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Sent: Friday, February 12, 2021 4:15 PM
To: Lyly Trinh
Subject: Georgia Legislative Session Update - Legislative Day 16



2021

capitol watch

Legislative Day 16

Earlier this week, Governor Kemp, Lieutenant Governor Duncan, and Speaker Ralston made headlines announcing that they will support \$1,000 bonuses for more than 57,000 full-time state employees who earn less than \$80,000 a year. The bonuses will cost approximately \$59.6 million and are likely to be appropriated in the Fiscal Year 2022 Budget. The announcement comes on the announcement that State tax revenues continued growth revenue, since the COVID lockdown, and are up over 6% for the current fiscal year.

Perhaps the biggest legislative action of the week was the House action on the Fiscal Year 2021 Amended Budget, **HB 80**, where they adopted a Senate amendment and sent the final product to Governor Kemp for his review.

Additionally, **HB 112**, which would extend the COVID-19 business liability protections that were passed in the 2020 legislative session, until July 14, 2022. Representative Matthew Wilson led the minority caucus's opposition to the proposal, explaining that the underlying legislation established a liability shield which was created during a time of "great uncertainty." SB 359 was ideally meant to create a legal framework for Georgians to act accordingly during a pandemic, however, Rep. Wilson argued there have been no wave of lawsuits or single successful recovery of damages and in fact created blanket immunity. The legislation now moves to the Senate.

As COVID still remains a major issue, legislators are setting their calendar on roughly a week-to-week basis.

- ~~Tuesday, February 9th—Legislative Day 14~~
- ~~Wednesday, February 10th—Legislative Day 15~~
- ~~Thursday, February 11th—Legislative Day 16~~
- Tuesday, February 16th - Legislative Day 17
- Wednesday, February 17th - Legislative Day 18
- Thursday, February 18th - Legislative Day 19
- Monday, February 22nd - Legislative Day 20
- Tuesday, February 23rd - Legislative Day 21
- Wednesday, February 24th - Legislative Day 22
- Thursday, February 25th - Legislative Day 23
- Friday, February 26th - Legislative Day 24
- Monday, March 1st - Legislative Day 25

Senate Floor Update

SB 5, by Sen. Kay Kirkpatrick, seeks to amend Title 43 relating to sedation in non-hospital settings. The bill directs the **Georgia Composite Medical Board to establish rules regarding the use of sedation in “office based surgeries,”** which are defined as “any surgery or invasive medical procedure requiring sedation, when performed in a location other than a hospital, hospital associated surgical center, or an ambulatory surgical facility, including, but not limited to, physicians' offices and medispas.”

Sen. Jen Jordan proposed an amendment that would require dentists to acknowledge the need to supervise sedated patients to prevent instances of sexual assault. Her amendment garnered a number of questions from her colleagues including complaints that perfecting a bill is done in the committee process. Senator Jordan responded that members of the minority party are often left to perfect legislation on the Senate Floor as amendments are not always permitted in committee. She argued her proposed amendment was about patient safety and that it was germane and appropriate to the bill. Sen. Jordan’s amendment failed with a vote of 18-26. The bill passed the Senate 45-0 and now moves to the House.

Senate Insurance and Labor Committee Update

- **SB 43**, by Sen. Matt Brass, seeks to prohibit insurance plans offering eye care benefits from requiring ophthalmologists and optometrists to provide discounts for **non-covered eye care** treatment for patients within the insurer's plan. Sen. Brass explained that the committee substitute covers both ophthalmologists and optometrists, both of which are supportive of the bill. This legislation received a Do Pass motion and will be heard on the Senate Floor on Tuesday, February 16th.

Senate Health and Human Services Committee Update

- **SB 46**, by Sen. Dean Burke, seeks to amend language within the Department of Public Health authorizing certain medical personnel to administer **vaccines during public health emergencies** and certain provisions relating to the administration of vaccines under vaccine protocol agreements. Additionally, language pertaining to mass vaccination sites are able to waive the requirement of checking the state’s GRITS system during a public health emergency. This legislation received a Do Pass and now sits in the Senate Rules Committee.

