



2020

Legislative Summary

Includes bills of interest in the 2020 session and bills that were held over from the 2019 legislative session.

The 2020 Legislative Session ran from Monday, Jan. 14th - Friday, Jun. 26th.

2020

capitol watch

The last quarter of the 2020 legislative session was truly a 'new era' under the Gold Dome. While legislators came to just two weeks ago, a sense of uncertainty for legislators and lobbyists alike filled the halls.

The fiscal year 2021 budget, hate crimes legislation, multiple tax increase efforts, PBM reform, and copious amendments were the talk of the week. As committees kicked off, more amendments were being proposed and added to moving bills to address 'priority issues' before legislators headed home for the remainder of 2020.

The following notable bills that were passed in the respective chambers are set to land on the Governor's desk. Failed bills are effectively dead and would have to be reintroduced next year. Each bill must be adopted in identical form by each chamber. Like the budget, most new laws take effect on July 1 unless another date is specified in the bill itself. The Governor has forty days following the legislative session to veto entire bills or line items in the budget.

Hate Crimes

[HB 426](#) by Rep. Chuck Efstrotation was introduced to the Georgia General Assembly in March of 2019. Following the killing of Ahmaud Arbery, as well as recent nationwide protests against racial injustice and police brutality the legislation moved quickly through both the Senate and House Chambers on Legislative Day 37.

Gov. Brian Kemp on Friday, signed the legislation allowing additional penalties to be imposed for crimes motivated by a victim's race, religion, sexual orientation, or other factors, removing Georgia from the dwindling list of U.S. states without a hate crimes law.

COVID-19 Immunity

After some last-minute drama, both chambers of the Georgia General Assembly voted late Friday to pass a bill that would curtail the ability of people to sue businesses and health care providers if they are diagnosed with COVID-19.

[**SB 359**](#) would shield companies from legal liability unless they show “gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.” The measure cleared the Georgia Senate on a largely party-line vote of 34 to 16 during the final minutes of the 2020 legislative session, sending it to Gov. Brian Kemp for his signature. That came after the House passed the measure 104 to 56 earlier in the evening.

Surprise Billing / Out of Network

[**HB 888**](#) by Rep. Lee Hawkins, addresses surprise medical billing in situations where insured patients incur out-of-network bills from providers at in-network facilities. The legislation focuses strictly on services – both emergency and non-emergency – from an out-of-network provider at in-network facility.

It prohibits insurance companies from surprise billing for emergency services even if the health care provider is outside of the company’s coverage network. Patients are supposed to also receive an estimated cost for any procedure scheduled outside of their covered hospital system. Senate sponsor Chuck Hufstetler explained the importance of this legislation which he said would protect Georgians from unexpectedly high medical bills. The legislation now awaits signature by Governor Kemp.

PBM Reform

[**HB 918**](#) by Representative Sharon Cooper, addresses the practice of pharmacy and in particular the Pharmacy Audit Bill of Rights which imposes limitations relating to audits so that an audit is not to include more than 100 prescriptions per audit and an entity is not to audit more than 200 prescriptions in any 12 month period, provided that a refill does not constitute a separate prescription.

[**HB 946**](#) by Representative David Knight addresses the regulation of pharmacy benefit managers and mirrors SB 313 by Senator Dean Burke.

[**HB 991**](#) by Representative Matt Hatchett is the Healthcare Transparency and Accountability Act. The measure provides transparency for state healthcare plans and its contractors. This legislation also addresses pharmacy benefit managers and creates a Healthcare Transparency and Accountability Committee.

[**SB 313**](#) by Senator Dean Burke, addresses pharmacy benefit managers and appeals of medications. Physicians must be in the same practice area when making a decision for a PBM and it also clarifies the Department of Community Health and its audit processes. Further, drug rebates are addressed in the bill. as well as a prohibition for spread pricing for government plans. As it stands, Co-pay accumulator only applies to generic drugs.

House Legislation

Passed

HB 426 Anti-Hate Crimes

Rep. Chuck Efstrotation

Additional penalties to be imposed for crimes motivated by a victim's race, religion, sexual orientation, or other factors.

HB 521 Temporary Licenses for Dentists

Rep. Houston Gaines

Would authorize temporary licenses for dentists licensed in other states to provide dental care to indigent populations in the State of Georgia.

HB 716 Insurance Agent Commissions

Rep. Shaw Blackmon

Requires that insurance carriers issuing a health benefit plan through an agent shall file proposed commission rates with the department.

