



Legislative Session Update - Legislative Day 16

On the Senate and House Floor

Step Therapy

The House passed [HB 63](#) by Rep. Sharon Cooper (R-Marietta) that would establish exceptions to health insurer step therapy protocols. Currently, the bill is awaiting and Senate Committee Assignment, however, is likely to be assigned the Senate Insurance or Health and Human Services.

Mammograms

The House passed [HB 62](#) also by Rep. Sharon Cooper (R-Marietta) would require a health care facility to notify a patient whenever it detects dense breast tissue in a mammogram. The legislation includes specific language that must be included in that notification. The bill has made the jump over to the Senate and currently sits in Senate Health and Human Services.

Interstate Medical Licensure Compact

The Senate passed [SB 16](#) by Sen. Kay Kirkpatrick, M.D. (R-Marietta) making it easier for physicians to obtain licenses in other participating states. Georgia will be the 25th state to become a part of the compact should this clear the Senate and be signed into law by the Governor. As it stands, the bill sits into the House Health and Human Services (HHS) Committee and is awaiting a hearing.

Introduced and in Committee This Week



Clash over CON bill turns testy under Gold Dome

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access to care 45 Health Costs 399 Uninsured 65

House Bill 198 will damage the state's health care system.

House Bill 198 will improve access to quality medical services.

Those diametrically opposed views resounded during a passionate, occasionally testy three-hour legislative hearing Thursday on the high-profile bill, which would revamp the state's health care regulatory system.

Certificate of Need Reform

On Wednesday, the House Special Committee on Access to Quality Health Care held a hearing on [HB 198](#) by Rep. Matt Hatchett (R-Dublin) - the House version of a comprehensive overhaul of the state's certificate of need (CON) program.

The Senate Regulated Industries Committee is expected to see the identical Senate version, [SB 72](#) introduced by Sen. Matt Brass (R-Newnan), this coming week.

The bill will establish new special health care services licensure -

- Applies to most things cut out of CON (hospitals, ASCs, clinical health services), except capital expenditures by existing facilities, expenditures on medical equipment, and all diagnostic imaging services
- CON exemptions carried forward to special license exemptions
- Additional exemptions:
 - Legacy
 - Cardiology procedures in an ASC
 - Multispecialty ASC's with separate single specialty ASC's
- Authorizes conversion of CTCA to regular hospital
- Objection by similar facility only if within 10 mile radius of proposed facility
- No objection to facilities in HPA 3 (unless within 10 mile radius of existing facility outside of HPA 3)
- Appeal to OSAH/Judicial review
- Indigent care requirements set at 2 yr rolling average (less 3% if for profit)
- Medicaid/PeachCare requirements
- Exempts CHOA/Shepherd from indigent requirements due to high Medicaid population served
- DSH payments withheld if hospital misses indigent requirements for two consecutive years
- Annual reports on indigent care (earned forward from CON)
- Fines/penalties go to Indigent Care Trust Fund (ICTF)
- Transition/grandfather provisions (CON->/LNR->/CTCA->hospital); all CON/LNR grandfathered in with respect to indigent requirements until a modification is made to their license

Waivers

Introduced by Sen. Blake Tillery (R-Vidalia) was Gov. Brian Kemp's health care legislation surrounding waivers. [SB 106](#), also known as the 'Patients First Act,' would authorize the Georgia Department of Community Health (DCH) to submit a Section 1115 waiver to the Centers for Medicare & Medicaid Services (CMS) to expand the number of Georgians who are insured by Georgia's Medicaid program. Furthermore, the legislation would allow the Administration to submit a Section 1332 waiver to the U.S. Secretary of Health and

Human Services to get permission to find innovative ways to provide residents with access to affordable and quality health care. A waiver granted from the U.S. HHS Department would allow Georgia to use the Medicaid expansion funds to buy private insurance in the state health insurance exchange for eligible Georgia citizens **at or below 138 percent of the federal poverty level**. As it stands, this legislation has been referred to the Senate Health and Human Services Committee and is expected to be heard this coming week.

HIV Medicaid and ADAP Recipients

HB 158 introduced by Rep. Deborah Silcox (R-Sandy Springs), passed the House Health and Human Services Committee on Tuesday this past week. The bill would make it easier for HIV-positive Medicaid recipients to receive the most effective medications, allowing physicians to get patients into treatments quickly with the most effective drug regimen possible.

State Health Benefit Plan Bariatric Surgery Pilot Renewal & Expansion

HB 160, passed House Health and Human Services Committee this week. Sponsored by Rep. Katie Dempsey (R-Rome), the bill renews and expands the pilot for a bariatric surgery benefit to a four year pilot allowing for 250 plan participants per year through 2024. Currently, the bill sits in House Rules.

Out of Network Billing

The Senate Insurance and Labor Committee is expected to hear **SB 56** the Out of Network billing legislation introduced by Sen. Chuck Hufstetler (R-Rome). As a reminder, this bill is nearly identical to last years Out of Network legislation. The bill will result in greater transparency for elective procedures, establish a patient/physician arbitration process for “unexpected events” that take place during elective medical procedures, and establish a standard physician payment model for out-of-network emergency care.

Preexposure to HIV Pilot Program

HB 290 by Rep. Sharon Cooper (R-Marietta), which establishes a three-year pilot program to provide pre-exposure prophylaxis drug assistance or services to persons at risk of being infected with HIV, was assigned to the House Committee on Health and Human Services. It is expected to have a hearing in the next week or so.

APRN and Radiographic Imaging

SB109 by Sen. Larry Walker (R-Perry) was assigned to the Senate Committee on Health and Human Services. This bill authorizes an Advanced Practice Registered Nurse (APRN) to order radiographic imaging tests in non-life-threatening situations if delegated by a physician. Additionally, it changes the number of APRNs that a delegating physician may enter into a nurse protocol agreement with to eight and also adds delegating physicians may not supervise more than four APRNs at any one time.

For our complete legislative tracking sheet [click here](#).

Looking Ahead

We expect more action in the coming week on CON and Medicaid Waivers.

No action to date on the PDMP, opioids or scope of practice issues.

Legislative Calendar

Legislators will be in session Tuesday through Friday next week, taking the session through legislative day 20. The House and Senate will convene at 10 am Tuesday, February 19 for Legislative Day 17.

As a reminder, legislative "Cross-over day" (Legislative Day 28) is on Thursday, March 7th and Sine Die (Legislative Day 40) is on Tuesday, April 2nd.

For legislative highlights and review, watch ***Lawmakers***, which airs at **7 PM on GPB** every day the General Assembly is in session.



LM **LAWMAKERS**

You can also watch a live stream of each legislative day's proceedings on the General Assembly website. Go to www.legis.state.ga.us and click the *Live Broadcast* link on the left.