Senate Insurance and Labor Committee - Health and Workman’s Comp Subcommittee Update

- **SB 82**, authored by Sen. Michelle Au, deemed **Prudent Lay Person** Legislation, proposes a measure requiring insurers to pay for emergency services, regardless of the final diagnosis of the patient. Dr. Chip Pettigrew, ER Physician and advocate Dorothy Leone Glasser testified in support. The legislation received a Do Pass recommendation where it will move to the full Insurance Committee.

House Health and Human Services Committee Update

Rep. Sharon Cooper and the House Health and Human Services Committee held their first meeting of the session. The Committee adopted its rules as well as new rule relating to use of technology for its meetings. Chairman Cooper acknowledged the newest member of the Committee:

- Rep. Matt Barton a Republican from Calhoun

Appropriately for the current times, Alan Myers, Southeast General Manager for Quest Diagnostics along with his team, gave an update to the Committee on work by Quest with COVID-19 and its testing.

- **HB 93**, by Rep. Sharon Cooper, seeks to repeal the state's regulations of clinical laboratories and instead requiring all clinical laboratories in the state to meet the certification requirements set forth in the federal **Clinical Laboratory Improvement Amendments** of 1988. This legislation was brought at the request of the Department of Community Health. This legislation would eliminate state licensure requirement but would retain certification for enforcement purposes. Labs will still be required to report infectious diseases as they currently are required to do. the legislation received a Do Pass recommendation and will be on the House Floor for a vote on Tuesday, February 16th.

House Special Committee on Access to Quality Healthcare

- **HB 234**, by Rep. Lee Hawkins, seeks to provide an option for self-funded healthcare plans, exempt from state regulation under federal law, to opt in to Georgia's **Surprise Billing Consumer Protection Act**. The legislation received a Do Pass recommendation by unanimous consent and moves onto the House Rules Committee.

House Human Relations and Aging Committee

- **HB 290**, by Rep. Ed Setzler seeks to **prohibit hospitals and nursing homes** from instituting any policy during a declared public health emergency that limits patients' abilities to be **visited by designated family members or friends**. The bill makes adherence to this requirement a condition precedent to obtaining or maintaining a permit to operate as a hospital or nursing home, but it does allow for facilities to impose "reasonable safety requirements." It also provides civil liability limitation for facilities for claims arising from compliance with this prohibition. This legislation is under much scrutiny and legal liability discussion. No vote has officially been taken.

House Regulated Industries Committee - Regulatory Industries Subcommittee

- **HB 119**, by Rep. Karen Mathiak seeks to ensure that **chiropractors may own professional corporations with physicians**. The legislation received a Do Pass recommendation, and heads to the full committee.
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New House Legislation

- **HB 316**, by Rep. Ron Stephens seeks to **increase the pharmacist to pharmacy technician ratio for providing direct supervision** at any one time, from three to four. This bill has been assigned to the House Health and Human Services Committee.
- **HB 346**, by Rep. Dominic LaRiccia seeks to authorize emergency medical services personnel to provide **hydrocortisone sodium succinate intramuscularly** to a patient that has congenital adrenal hyperplasia, is in adrenal crisis, and has hydrocortisone sodium succinate on their person in packaging that clearly displays the correct dosage. This bill has been assigned to the House Health and Human Services Committee.
- **HB 367**, by Rep. Butch Parrish seeks to make an **annual update to the state's dangerous drug scheduling**. This bill has been assigned to the House Judiciary Non-Civil Committee.
- **HB 369**, by Rep. Alan Powell seeks to alter the rules for physician assistants and advanced practice registered nurses. The bill would **no longer require PA's to submit job descriptions to the Georgia Composite Medical Board** and would allow APRNs to prescribe Schedule II drugs in emergency situations. This bill has been assigned to the House Regulated Industries Committee.
- **HB 381**, by Rep. Renitta Shannon seeks to **expand Medicaid coverage for pregnant women** up to one year postpartum. This bill has been assigned to the House Health and Human Services Committee.
- **HB 395**, by Rep. Dave Belton seeks to provide the "**Professional Counselors Licensure Compact**" for social workers and marriage and family therapists. This bill has been assigned to the House Regulated Industries Committee.
- **HB 401**, by Rep. Ginny Ehrhart seeks to prohibit any healthcare professional from performing any procedure on a minor with the purpose of attempting to affirm the minor's sex, if the **minor's sexual perception is different than their biological sex**. This bill has been assigned to the House Health and Human Services Committee.
- **HB 447**, by Rep. David Knight seeks disclose to the state all cost related data relative to the **state health benefit plan, including, pricing information, spread pricing and negotiated price**, rebate accounting, reimbursement rates, net profits, consulting fees, claims payment information, networks, and quality information.
- **HB 450**, by Rep. Mark Newton, MD seeks to authorize the **Department of Public Health to release deidentified data** to government entities and other entities for research, statistical analysis and educational purposes.
- **HB 454**, by Rep. Mark Newton, MD seeks to provide certain coverage requirements concerning providers that become out-of-network during a plan year. When an