HB 752 National Background Checks for Physical Therapists

Rep. Dave Belton

Provides national background checks by the submission of fingerprints to the Federal Bureau of Investigation through the Georgia Crime Information Center for licensing to practice as a physical therapist or physical therapist assistant

HB 759 Controlled Substances – Schedule IV

Rep. Butch Parrish

Revises the list of controlled substances and certain provisions relating to the definition of dangerous drugs.

HB 789 Transparency Rating System

Rep. Mark Newton, MD

The legislation creates a surprise rating system (using checks and x's) so that individuals can determine if the physician specialties are contracted by a facility and in-network as those specialties are the roots of most surprise billings. It requires an insurer to delineate the surprise bill rating.

HB 791 Pharmacists – 90 Day Supply

Rep. Ron Stephens

Authorizes a pharmacist to dispense up to a 90-day supply of maintenance medication under certain conditions.

HB 799 Marijuana – Reinstatement of Driver's License

Rep. Shaw Blackmon

Suspension of license for being in control of a moving vehicle under the influence of a controlled substance or marijuana and to repeal a prohibition regarding the eligibility of certain violators to receive early reinstatement of their driver's licenses and limited driving permits

HB 888 Surprise Billing Consumer Protection Act

Rep. Lee Hawkins

Gives consumers protections against surprise insurance and medical billing with out of network providers.

HB 918 Practice of Pharmacy

Rep. Sharon Cooper

Addresses pharmacy practices and eliminates steering practices by pharmacy benefit managers to certain pharmacies and seeks to reign in audit

processes on pharmacies by pharmacy benefit managers.

HB 932 Georgia Podiatry Practice Act

Rep. Houston Gaines

Proposes amendments to the Georgia Podiatry Practice Act. This bill proposes to allow physicians and Doctor of Podiatry to jointly form corporations.

HB 946 Pharmacy Benefit Manager Reform

Rep. David Knight

This legislation addresses regulation of pharmacy benefit managers and mirrors SB 313.

HB 953 Voidable Contracts

Rep. Bonnie Rich

Certain types of state contracts shall be void and unenforceable and should not be included in such agreements; to require the Department of Administrative Services to provide such information on its website; to specify that bids, offers, or proposals and registers thereof shall be subject to the public disclosure provisions

HB 991 Healthcare Transparency and Accountability Act

Rep. Matt Hatchett

Provides transparency for state healthcare plans and its contractors. This legislation also addresses pharmacy benefit managers and creates a Healthcare Transparency and Accountability Committee.

HB 1032 Pain Clinics – Procedure Rooms

Rep. Matt Hatchett

Certain facilities that perform medical procedures only in non-sterile procedure rooms that are exempt from certificate of need

requirements or are not required to obtain a certificate of need are not subject to certain requirements relating to their physical plant under certificate of need laws.

[HB 1050](#) GA Life and Health Insurance Guaranty Association

Rep. Eddie Lumsden

Extending association protections to certain persons receiving insurance coverage from health maintenance organization subscriber contracts or health care corporation plans.

[HB 1114](#) Medicaid Coverage for Lactation Care

Rep. Sharon Cooper

Enabling legislation to provide for Medicaid mothers' lactation services and to extend the period of post-partum care for Medicaid women up to 6 months. Georgia is number 50 in terms of maternal mortality.

[HB 1125](#) Lacey's Law

Rep. Trey Kelly

Provides additional screening for individual's at high risk of breast cancer under state health insurance and benefit plans.

House Legislation

Failed

[HB 158](#) HIV Medicaid and ADAP Recipients

Rep. Deborah Silcox

Makes 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 available. DCH has pledged to work with the bill sponsor to achieve this through the regulatory process.

[HB 160](#) SHBP Bariatric Surgery Pilot Renewal & Expansion

Rep. Katie Dempsey

Renews and expands the pilot for a bariatric surgery benefit to a four-year pilot allowing for 250 State Health Benefit Plan participants per year through 2024.

[HB 719](#) HIV Decriminalization

Rep. Deborah Silcox

Modernization of HIV related laws to align with science to ensure that laws and policies support current understanding of best public health practices for preventing and treating HIV.

[HB 816](#) Chiropractic Practice with Physicians

Rep. Karen Mathiak

Allows chiropractors and physicians the ability to form professional corporations

[HB 927](#) Ethylene Oxide

Rep. Don Parsons

Requires any unpermitted release of ethylene oxide to be reported to the EPD.

