



2024

capitol watch

Crossover Edition

The Georgia General Assembly kicked off Crossover Week on Monday, intensifying the mad dash for legislators and lobbyists working to ensure their bills pass their original chamber and live to see Legislative Day 29. A week full of late night committee meetings gave way to an unusual early evening for the Senate while the House wrapped up shortly before the midnight hour.

On Thursday, Governor Brian P. Kemp, joined by First Lady Marty Kemp, Lieutenant Governor Burt Jones, Speaker Jon Burns, Appropriations Chairmen Matt Hatchett and Blake Tillery, other members of the General Assembly, and Office of Planning and Budget Director Rick Dunn signed the Amended Fiscal Year (AFY) 2024 budget in a ceremony at the State Capitol.

The AFY24 budget includes critical investments for the wellbeing of the state, including:

- \$70 million in additional funding for the Department of Behavioral Health and Developmental Disabilities, a million dollars to expand the Veterans Mental Health Services Program.
- \$1.5 billion for Georgia Department of Transportation Projects
- \$50 million to expand the rural workforce housing program
- \$100 million for rural economic development projects through the OneGeorgia Authority
- \$250 million within the Georgia Environmental Finance Authority for local water and sewer projects
- \$591 million for facility and security improvements within the Department of Corrections
- \$5.9 million to upgrade the Georgia Public Safety Training Center
- \$102.5 million for K-12 classrooms

For more on the AFY 2024 budget, click [here](#).

The 2024 Legislative Session will reconvene at 10:00am Monday, March 4th, 2024

As a reminder, the comprehensive list of legislation listed below under Senate and House Floor action made it out of their chamber of origin to continue on through the remainder of the legislative session.

Senate Floor Action

SB 180 - Sen. Ed Setzler

Georgia Religious Freedom Act - Seeks to provide for the preservation of religious freedom. This legislation passed the Senate floor, 33-19.

SB 198 - Sen. Sally Harrell

Georgians with Intellectual and Developmental Disabilities Innovation Commission - Seeks to create a commission to help address the gaps in services for individuals who have intellectual and developmental disabilities. This legislation passed the Senate floor, 50-2.

SB 293 - Sen. Ben Watson

Public Health District Directors - Seeks to establish in code that district health directors, appointed by the DPH Commissioner, serve as the chief executive officer of county boards of health. This bill removes the requirement that district health directors be a non-physician, as long as the Chief Medical Officer is one.. This bill further clarifies the right of the Commissioner to appoint an interim director to fill temporary vacancies without county board of health approval. This legislation passed the Senate floor, 37-15.

SB 307 - Sen. Kay Kirkpatrick, MD

Gold Card Bill - Seeks to require insurers operating in the state to create and register a prior authorization program with the Department of Insurance. The legislation will streamline the approval process for providers that meet certain thresholds as it relates to prior authorization. The legislation passed the Senate floor, 50-1.

SB 395 - Sen. Clint Dixon

Opioid Antagonists in Schools - Seeks to to authorize the possession of opioid antagonists in schools. This legislation passed the Senate floor, 54-0.

SB 426 - Sen. Blake Tillery

Motor Vehicle Insurance Tort - Seeks to revise requirements for joining of a motor carrier and motor carrier's insurer to a cause of action; to provide for subrogation for unpaid final judgments relative to causes of action involving motor carriers. This legislation passed the Senate floor, 46-2. It has been assigned to the House Judiciary committee where it awaits further consideration.

SB 427 - Sen. Blake Tillery

Pharmaceutical and Legal Disclosures - Seeks to provide for disclosure requirements for advertisements for legal services and for drugs. An amendment was made and accepted to remove lines 39-42 to clarify the drug portion that follows federal guidelines. This legislation passed the Senate floor, 43-8. It has been assigned to the House Small Business Development Committee where it awaits further consideration.

SB 455 - Sen. Brian Strickland

Medical Assistance Provisions - Seeks to bar liable third-party payers from refusing payment solely because a health care item or service did not receive prior authorization and to require a third-party payer to respond to a state inquiry regarding a health care claim within 90 days. This legislation passed the Senate floor, 45-2.

SB 456 - Sen. Brian Strickland

Central Caregiver Registry - Seeks to add to add disabled persons to the registry. This legislation passed the Senate floor, 49-0.

