform legislation.

✗ [SB 415](#) **Back Up Power/Health Care Facilities**

Sen. Lindsey Tippins

✓ [SB 422](#) **Pharmacists Testing**

By Sen. Renee Unterman

Would allow pharmacists to perform and interpret the results for certain types of tests.

✗ [SB 424](#) **Center for Rural Health Innovation**

Sen. David Lucas

✗ [SB 434](#) **Name Change - Georgia Physician Workforce**

By Sen. Renee Unterman

Change name to Georgia Board of Health Care Workforce.

✗ [SB 471](#) **E-Prescribing - Schedule II**

Sen. Chuck Hufstetler

Would mandate electronic prescribing for all prescriptions.

## Senate Resolutions

[SR 620](#) Physician's Day

[SR 683](#) Resurgens Orthopaedics Advocacy Day

[SR 684](#) Self Care Month

[SR 694](#) GSO Advocacy Day

[SR 717](#) Medical Association of Georgia

Recognize Medical Reserve Corps

[SR 753](#) Shingles Awareness Month

[SR 839](#) Community Service Boards Recognition Day

[SR 865](#) State of Georgia Council on Respiratory Health Promotion

[SR 935](#) Senate School Safety Study Committee

## House Resolutions

[HR 905](#) Physician's Day

[HR 913](#) Law Enforcement/Treatment and Social Services for Persons/Drug Abuse

[HR 915](#) Telehealth

[HR 995](#) GACSB Day

[HR 1013](#) GSO Day

[HR 1058](#) Resurgens Orthopaedics Day

[HR 1073](#) Self Care Month

[HR 1166](#) Respiratory Health Promotion

[HR 1194](#) House Study Committee on

Retrospective Emergency Room Policies

[HR 1257](#) House Study Committee on the

Workforce Shortage and Crisis in Home and Community Based Settings

[HR 1292](#) Georgia Alzheimer's and Related

Dementia Advisory Council; study provid-

ing access to quality long-term care for

individuals with Alzheimer's

[HR 1363](#) Amend Controlled Substances Act of 1970

[H§ 1414](#) House Study Committee on School Security

# KEY FY2019 BUDGET ITEMS

## Department of Behavioral Health and Developmental Disabilities

### Adult Addictive Diseases Services

\$4,000,000 to provide substance abuse recovery programs for evidence-based service delivery through community service boards and local partners.

\$250,000 to establish and launch a Neonatal Intensive Care Unit Peer Recovery Coaching Program.

### Adult Developmental Disabilities Services

\$3,138,073 for 125 additional slots for the New Options Waiver (NOW) and the Comprehensive Supports Waiver Program (COMP) for the intellectually and developmentally disabled.

\$6,054,113 to annualize the cost of 250 New Options Waiver (NOW) and Comprehensive Supports Waiver Program (COMP) slots for the intellectually and developmentally disabled to meet the requirements of the Department of Justice (DOJ) Settlement Agreement.

\$220,000 for the Albany Advocacy Resource Center.

### Adult Forensic Services

\$2,212,611 for the operation of the 40 bed forensic unit at Georgia Regional Hospital in Atlanta.

\$433,080 for one community integration home.

### Adult Mental Health Services

\$6,000,000 Increase funds and prioritize funding for Behavioral Health Crisis Centers in areas with the greatest need.

\$5,721,600 for mental health consumers in community settings to comply with the Department of Justice (DOJ) Settlement Agreement.

\$700,000 for St. Joseph's Mercy Care Indigent Services.

### Child and Adolescent Addictive Diseases Services

\$790,801 to prevent opioid abuse as recommended by the Commission on Children's Mental Health.

### Child and Adolescent Developmental Disabilities

\$5,922,917 for crisis services for children under 21 who are diagnosed as autistic.

Utilize \$266,119 in existing funds for telehealth services and three positions for behavioral health services for children under 21 who are diagnosed as autistic.

\$250,000 for the Matthew Reardon Center for Autism.

### Child and Adolescent Mental Health Services

\$84,000 one-time funds for crisis respite services as recommended by the Commission on Children's Mental Health.

\$10,316,198 for crisis services as recommended by the Commission on Children's Mental Health.

\$4,290,000 for the Georgia Apex Program (GAP) for an additional 13 grants as recommended by the Commission on Children's Mental Health.

\$150,000 one-time funds for telemedicine services as recommended by the Commission on Children's Mental Health.

\$232,500 for telemedicine services as recommended by the Commission on Children's Mental Health.

\$610,545 for high fidelity wraparound services training as recommended by the Commission on Children's Mental Health.

\$1,530,000 to plan and implement supported employment and education assistance for an additional 500 young adults at the rate of \$6,120 per year effective January 1, 2019.

\$1,416,611 for the development and statewide availability of a mental health crisis services and suicide prevention mobile application in coordination with the Georgia Crisis and Access hotline.

### Georgia Council on Developmental Disabilities

\$14,000 for an agricultural careers summer camp for youth with disabilities.