[HB 947](#) Pharmacy Benefit Manager Reform

Rep. David Knight

Department of Community Health to engage an actuary to conduct an actuarial study of the fiscal impact of carving out pharmacy benefits from the state's current Medicaid care management organizations

[HB 994](#) Gang Bill

Rep. Bert Reeves

Revise the definition of "criminal gang activity" and prohibited criminal gang activities in regards to street gang terrorism and prevention

[HB 1092](#) Radiographic Imaging

Rep. Alan Powell

Allows for an advance RN to order radiographic imaging tests in non-life-threatening situations

Senate Legislation **Passed**

SB 303 GA Right to Shop Act

Sen. Ben Watson, MD

Transparency measure to allow consumers to have a better understanding of their health care costs through a series of quality metrics.

SB 306 SLP and Audiology Interstate Compact

Sen. Valencia Seay

Seeks to permit Georgia, to enter the Audiology and Speech-Language Pathology Interstate Compact. 10 states are required to adopt this Compact before it becomes functional.

SB 313 PBM Regulation and Licensure

Sen. Dean Burke, MD

Addresses pharmacy benefit managers (PBMs) and appeals of medications. Physicians must be in the same practice area when making a decision for a PBM and it also clarifies the Department of Community Health and its audit processes. Further, drug rebates are addressed in the bill. as well as a prohibition for spread pricing for government plans. As it stands, Co-pay accumulator only applies to generic drugs.

SB 372 Public Health Modernization

Sen. Blake Tillery

Cleans up the Department of Public Health, which brings the state up to speed with procedures withing DPH.

SB 391 Early Prescription Refills During Emergencies Act

Sen. Kay Kirkpatrick, MD

Allows for early prescription refills in emergency situations and coverage provisions for those and also permits a pharmacist to dispense a 30-day supply (in declared emergency situations or during a hurricane).

SB 395 Hospital Sales Proceeds

Sen. Ben Watson, MD

Increases the standard of indigency for hospital authority trusts.

SB 482 Office of Health Strategy and Coordination

Sen. Dean Burke, MD

Creates the All Payers Claims Database in Chapter 53 of Title 31.

Senate Legislation **Failed**

SB 272 DXM Age Verification

Sen. Randy Robertson

Requires identification by minors for drug products containing dextromethorphan

SB 311 Patient Brokering

Sen. Kay Kirkpatrick, MD

Patient brokering within the recovering housing industry.

SB 323 Sedation in Dental and Physician Offices

Sen. Kay Kirkpatrick, MD

Establishes standards regarding sedation in dental and physician offices

SB 352 Online Provider Directories

Sen. Dean Burke, MD

Requires insurer's provider directory include 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 and such insurer shall cover the provider charges at in-network rates for the duration of the contract year for such covered person

SB 359 Surprise Billing Consumer Protection Act

Sen. Chuck Hufstetler

HB 888 by Rep. Lee Hawkins which was identical to this legislation passed and is awaiting signature by the Governor.

SB 483 Medicaid Reimbursement for Behavioral Rehabilitation

Sen. Matt Brass

Seeks to creates a pilot program in up to three counties that increase behavioral health providers with a joint venture between hospital and institutions for mental disease. This includes Rep. Matt Hatchett's HB 1032, certain facilities that perform medical procedures only in non-sterile procedure rooms that are exempt from certificate of need requirements or are not required to obtain a certificate of need are not subject to certain requirements relating to their physical plant under certificate of need laws.

****NO CHANGES FOR AMBULATORY SURGERY CENTERS.****

Fiscal Year 2021 Budget

After several days of diligent work behind the scenes, House and Senate conferees on the FY 2021 State Budget emerged on Legislative Day 39 with a deal.

After thanking staff and colleagues for their hard work, House Appropriations Chairman Terry England and Senate Appropriations Chairman Blake Tillery gave highlights on the compromise, which Chairman England noted looked “much different” than the version passed by the State Senate late last week (thanks to Governor Kemp’s revised revenue estimate earlier this week that decreased the anticipated revenue shortfall from 11% to 10%). Highlights included:

- No furlough days required in the budget for State employees;
- In education, a 10% reduction in the Quality Basic Education formula but full funding of enrollment growth, training and experience, equalization, sparsity, and student transportation;
- In health and public health, full funding for six months of Medicaid postpartum care and county public health grants;
- In behavioral health and developmental disabilities, restoration of many contracts for provision of direct services; and
- Additional dollars allocated to the Medical Cannabis Commission is hopes to generate funds for the State of Georgia through the application process.
- An enhanced bond package to get Georgians back to work.

