



# 2022 Legislative Session Summary

*Includes key passed and defeated legislation from the 2021 and 2022 legislative sessions.*

*The 2022 Legislative Session ran from Monday, January 10<sup>th</sup> through Monday, April 4<sup>th</sup>.*

The 2021-2022 Legislative Term is in the books. Legislative Days 39 and 40 never fail to keep legislators and lobbyists alike on their toes. Late-arriving Rules Committee substitutes and amendments, measures being sent to the floor only to be recommitted for further perfection, and outright flops on final consideration made for long days.

Most notably, HB 1013 by Speaker David Ralston, deemed the Mental Health Parity Act legislation was signed by Governor Kemp around 1:30 p.m. on Tuesday. Advocates, legislators, lobbyists, and onlookers spilled over the railings as Governor Kemp inked this historic legislation.

The agreement on the Fiscal Year 2023 budget between the House and Senate ran into the final hours of Legislative Day 40. Consensus was finally met by adopting the Conference Committee report unanimously. The \$30.2 billion budget funds state operations, beginning on July 1, 2022. Additional dollars for mental health services and schools weretop of the list including a \$2,000 pay raise for teachers. Highlights within the Fiscal Year 2023 Budget can be found by [clicking here](#).

***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. Below is a full breakdown of key identified pieces of legislation and their final status for 2022.***

---

## **Senate Legislation Passed**

- SB 164 - Sen. Chuck Hufstetler**  
**Modernization of Georgia's HIV Laws**  
 Seeks 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 to require an "intent to harm;" and addresses the needle exchange law passed in 2019.
- SB 332 - Sen. John Albers**  
**Inform Consumers Act**  
 Seeks to provide for certain disclosures by third-party high-volume sellers of consumer products on online marketplaces. Specifically, requires online marketplaces to collect and verify third-party seller information and mirrors federal legislation.

- **SB 341 - Sen. Kay Kirkpatrick**  
**Prior Authorization**  
 Seeks to provide guidelines for the prior authorization of a prescribed medication for chronic conditions requiring ongoing medication therapy under certain circumstances.
- **SB 345 - Sen. Jeff Mullis**  
**Vaccine Passports**  
 Seeks to prohibit state and local governments from requiring COVID-19 vaccine passports to receive services or access. Changes were made to include a sunset provision of July 2023. The original measure conflicted with federal guidelines relating to CMS; it would have prevented Medicare and Medicaid reimbursements.
- **SB 403 - Sen. Ben Watson**  
**Georgia Behavioral Health and Peace Officer Co-Responder Act**  
 Seeks to provide for the establishment of co-responder programs, for co-responder teams composed of peace officers and behavioral health professionals and provide for training of co-responder team members.
- **SB 496 - Sen. Dean Burke, MD**  
**Pregnant Female Death - Unattended by a Physician**  
 Seeks to require a medical examiner's inquiry after the death of a pregnant woman or a woman who was pregnant within 365 days prior to such female's death and would also define the term "unattended by a physician" for the purposes of medical examiner's inquiry as a patient who has not been seen by a physician within 180 days prior to death.
- **SB 566 - Sen. Dean Burke**  
**Surprise Billing Consumer Protection Act**  
 Seeks to add clarifying language to the current Surprise Billing law a medical or traumatic condition includes a mental health condition or substance use disorder in emergency medical services including post-stabilization services.
- **SB 573 - Sen. Matt Brass**  
**Surgical Smoke Evacuation Systems**  
 Seeks to require hospitals and ambulatory surgical centers to adopt policies to reduce exposure to surgical smoke during surgical procedures to protect patients and health care workers from the hazards of surgical smoke.
- **SB 610 - Sen. Sally Harrell**  
**DCH Review Provider Reimbursement Rates**  
 Seeks to require the Department of Community Health to conduct a comprehensive review of provider reimbursement rates for home and community-based services covered by the waiver programs. Additionally calls to provide for input from the public, service providers, and other stakeholders on proposed rate models and estimated fiscal impact. Lastly, directs the Department of Community Health to submit a waiver request to the federal Centers for Medicare and Medicaid Services to authorize private institutions for mental disease to qualify for Medicaid reimbursement for certain treatments.

