



## Legislative Update - Legislative Day 7

**The House met Monday through Wednesday this week, the Senate was in session Monday and Wednesday – missing Tuesday as a precaution due to weather.**

### Under the Gold Dome This Week

#### Certificate of Need

CON Legislation is expected in the next few legislative days, ranging from a full repeal, to amendments to the existing law and/or other significant changes to the CON statute. The law has remained intact since 2008, the last significant reform package.

We understand the main House proposal will include a repeal of CON for Health Planning Service Region 3, which is all of metro Atlanta. It appears, nursing home services will remain under CON statewide. We understand that existing for-profit facilities will be grandfathered relative to changes to the indigent care tax, but significant changes will be proposed for not-for-profit entities along with sweeping transparency requirements. See the headline below from the Newnan Times-Herald.

## Work continuing on CON legislation

By SARAH FAY CAMPBELL  
Jan. 30, 2019 - 9:09 PM

Bills that would make changes to the state's "Certificate of Need" process for hospitals and medical facilities have been going through several different drafts under the Gold Dome.

"We're probably on the fourth or fifth version now," said State Sen. Matt Brass, R-Newnan. "I think the original bill was about 30 pages, now we're up to about 80. There's just a lot to it."

You can read the full article [here](#).

### **Out of Network Billing**

Out of Network Billing legislation is expected to be dropped early next week by Sen. Chuck Hufstetler (R-Rome). This bill is nearly identical to last years OON legislation. Legislation within 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.

### **Step Therapy**

Rep. Sharon Cooper (R-Marietta) this week introduced [HB 63](#) – legislation to reform the insurance practice known as step therapy, which forces patients to try and fail on medications other than what their health care provider prescribes – and in some cases, happens even when patients have already tried the insurer-preferred medications or when those medications could cause their health to deteriorate.

House Bill 63 only limits step therapy and fail first protocols in certain critical situations, while still allowing insurers to use step therapy when it is appropriate for a patient’s health. The legislation also creates a basic framework for when it is medically appropriate to exempt patients from step therapy protocols and establishes a transparent process for health care providers to request exceptions.

Currently, the bill sits in House Insurance and is expecting a hearing next week.

### **Andrews Sports Medicine CON Reform Bill**

The Andrews CON Reform Bill was introduced this week, the bill allows for a multi-specialty ASC LNR exemption to the CON process. [HB 89](#), sponsored by Rep. Chuck Martin, has several key members of House leadership listed as co-sponsors. The bill was assigned to the Special Committee on Access to Quality Health Care. (All CON bills are expected to be assigned to the special committee)

### **DXM & Minors**

[HB 112](#), sponsored by Rep. John LaHood, requires identification by minors for drug products containing dextromethorphan. The bill will likely be assigned to the House Health Committee. This piece of legislation passed the HHS committee last session.

### **Interstate Licensure Compacts**

[SB 16](#) - Physician Interstate Compact  
[HB 39](#) - Physical Therapy Interstate Compact  
[HB 26](#) - Psychology Interstate Compact

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

On Wednesday afternoon, the Senate Health & Human Services Committee met for an organizational meeting. It was the first meeting of the session and the first meeting for the newly named committee Chairman, Sen. Ben Watson, MD.

Thus far the committee has been assigned four Senate bills with the expectation that many more are coming in the days ahead.

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## Looking Ahead

We anticipate several insurance reform bills in the coming weeks; as well as some scope of practice expansions. No word yet on changes to the PDMP, but some bills are expected to be introduced on it.

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## Legislative Calendar

The legislature will be in session in the coming week, Tuesday, February 5th (Day 8) through Friday, February 8<sup>th</sup> (Day 11).

We look for the House and Senate to set their next adjournment resolution in the coming week.

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## Physicians' Day at the Capitol

You can register [here](#) for the 2019 Georgia 'Physicians' Day at the Capitol,' which will take place at the State Capitol in Atlanta from 8 a.m. to 2 p.m. on Wednesday, February 20.

A continental breakfast will be provided in Room 230 at the Capitol beginning at 8 a.m. The formal program will get underway with a briefing at 8:30 a.m. then meet with legislators. A group photo with Governor Brian Kemp is scheduled to take place in the Capitol rotunda at 10 a.m. Physicians and legislators will then enjoy lunch in the Floyd Room on the 20th floor of the Sloppy Floyd Building.

If you have any questions on Physicians' Day at the Capitol, please contact **Travis Lindley** or **Devin Krecl**

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



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