SB 460 - Sen. Clint Dixon

APRN/PA Supervision & CRNA Independent Practice - Seeks to revise provisions relating to the number of advanced practice registered nurses and physician assistants that a physician can authorize and supervise at any one time from 4 to 8. Additionally, a floor amendment was made by Senator Brass to amend Title 43 to expand a nurse anesthetist's scope of practice. The measure seeks to allow certified nurse anesthetists to administer anesthesia in rural county hospitals that qualify for the Rural Hospital Tax Credit.

SB 473 - Sen. John Albers

Georgia Consumer Privacy Protection Act - Seeks to enact the "Georgia Consumer Privacy Protection Act"; to protect the privacy of consumer personal data in this state. This legislation passed the Senate floor, 37-15. It has been assigned to the House Infrastructure and Technology committee where it awaits further consideration.

SB 480 - Sen. Mike Hodges

Mental Health Workforce - Seeks to provide for student loan repayment for mental health and substance use professionals serving in certain capacities. The Board for Physician Workforce will create the rules and regulations. The measure is contingent on appropriations. This legislation passed the Senate floor, 44-1.

SB 495 - Sen. Sam Watson

Low THC Update - to provide for the term of validity of a registration card and to provide for delivery of registration cards. This legislation passed the Senate floor, 51-3.

SB 505 - Sen. Blake Tillery

Hospital Transparency - Seeks to revise provisions relating to required publication by hospital of certain financial documents on its website. The measure requires the Department to create templates and criteria for reporting by December 31, 2024 and requires hospitals to use these templates by July 1, 2025. Noncompliance would suspend the hospitals' ability to receive state funds with a 30-day letter from the department. The measure adds to the Department a Uniform Resource Locator, which the hospital must send the link for where these documents are posted. This legislation passed the Senate floor, 54-0.

SR 542 - Sen. Gloria Butler

Colorectal Cancer Screenings Minimum Age - Seeks to encourage the changing of the minimum age of colorectal cancer screenings. This legislation passed the Senate floor, 52-0.

SR 579 - Sen. Bill Cowsert

Sports Betting - Seeks to provide by general law for sports betting in this state. Additionally 80% of the betting would go toward education with an emphasis on Georgia's pre-kindergarten program, 15% would fund an education program on the dangers of gambling, and the final 5% would be used to promote major sporting events in Georgia.

House Floor Action

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. This legislation was tabled in committee for further review. This legislation passed the House floor, 167-0.

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. The new version addresses a definition for diagnostician (eliminating APRN and Physician's Assistant); a decreased benefit (lowering the amount from \$10,000 to \$3,000 lifetime benefit after diagnosis); and a requirement that the Department of Insurance to provide an annual report on the benefit activity so that changes may be made in the future. This legislation passed the House floor 168-0.

HB 502 - Rep. Deborah Silcox

Georgia Cosmetic Laser Services Act - Seeks to update the definition of "cosmetic laser services" and addresses supervision requirements, eliminating the requirement for a senior cosmetic laser services practitioner to be "on-site". This legislation passed the House floor, 153-1. It passed the Senate Health and Human Services committee where it awaits in Senate Rules.

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. This legislation passed the House floor, 170-0.

HB 872 - Rep. Lee Hawkins

Dental Student Service Cancellable Loans - Seeks to expand the service cancelable loan program for physicians and other health care providers in underserved areas to include dental students. This legislation passed the House, 163-2.

HB 874 - Rep. Lee Hawkins

School Automatic Defibrillators - Seeks to require automated external defibrillators in all schools, provide for the establishment of emergency action plans to address a person in cardiac arrest, provide for internal response teams, and provide for practice drills. This legislation passed the House floor, 151-1. It was assigned to the Senate Education and Youth committee where it awaits further consideration.

HB 883 - Rep. Devan Seabaugh

State Boards Teleconference - Seeks to authorize county boards of health and community services boards to conduct meetings via teleconference. This legislation passed

the House 162-1. It has been assigned to the Senate State and Local Government Operations Committee where it awaits a hearing.

HB 924 - Rep. Mandi Ballinger

Insurance Discrimination (Whitebagging) - 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. Specifically, the bill targets “white bagging” and “brown bagging” practices and prohibits insurers from requiring insureds to obtain provider administered drugs through specific specialty pharmacies. The bill does not prohibit these practices if optional and selected, but it does bar insurers from requiring insureds to secure pharmaceuticals in this way. This legislation passed the House floor, 166-1.