---

## Senate Resolutions Passed

- **SR 777 - Sen. Ben Watson**  
**Biomarker Testing**  
 Recognizing the benefits of biomarker testing as a necessary part of precision medicine.
-

## House Legislation Passed

- **HB 412 - Rep. Katie Dempsey**  
**Applied Behavioral Analysis Licensure**  
 Seeks to licensure of individuals in the practice of applied behavior analysis.
- **HB 752 - Rep. Sharon Cooper**  
**Psychiatric Advance Directive**  
 Creates the availability of a psychiatric advance directive permitting a person to state his or her preferences for how to be treated in a mental health crisis and making that available to health care providers.
- **HB 918 - Rep. Mike Cheokas**  
**Rare Disease Advisory Council**  
 The measure aims to establish a council to bring attention to rare diseases in the form of advocacy, research, caregiving, education, and furthering the prospect of cures. The council will be comprised of 15 members, five appointed by the Governor, Lt. Governor, and Speaker. The Advisory Council will evaluate newborn screenings and create a website to educate and disseminate information for diagnosis. The Council will be able to solicit contributions for various purposes.
- **HB 937 - Rep. Sharon Henderson**  
**Medicaid Coverage Mammograms**  
 Seeks to provide Medicaid coverage for mammograms for breast cancer screenings at no cost to patients following accepted frequency recommendations based on age and risk factors. This measure would also allow the department to submit a Medicaid state plan or a waiver request to the federal government.
- **HB 963 - Rep. Butch Parrish**  
**Annual Drug Update**  
 Seeks to update the dangerous drug list pertaining to Schedule I and IV controlled substances.
- **HB 1042 - Rep. Rick Jasperse**  
**Grant Administration for Primary Care Medical Facilities**  
 Seeks to authorize authorities to administer grants to developers who open “primary care medical facilities” in health shortage areas. These facilities would then be operated by a dentist, physician, or “mental health care providers” (psychiatrist, psychologist, professional counselor, marriage and family therapist, clinical social worker, or clinical nurse specialist in psychiatric/mental health).
- **HB 1069 - Rep. Bruce Williamson**  
**Adult Mental Health Services Licensing Act**  
 Seeks to establish a license for residential centers for adult mental health programs, which are currently licensed as personal care homes. Personal care homes are primarily used to manage elderly, physically or intellectually disabled people, and the standards do not meet the needs for therapeutic residential facilities with programming. This legislation would rectify this discrepancy and allow care providers to treat patients accordingly without insurance denials.
- **HB 1086 - Rep. Katie Dempsey**  
**Inpatient Vaccinations**  
 Seeks to amend current law regarding the offering of influenza vaccines to patients being discharged from hospitals. Currently, hospitals offer such to patients who are ages 65 and older, and this proposal seeks to make the offering to individuals who are 50 years and older. This change is a recommendation of the CDC, and the vaccine is covered by insurers as well as Medicare.

- **HB 1013 - Speaker David Ralston**  
**Mental Health Parity and Reform**  
 This extensive bill includes state mental health parity monitoring for private insurers, Medicaid managed care plans, and the State Health Benefit Plan, a requirement to offer mental health services by state-regulated insurance carriers. Additionally, HB 1013 would also forgive student loans for mental health providers who work in underserved areas of the state and take other steps to improve care (provisions related to workforce development, involuntary commitment, mental health and data collection).
- **HB 1219 - Rep. Penny Houston**  
**Georgia Board of Dentistry Update**  
 Seeks to address a problem with access to dental services to increase the composition of members of the Georgia Board of Dentistry from 11 members to 17 members (13 dentists, 1 non-dentist, 1 individual who has direct knowledge of the education of dental students in the state and appointed by the Board of Regents; and 2 dental hygienists).
- **HB 1276 - Rep. Lee Hawkins**  
**State Health Benefit Plan Transparency**  
 Seeks to require that biannual updates will be made on the Department of Community Health website about the types of providers, county level data, hospital utilization, membership enrollment, prescription drug spending data, long-term care data, and other pieces of information. This will allow individuals to better know what is available and what are the gaps for Medicaid, PeachCare, and State Health Benefit Plan programs.
- **HB 1304 - Rep. Lee Hawkins**  
**Georgia Caregivers Act**  
 Seeks to require that hospitals provide patients the opportunity to identify lay caregivers and provide that inability to contact lay caregivers shall not affect the medical care or appropriate discharge of the patient.
- **HB 1324 - Rep. Beth Camp**  
**Prudent Lay Person**  
 Seeks to clarify that the prudent layperson standard is not affected by the diagnoses given as it relates to insurance coverage. This legislation now includes mental health coverage.
- **HB 1355 - Rep. Katie Dempsey**  
**Childhood Lead Exposure Control Act**  
 Seeks to update provisions to comport with nationally recognized guidelines, revise provisions relating to abatement of lead poisoning hazards, and to expand written advisement requirements.
- **HB 1484 - Rep. Lee Hawkins**  
**PANDAS/PANS Medicaid Coverage**  
 Seeks to create a three-year pilot program to provide coverage for the diagnosis and treatment of PANDAS and PANS under Medicaid coverage.