Behavioral Health and Developmental Disabilities

- \$91 million cut to the Department of Behavioral Health and Developmental Disabilities budget
- \$29 million cut to services for adults with developmental disabilities
- \$22.7 million cut to child and adolescent mental health services, including prevention programs and supported education and employment services
- \$7.2 million cut to adult mental health services, including cuts to core behavioral health services, reductions in peer workforce training and services and cuts to housing vouchers for people with mental illnesses
- \$5.7 million cut to adult substance abuse services, mostly for funds that would expanded residential treatment services

Community Health

- Total state funding increased by \$178 million, mostly to account for higher projected growth for Medicaid
- \$19.7 million added to provide six months of Medicaid coverage for new mothers; this coverage extension must still receive federal approval
- \$12 million added to increase funding available for Rural Hospital Stabilization grants
- Restored many cuts to the Georgia Board of Health Care Workforce, including no cuts to medical school operating grants

K-12 Public Education

- \$950 million cut from the Quality Basic Education program, the formula that dictates the bulk of state spending for K-12 public education
- \$142 million added for enrollment growth, as well as teacher training and experience
- A \$25 million reduction in funding for school counselors, which the House originally included to ensure the state met the minimum counselor-to-student ratio of 450:1
- \$8.8 million added to the Governor's Office of Student Achievement for programs like the Governor's Honors Program and Growing Readers
- \$927,000 added to pupil transportation for enrollment growth; state funding for student transportation is now roughly equivalent to funding levels in FY 2000 despite an increase of more than 300,000 students since

Higher Education

- \$242 million cut to schools in the University System of Georgia and \$36 million cut to schools in the Technical College System of Georgia; budget cuts could result in downsizing and elimination of programs, instructional site closures, elimination of student success initiatives and more
- 12 percent cut to Adult Education
- 11 percent cut to agricultural programs like the Cooperative Extension Service, which largely serves rural Georgians
- \$11 million in cuts to Dual Enrollment expected from the 30-hour cap and limits on courses students can take created in HB 444
- A 3 percent cut to public libraries, down from 11 percent in previous proposals
- \$1 million added to the REACH Georgia scholarship program, a needs-based mentoring and scholarship program; all other state-funded scholarships will see a 10 percent cut

Public Health

- \$8.2 million in cuts to the Department of Public Health budget
- Funding restored for grants to local health departments
- \$2.3 million reduction in funding for trauma center readiness and uncompensated care
- \$1.9 million cut to health promotion funds, including reductions in grants for organizations doing research and education about sickle cell disease and cancer and reduced funds for feminine hygiene products
- No reduction in funding for maternal mortality review board

The full Conference Committee Report is available [here](#) for your review.

2020 Friends of Medicine Elections Update

Republican **Rich McCormick, MD**, won his primary election for U.S. Congress for Georgia's 7th District with 55 percent of the vote – so no runoff is required. *State Senator Renee Unterman placed a distant second to McCormick in the primary.*

Republican **John Cowan, MD**, received 20 percent of the vote and will advance to a runoff for U.S. Congress for Georgia's 14th District.

Democrat **Michelle Au, MD, MPH**, received 76 percent of the vote for Georgia Senate's District 48 – so no runoff is required.

Democrat **Jason Hayes, MD** in Senate District 49 defeated Ken Lawler with 54% of the vote. He faces Republican incumbent Chuck Martin in November.

Republican **W. Scott Bohlke, MD**, received nearly 40 percent of the vote, keeping in mind that he is a candidate in two races – including a special election to complete the unexpired term of Sen. Jack Hill (who passed away on April 6) for the Georgia Senate 4th District seat and the primary election for the next full term for the Georgia Senate 4th District seat. Both runoffs will take place on August 11, and whoever wins the runoff for the special election will hold the office until January 2021.

Republican **Betty Price, M.D.**, ran unopposed in the primary election for the Georgia House of Representatives' 48th District seat.

Incumbent Georgia Sens. **Ben Watson, MD, Dean Burke, MD**, and **Kay Kirkpatrick, MD**, and Georgia Rep. **Mark Newton, MD** were unopposed in their primary elections.

Please [click here](#) to view the full list of election results.

Government Affairs Team

Travis Lindley (404) 886-5058

Devin Krecl (770) 655 -9545