HB 945 - Rep. Lee Hawkins

SHBP Out of Network - Seeks to provide protection for covered persons under a state health plan when an in-network hospital becomes out-of-network prior to the end of the plan year. The legislation clarifies that individuals who were covered under those plans would continue to have in-network coverage rates for the duration of the plan year. This legislation passed the House floor, 167-1. It was assigned to the Senate Insurance and Labor committee where it awaits further consideration.

HB 1028 - Rep. John LaHood

Department of Public Health Cleanup - Seeks to to repeal the requirement of screening of public school children for scoliosis, to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to revise the state health officer's authorization to issue standing orders, to repeal provisions relating to the Georgia Diabetes Control Grant Program, to repeal provisions relating to a pilot program for preexposure prophylaxis drug assistance or services; to repeal provisions relating to control of mass gatherings. This legislation passed the House floor, 167-0.

HB 1037 - Rep. Lauren Daniel

Georgia Commission on Maternal and Infant Health - Seeks to create the Georgia Commission on Maternal and Infant Health. This legislation passed the House floor, 160-0. It was assigned to the Senate Health and Human Services committee where it awaits further consideration.

HB 1046 - Rep. David Clark

APRN/PA Death Certificates - Seeks to authorize advanced practice registered nurses and physician assistants to sign death certificates under delegating authority by the physicians. The new version stripped out the permissions for APRNs and PAs the ability to write home health orders; it left intact the permission for them to sign death certificates and granted them the authority to do so in Titles 31 and 43. The APRN or PA would be required to have such authority in the practice agreement or protocol from the physician. Additionally, they will be required to complete biennial continuing education regarding the recognition and documentation of the causes of death and appropriate execution of death certificates, as approved by the Composite Medical Board and check a box that the certificate is signed by a non-physician. This legislation passed the House floor, 163-2.

HB 1072 - Rep. Sharon Cooper

Drug Repository - Seeks to provide for pharmacist to pharmacy technician ratios in the program, require reverse drug distributors to make and document diligent efforts to donate drugs rather than destroy them and provide for substitution of drugs in some instances. This legislation passed the House floor, 165-1. It has been assigned to the Senate Health and Human Services committee where it awaits further consideration.

1078 - Rep. Jesse Petrea

PACE Program Establishment - Seeks to create a new adult day center licensure exclusion; to authorize the Department of Community Health to establish and implement the Georgia Program of All-Inclusive Care for the Elderly (PACE) as part of the state's medical assistance program. This legislation passed the House floor, 165-1.

HB 1083 - Rep. Bruce Williamson

Residential Mental Health Services Licensing - Seeks to extend grace periods applicable to the Department of Community Health, including creation and promulgation of rules and regulations and the issuance of a one-time provisional license. This legislation passed the House floor 161-0. It was assigned to the Senate Health and Humans Services Committee where it awaits further consideration.

HB 1104 - Rep. Omari Crawford

Mental Health Resources Student Athletes - Seeks to require schools to make mental health resources available to student-athletes. The legislation would mandate no additional screenings. This legislation passed the House floor, 159-4.

HB 1114- Rep. Will Wade

Data Analysis for Tort Reform Act - Seeks to provide for data collection from certain insurers, insurance rating organizations, and state agencies. This legislation passed the House floor, 132-32. It has been assigned to the Senate Insurance and Labor Committee where it awaits further consideration.

HB 1125 - Rep. Sharon Cooper

Phase Out Subminimum Wage Person Disabilities - Seeks to phase out the payment of subminimum wage to persons with disabilities and to repeal provisions concerning exemptions to the state minimum wage law for persons with disabilities. This legislation passed the House floor, 160-0.

HB 1170 - Rep. Lee Hawkins

Government Buildings Accessing Opioid Antagonists - Seeks to require that certain state government buildings, courthouses, and university buildings maintain and make accessible opioid antagonists. This legislation passed the House floor, 166-1. It has been assigned to the Senate Health and Human Services Committee where it awaits further consideration.

HB 1264 - Ron Stephens

Provider Wellness Program - to authorize the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists to establish a professional health program to provide for monitoring and rehabilitation of impaired healthcare professionals. This legislation passed the House floor, 171-0.

HB 1326 - Rep. Ron Stephens

Dangerous Drug Clean Up - Seeks to provide for certain provisions relating to Schedule I controlled substances, Schedule III controlled substances, and Schedule IV controlled substances. This legislation passed the House floor, 167-0.