insurer's provider directory includes a provider as a participating provider for a network plan at such time as a prospective covered person selects his or her health benefit plan, the insurer would be required cover the provider charges at in-network rates for the duration of the contract year for the covered person, regardless of whether the provider remains a participating provider in the insurer's network plan. The legislation would also ensure that the covered person shall not be responsible for more than the amount for which they would have been responsible had the services been delivered by an in-network provider under the network plan.

New House Resolutions

- **HR 131**, by Rep. Karen Bennett seeks to create the House Study Committee on Health in Georgia. This resolution has been assigned to the House Health and Human Services Committee.

New Senate Legislation

- **SB 95**, by Sen. Frank Ginn, seeks to provide conditions for **meetings and public hearings to be held by teleconference in emergency conditions** and to provide conditions for certain agency members to participate in nonemergency meetings by teleconference. This bill has been assigned to the House Government Oversight Committee.
- **SB 111**, by Sen. Lester Jackson, seeks to provide for the **licensure and regulation of community midwives**. This bill has been assigned to the Senate Health and Human Services Committee.
- **SB 164**, by Sen. Chuck Hufstetler, seeks a **modernization of Georgia's HIV laws** to align services and policies with the best public health practices. the legislation does add that certain conduct by an individual who has HIV is unlawful if the conduct has a significant risk of transmission. This legislation addresses Georgia's laws which were originally implemented in the 1980s and addresses criminal code changes so as to require an "intent to harm;" and addresses the needle exchange law passed in 2019.
- **SB 180**, by Sen. Jen Jordan, seeks to provide for certain conditions for permits for facilities that emit **ethylene oxide**.
- **SB 181**, by Sen. Jen Jordan, reduce out-of-pocket cost for consumers requiring **insulin by instituting a cap**.

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.

Contact Your Legislators

It makes a difference if you contact your Representatives and Senators early in the session.

Discuss the issues that are important to your practice, your patients, and your community.

If you have personal relationships with any state elected officials, please help us by making us aware of these crucial relationships. If you need assistance finding your legislator, please click the link below.

Find My Legislator

Save the Date

Virtual Physicians' Day
Wednesday, February 17, 2021
6:30 pm – 7:30pm via Video Zoom

Hear from key leaders in the House and Senate. Following their remarks, registrants will be sent to their fireside break-out rooms by region to continue discussion with their legislators from their surrounding area.

Discussions will cover a variety of topics, from COVID-19 relief and vaccines to rural healthcare.

Staff will be moderating region breakout rooms throughout the entirety.

Please [click here](#) to login to MAG's membership portal and register. A zoom link will be sent prior to the day of the event.

Doctor of the Day

Be the "Doctor of the Day!" The Medical Association of Georgia sponsors the "Medical Aid Station" in the Capitol with a staff nurse and volunteer physician.

Each day the legislature is in session, a physician is needed to serve as the Doctor of the Day at the State Capitol. The physician is introduced in both the Senate and House Chambers. Take this opportunity to demonstrate that the House of Medicine is strong in Georgia and is willing to assist in the legislative process.

Please RSVP to Christiana Craddock at ccraddock@mag.org or call 678.303.9271.



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

More information: Please reach out to our office at 770.435.5586 or reach out to us personally via our cell phones.

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