Transfer \$500,000 from the Georgia Vocational Rehabilitation Agency: Vocational Rehabilitation Program to the Georgia Council on Developmental Disabilities to provide ongoing support and scholarships for the Inclusive Post-Secondary Education (IPSE) program.

## Department of Community Health

### Departmental Administration

\$19,022,800 for the development, design, and implementation of an Enterprise Data Solution and plan for future portals to support rural data analytics partners.

\$1,561,462 to develop capacity for behavioral health services for children under 21 who are diagnosed as autistic.

Utilize \$50,700 in existing funds for one program coordinator position for children under 21 who are diagnosed as autistic.

The Department of Community Health shall include language in all managed care contracts and State Health Benefit Plan contracts requiring the plan sponsor to annually report all external pharmacy claims. The plan sponsor shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. The department shall provide a report using aggregated data to the chairs of the House Appropriations and Senate Appropriations Committees on the implementation of this initiative and its impact on program

expenditures by December 31 of each year. Nothing in the report shall contain confidential proprietary information.

Utilize existing \$500,000 for the analysis of the Medicaid delivery system for the purposes of identifying efficiencies and service delivery improvement opportunities.

### Health Care Access and Improvement

\$750,000 for Federally Qualified Health Center start-up grants for a primary care center in Bryan County and behavioral health services in Early and Emanuel Counties.

\$85,000 to hire a full-time position to coordinate donated dental services.

Annualize \$75,000 to oversee the competitive bid process for the Rural Health Systems Innovation Center.

\$300,000 for the start-up of the Rural Health Systems Innovation Center. The Rural Health Systems Innovation Center site will be chosen through an RFP process with criteria that may include but not be limited to a school of medicine, a history of understanding rural assets and resources, a network of community-based preceptors statewide, and a demonstration of commitment to a long-term relationship with rural communities.

\$1,500,000 for the start-up of the Health Coordination and Innovation Council.

\$600,000 to provide the grants to rural hospitals for Electronic Intensive Care Units (EICU) to improve patient outcomes and reduce the need for long distance travel away from local communities to obtain this level of care.

\$100,000 to the Georgia Council on Lupus Education and Awareness (GCLEA) for lupus research and other lupus-related projects.

Reduce \$150,000 in the Patient Centered Medical Home grant program.

AIDS Drug Assistance Program (ADAP) - no change in funding

### Healthcare Facility Regulation

\$244,317 to support the annual onsite inspection of narcotic treatment programs pursuant to the passage of HB 249 and SB 88 (2017 Session).

### Medicaid- Aged Blind and Disabled

\$10,504,080 for a \$12.62 increase in alternative living service provider rates

\$1,242,755 for a five percent increase in reimbursement rates for Adult Day Health Centers.

\$177,867 for a 1 percent increase in reimbursement rates for select dental codes.

### Medicaid- Low-Income Medicaid

\$2,119,070 to increase the reimbursement rate for autism



# BUDGET ITEMS CONTINUED

codes including feeding, language and learning, and severe behavior.

\$1,382,360 for a one percent increase in reimbursement rates for select dental codes.

\$2,200,000 to reflect enrollment growth to match Medicaid age requirement for the treatment of autism spectrum disorders (ASDs).

## Georgia Board for Physician Workforce: Graduate Medical Education

\$1,732,569 for 99 new residency slots in primary care medicine

\$300,000 to St. Joseph's/Candler Hospital for two rural surgical fellowships and establish eligibility requirements for participation.)

\$750,000 for new fellowship positions at Augusta University in Vision: Retinal and Glaucoma, Cancer: Gynecological Oncology, Neurology: Alzheimer's Disease and Stroke/Vascular, and Aging.

\$120,000 for Gateway Behavioral Health for the second year of start-up for the new psychiatry residency program.

Transfer \$180,000 from the Georgia Board for Physician Workforce: Physicians for Rural Areas program for the Memorial Accelerated Track Program.

\$40,000 for a statewide residency recruitment fair as

recommended by the House Rural Development Council.

\$306,600 for 20 slots in OB/GYN residency programs, with four slots each at Emory University School of Medicine, Medical College of Georgia, Memorial University Medical Center, Morehouse School of Medicine, and Navicent Health Care Macon.

\$188,500 for 13 existing slots in psychiatry residency programs, including three slots at Emory University School of Medicine, three slots at Medical College of Georgia, five slots at Morehouse School of Medicine, and two slots at Navicent Health Care Macon.

\$64,270 to increase capitation rates to \$14,500 for 10 existing Community and Preventive Medicine residency positions at Emory University School of Medicine and Morehouse School of Medicine.

\$236,464 for medical residency capitation to help offset a reduction in the Federal Medical Assistance Percentage.

## Georgia Board for Physician Workforce: Physicians for Rural Areas

Transfer \$180,000 to the Georgia Board for Physician Workforce: Graduate Medical Education program for the Memorial Accelerated Track Program.

\$130,000s Increase funds for malpractice insurance premium assistance for physicians with a practice in underserved counties that currently have one or fewer physicians.