HB 1339 - Rep. Butch Parrish

Certificate of Need - Seeks to amend Title 31 relating to the State's Certificate of Need Law. Rep. Parrish noted this bill was driven by the House CON study committee report findings. 166-1

- Partially eliminates the capital and equipment expenditure thresholds for healthcare facilities, provided that they do not create new or expanded clinical offerings that would trigger the need for a certificate of need (CON)
- Requires the Department of Community Health to update the state health plan at least every five years beginning Jan. 1, 2025
- Increases the length of time that a closed facility can be purchased and reopened as a micro-hospital (up to 7 beds) from 12 months to 24 months
- Expands the CON exemption to allow existing hospitals to increase bed capacity by the greater of 10 beds or 20% every three years if the facility has maintained at least a 60% occupancy rate for the previous 12 months
- Revises the currently allowed CON exemptions for single-specialty and joint venture ambulatory surgery centers, removing the capital expenditure cap
- Expands the CON exemption to allow healthcare facilities in urban counties to relocate within five miles of the existing facility and creates new exemptions
- New or expanded psychiatric or substance abuse inpatient programs or contracted beds that serve Medicaid and uninsured patients that:
 - are open 24/7 and 365 days per year
 - provide uncompensated indigent and charity care in an amount equal to or greater than 5% of its adjusted gross revenue.
 - participate as providers of medical assistance for Medicaid purposes
 - have hospital affiliation agreements with acute care hospitals within a reasonable distance from the programs or contracted beds or the medical staff at the programs or contracted beds for medical complications. The programs or contracted beds are required to have the capability to transfer a patient immediately to a hospital within a reasonable distance from the programs or contracted beds with adequate emergency room services. (Prohibits hospitals from unreasonably denying a transfer agreement or affiliation agreement to the programs or contracted beds); and
 - provide annual reports in the same manner and in accordance with Code Section 31-6-70.
- It also addresses the offering of new or expanded basic obstetric services by a hospital in a rural county under certain conditions.
- Addresses a new general acute care hospital in a rural county and what that requires (e.g. GME requirements, participation in Medicaid, providing emergency, inpatient, and outpatient psych/behavioral health services, etc.)
- Permits the transfer of existing beds from one hospital campus to another hospital campus within the same hospital system within a 10-mile radius of the original campus; provided that the exemption has not been used by the transferring hospital in the prior 24 months.

- Directs the Department of Community Health to review the CON statutory framework and make recommendations to the General Assembly to streamline the CON statute
- Increases fines for failure to submit annual reports to the Department.
- Increases the cap for the Rural Hospital Tax Credit increasing it from \$75 million to \$100 million and extending the sunset of the program to 2029.
- Creates the Comprehensive Health Coverage Commission to examine access and quality of healthcare for Georgia's low-income and uninsured populations.

HB 1363 - Rep. Karen Mathiak

PBM Transparency - Seeks to require that drugs dispensed to a covered person for self-administration under a state health plan be reimbursed using a transparent, index based price, plus a dispensing fee. The legislation is an attempt to bring stability, transparency, and savings and encourages the use of the National Drug Acquisition Cost to set pricing and dispensing fees. This legislation passed 167-0.

HB 1371 - Rep. James Burchett

Tort Criminal Liability - Seeks to provide for legislative findings, to clarify liability regarding third-party criminal activity regarding liability of owners and occupiers of land. This legislation passed the House floor, 168-0.

HB 1409 - Rep. Rob Leverett

Mental Health Tort Relief - Seeks to limit liability for mental health care providers under certain circumstances. Specifically, the bill limits liability for mental health care providers providing care to individuals age 21 or under to instances of gross negligence (instead of mere negligence), provides considerations for the jury in such cases, and limits liability for punitive damages. This legislation passed the House floor, 170-0.

COMMITTEE UPDATES

Senate Regulated Industries and Utilities Committee

HB 1077 - Rep. Sharon Cooper

Mental Health Workforce - Seeks to create a grant program to provide funding to eligible institutions for additional behavioral health workforce training positions and to create a behavioral health provider loan repayment program. This legislation has officially crossed over and was heard in committee. It received a hearing only where it awaits further consideration.

Senate Health and Human Service Committee

HB 1035 - Rep. Sharon Cooper

Opioid Antagonists - Seeks to expand the exemption of naloxone from the definition of a dangerous drug to include any opioid antagonist when used for drug overdose prevention. This legislation has officially crossed over, was heard in committee and received a Do Pass. It now sits in the Senate Rules committee.