---

## House Resolutions Passed

- **HR 606 - Rep. Sharon Cooper**  
**Self-Care Awareness Month**  
 Recognizing February 2022 as Self-Care Awareness Month.
- **HR 988 - Rep. Sharon Cooper**  
**Biomarker Testing**  
 Recognizing the benefits of biomarker testing as a necessary part of precision medicine.

- **HR 1060 - Rep. Sharon Cooper**  
**Low THC Revenue Allocation**  
Recognizes the Low THC Program Revenue Allocation and advocates for the formation of a State Psychiatric Oversight Commission funded with revenue from the Low THC Program to maintain and review benchmark criteria for the program.
- 

## Senate Bills Defeated

- **SB 92 - Sen. Randy Robertson**  
**Dextromethorphan ID Check**  
Originally seeking to prohibit the sale to and by minors of drug products containing dextromethorphan, now only includes language seeking to alter the rules for physician assistants and advanced practice registered nurses, the bill would no longer require PAs to submit job descriptions to the Georgia Composite Medical Board and would allow APRNs to prescribe Schedule II drugs in emergency situations.
  - **SB 456 - Sen. Bruce Thompson**  
**Women's Health and Safety Act**  
Seeks to prohibit the use of mail order abortion-inducing drugs to terminate a pregnancy. The FDA still considers the medication among high-risk medications. There were also questions concerning what would be done for individuals who violate the provisions (there are civil penalties and reports may be made to the Composite Board of Medical Examiners).
- 

## House Bills Defeated

- **HB 164 - Rep. Demetrius Douglas**  
**PBM Reform**  
seeks to require health insurers to pass along no less than 80 percent of all prescription drug rebates to the customer at the pharmacy counter.
- **HB 290 - Rep. Ed Setzler**  
**Right To Visit**  
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.
- **HB 369 - Rep. Alan Powell**  
**APRN and PA's Prescribing**  
seeks to alter the rules for physician assistants and advanced practice registered nurses. The bill would no longer require PAs to submit job descriptions to the Georgia Composite Medical Board and would allow APRNs to prescribe in emergency situations. The House of medicine removed many of the provisions relating to PAs and APRNs prescribing.
- **HB 474 - Rep. Sharon Cooper**  
**Opioid Co-Prescribing**  
Seeks to require concurrent opioid antagonist prescriptions for all opioid prescriptions.
- **HB 569 - Rep. Matthew Wilson**  
**Conversion Therapy Prohibition**  
Seeks to prohibit the practice of conversion therapy by professional counselors, physicians, or psychologists and to specifically define "conversion therapy."