## Department of Public Health

### Epidemiology

\$626,545 for the prescription drug monitoring program pursuant to the passage of HB 249 (2017 Session).

### Infant and Child Essential Health Treatment Services

\$100,000 to develop capacity for children under 21 who are diagnosed as autistic.

Utilize \$50,700 in existing funds for one program support coordinator position for children under 21 who are diagnosed as autistic. (Total Funds: \$101,400)

Transfer \$399,005 from the Office of Children and Families program for the Emory autism contract.

\$1,103,716 to increase the occupational, speech, and physical therapy rates in the Babies Can't Wait program.

## Certificate of Need (CON)

NONE OF THE CON BILLS THAT WERE INTRODUCED DURING THE 2017-2018 SESSION PASSED. HOWEVER, EACH ONE OF THESE BILLS INCLUDED A 5% INDIGENT CARE TAX:

### ✘HB 299 CON Repeal

Rep. Wendell Willard

### ✘HB 464 CON Cancer Treatment Centers of America

Rep. Sharon Cooper

### ✘HB 974 Andrews Sports Medicine ASC Exemption

Rep. Chuck Martin

### ✘SB 123 CON Cancer Treatment Centers of America

Sen. Hunter Hill

### ✘SB 157 CON Multi-Specialty ASCs

Sen. Ben Watson, MD

### ✘SB 158 CON Free-Standing ERs

Sen. Ben Watson, MD

### ✘SB 400 CON Repeal

Sen. Michael Williams

### ✘SB 459 Cancer Treatment Centers of America CON Exemption

Sen. Matt Brass

### ✘SB 462 Integrated Surgery Center ASC Exemption

Sen. John Albers

## House Rural Development Council

Passed in the 2018 Session, HB769 contains recommendations from the House Rural Development Council. The bill does not include any of the provisions requested by Cancer Treatment Centers of America to further weaken the Certificate of Need (CON) program, nor does it eliminate CON in urban areas.

The bill does create a new CON exemption for micro hospitals with 2 - 7 beds located in counties with a population of 50,000 or less, but only when an existing hospital purchases a closing hospital in a contiguous county in order to repurpose the facility as a micro hospital. HB 769 also contains multiple provisions aimed at addressing the ongoing shortage of health care providers in rural Georgia. It eases restrictions on the use of remote order entry by hospital pharmacies when a pharmacist is not available to be physically present in the facility; directs the state Medicaid agency to streamline the provider credentialing and billing processes and to update its payment policies for telehealth services; and creates a new grant program for physicians who practice in underserved rural areas of the state. It also includes language that increases the rural hospital tax credit to 100% and makes S-Corps eligible donors.

# 2018 ELECTIONS

## Lawmakers Either Not Seeking Re-Election in 2018 or Who Resigned in 2017

### HOUSE

Paul Battles (15)-----Retiring

Howard Maxwell (17)-----Retiring

Earl Ehrhart (36)-----Retiring

Rich Golick (40)-----Retiring

Brad Raffensperger (50)---Running for Secretary of State

Wendell Willard (51)-----Retiring

Tom Taylor (79)-----Retiring

Brooks Coleman (97)-----Retiring

Buzz Brockway (102)-----Running for Secretary of State

Joyce Chandler (105)-----Retiring

David Casas (107)-----Retiring

John Pezold (133)-----Retiring

Bill McGowan (138)-----Retiring

Allen Peake (141)-----Retiring

Bubber Epps (144)-----Retiring

Buddy Harden (148)-----Retiring

Chad Nimmer (178)-----Retiring

Bruce Broadrick [4]---Resigned for health reasons

Geoff Duncan (26)---Resigned to run for Lieutenant Governor

Stacey Evans (42)-----Resigned to run for Governor

Lynne Riley (50)-----Resigned to become State Commissioner of Revenue

Keisha Waites (60)---Resigned to run for Chairman of Fulton County Commission

Stacey Abrams (89)----Resigned to run for Governor

Brian Strickland (111)---Resigned to run for State Senate

Regina Quick (117)-----Resigned to become a Judge in Athens

Chuck Williams (119)---Resigned to take charge of Georgia Forestry Commission

Amy Carter (175)---Resigned to take job with Technical Schools Commission

### SENATE

Michael Williams (27)-----Running for Governor

Josh McKoon (29)-----Running for Secretary of State

David Shafer (48)-----Running for Lieutenant Governor

Hunter Hill (6)-----Resigned to run for Governor

Rick Jeffares (17)-----Resigned to run for Lieutenant Governor

Judson Hill (32)-----Resigned to run for Congress (6th CD)

Vincent Fort (39)-----Resigned to run for Mayor of Atlanta

Charlie Bethel (54)-----Resigned to take position on State Court of Appeals

Primary Election  
**May 22, 2018**

General Election:  
**November 6, 2018**

Primary Runoff:  
**July 24, 2018**

General Election Runoff:  
**December 4, 2018**

**Stay tuned for election alerts about our legislative friends of medicine who will be facing opposition in their re-election campaigns.**