Defeated Legislation

Senate

SB 336 - Sen. Kay Kirkpatrick, MD

Behavioral Health Coordinating Council Designees - Seeks to amend Titles 37, 39, and 49. This measure allows designees to be assigned to the Behavioral Health Coordinating Council. It also repeals two reports from DBHDD. The measure authorizes the Board of Professional Counselors, Social Workers, and Marriage & Family Therapists the ability to waive experience requirements for those coming from states with similar experience requirements. An amendment to include a designee for the Commissioner of Veteran Services was approved.

SB 428 - Sen. Blake Tillery

Motor Vehicle Injury Tort - Seeks to provide for a cap on damages recoverable against foster parents in personal injury actions involving the use of a motor vehicle by a child where the liability of the foster parent is based solely upon application of the family-purpose car doctrine or the negligent entrustment doctrine.

SB 431 - Sen. Blake Tillery

APEX Doctrine - Seeks to remove certain factors from consideration in discovery determinations (Bill seeks to strike 2023 update to GA law).

SB 481 - Sen. Mike Hodges

Georgia Health Care Professionals Data System - Seeks to provide for the establishment of the Georgia Health Care Professionals Data System.

SB 519 - Sen. Ben Watson

Puberty Blockers - Seeks to prohibit prescribing or administering certain hormone replacement therapies and puberty blocking medications to minors.

SB 529 - Sen. Kim Jackson

Foreign Medical Graduates - Seeks to provide for certain licensure for qualifying foreign medical graduates and to provide for a nonrenewable limited provisional license under certain conditions.

House

HB 822 - Rep. Kasey Carpenter

HIV in Sex Education - Seeks to amend Title 20 to provide that the prescribed course of study in sex education and HIV prevention instruction is age-appropriate and medically accurate. It also requires that such courses include instruction on consent.

HB 856 - Rep. Michelle Au, MD

Urgent Insulin Safety Net Program Act - Seeks to make insulin accessible to individuals who are in urgent need of a short-term affordable insulin supply, provide for a pharmacy to dispense one additional short-term affordable urgent insulin supply under certain conditions and require the Department of Community Health to develop an application form, an information sheet, and satisfaction surveys regarding such program.

HB 857 - Rep. Michelle Au, MD

Continuing Insulin Safety Net Act - Seeks to make insulin accessible, under certain conditions, to an eligible individual who needs an affordable supply of insulin for up to one year, with the option to renew annually, allow the pharmacy to collect a copayment not to exceed \$75.00 for insulin dispensed through such program, and provide for re-orders and renewals; to provide for the development of an application form, an information sheet, and satisfaction surveys.

HB 1030 - Rep. Clint Crowe

Safe Place for Newborns - Seeks to codify what a newborn safety device is and defines ambulance services. A parent can leave a newborn no more than 30 days old with staff at a licensed ambulance service, fire station, medical facility, police station, or in a newborn safety device. The measure allows for these devices to be installed at medical facilities, police stations, fire stations, and ambulance service locations.

HB 1050 - Rep. Karen Mathiak

Licensing Provisions for Professional Counselors - Seeks to change licensing provisions relative to professional counselors, social workers, and marriage and family therapists

HB 1081 - Rep. Darlene Taylor

Prenatal Biomarker Testing - Seeks to provide for mandatory preeclampsia biomarker testing for pregnant women if they are admitted and at the physician's discretion after the 23 week period.

HB 1113 - Rep. Matt Reeves

Personal Privacy Protection Act - Seeks to prohibit state agencies from disclosing certain information but does not interfere with law enforcement or political disclosures. Additionally, nonprofits are protected by this legislation. This legislation received a Do Pass and moved on to the House Rules committee.

HB 1175 - Rep. Chas Cannon

Physical Therapy Direct Access - Seeks to remove the requirement for physical therapists to receive a referral from the patient's provider to continue treatment after 21 days or 8 visits.

HB 1244 - Rep. Todd Jones

Intellectual Property Protection Act - Seeks to provide for the establishment of dispute financing provisions.

HB 1301 - Rep. Karen Mathiak

Duchenne Muscular Dystrophy - Seeks to amend Georgia's law on newborn screening in order to add Duchenne Muscular Dystrophy to the current listing of diseases.

HB 1340 - Rep. Scott Hilton

Credentialing of Qualified Behavioral Health Analysts - Seeks to provide for credentialing of qualified behavior analysts and qualified autism services practitioner-supervisors.



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

We will be sending out legislative updates regularly throughout the 2024 session, so keep an eye on your inbox to stay updated on all of the happenings from under the Gold Dome.

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