- **HB 627 - Rep. John LaHood**  
**Athletic Trainers Certification Requirements**  
 seeks to require athletic training students to be under the direct supervision of a physician or licensed athletic trainer as well as revise and update certification requirements.
- **HB 629 - Rep. Mark Newton, MD**  
**1-800 Contacts - Online Prescription Renewals**  
 The legislation seeks to address the sales and dispensing of contact lenses. All committee discussion was around what could be permitted by safely using telehealth or telemedicine.
- **HB 823 - Rep. Mark Newton**  
**PBM Reform**  
 Seeks to require health insurers to pass along no less than 80 percent of all prescription drug rebates to the customer at the pharmacy counter. This is an identical bill to **HB 164**, originally sponsored by Rep. Demetrius Douglas.
- **HB 855 - Rep. Gregg Kennard**  
**Workers Comp Post Traumatic Stress Disorder**  
 Seeks to provide workers compensation coverage for first responders for post-traumatic stress disorders rising in the course and scope of employment.
- **HB 867 - Rep. Mark Newton**  
**Truth in Prescription Pricing for Patients Act**  
 Seeks to require pharmacy benefits managers to disclose the true net cost and final net cost, if applicable, of prescription drugs to insured individuals and to require pharmacy benefits managers to calculate cost sharing requirements for insureds based on the true net cost of prescription drugs.
- **HB 1057 - Rep. Gerald Greene**  
**Community Service Boards Suite of Services** - would set a standard suite of services that community service boards are required to provide in their respective service areas.
- **HB 1092 - Rep. Sharon Cooper**  
**Incarcerated Pregnancy Tests**  
 Seeks to require that women who have been arrested are offered pregnancy testing upon detention and would also provide deferment of confinement for pregnant women unless the woman poses a significant threat or danger to any person. The legislation allows a judge to defer the sentence of a pregnant woman until six weeks post-delivery. It requires participants to participate in perinatal health care, treatment, and assessments, as well as education and resource programs. The bill also requires monthly check-ins with the sentencing judge.
- **HB 1351 - Rep. David Knight**  
**PBM Medicaid Reform**  
 Seeks to provide for pharmacy benefits management for the Care Management Organization enrollees Medicaid program to be conducted by the Department of Community Health.
- **HB 1371 - Rep. Rick Jasperse**  
**Rural Health Advancement Commission**  
 Creates the Rural Health Advancement Commission. The Commission will be charged with developing private-sector solutions to address short-term and long-term health care and long-term care workforce shortages, emphasizing rural areas.
- **HB 1425 - Rep. Bill Werkheiser**  
**Cannabis Production Licenses**  
 Originally set to authorize the Governor to issue initial Class 1 and Class 2 production licenses for a limited time period. The new content now allows the six pending licenses for Low THC production to be issued while opening up the RFP process again and setting up a

queue system whereby one Class 1 license and one Class 2 license per 50,000 patients added to the registry.

- **HB 1449 - Rep. Darlene Taylor**  
**Medicaid Dental Coverage**  
Seeks to provide for the Department of Community Health to contract directly with dental care administrators to cover dental services for recipients of medical assistance under Medicaid and PeachCare for Kids programs. The Committee took no action on the bill with Chairman Cooper suggesting that the issue be studied through a study committee or other forum.
- **HB 1519 - Rep. David Knight**  
**Insurance Coverage Participation**  
Seeks to prohibit insurers from unilaterally changing network participation contracts impacting coverage, access to, or costs of ancillary services.
- **HB 1533 - Rep. Mark Newton, MD**  
**Physician Safe Haven**  
Seeks to provide confidentiality protections to participants in a wellness program for health care workers.
- **HB 1547 - Rep. Matt Hatchett**  
**CON Updates**  
Seeks to provide for the delayed repeal of certificate of need requirements and transfer charity and indigent care requirements from certificate of need requirements to licensure requirements. This legislation passed out nearly unanimously and moves on to the Rules Committee.

## **2022 Elections**

As a reminder, there are 37 State Representatives retiring from their seats with 88 incumbents in contested elections. On the Senate side, 10 Senators are retiring from their seats with 26 incumbents in contested elections.

To see a full list of legislator retirements and those seeking higher office, please click [here](#).

## **In Other News....**

### **Georgia Insurance Commissioner's Office Fines Anthem Blue Cross Blue Shield \$5 Million**

Insurance and Safety Fire Commissioner John F. King announced late last week, a \$5 million fine against Blue Cross Blue Shield as the result of a months-long Market Conduction Examination into [violations of state laws and Agency rules and regulations](#) by the insurance carrier. Furthermore, Blue Cross Blue Shield may be subject to additional significant fines if the carrier misses certain benchmarks in the corrective action plan agreed to between the Agency and the carrier.

“As Georgia’s Insurance Commissioner, my number one priority is protecting Georgia consumers,” said Commissioner King. “To that end, after numerous complaints made to our office regarding the operations of Blue Cross Blue Shield from individuals, physicians, hospitals, and others from around the state, I instructed my staff to conduct an extensive examination into the carrier’s practices.”

“This examination uncovered a number of serious issues, including improper claims settlement practices, violations of the Prompt Pay Act, failure to reply to consumer complaints in a timely manner, inaccurate provider directories, and significant delays in loading provider contracts,” continued King. “As a result, our office has issued the largest fine in Agency history, with potential additional penalties if certain benchmarks are not reached.”

To avoid additional penalties, Blue Cross Blue Shield must develop a new process for handling regulatory provider complaints, pay claims within the timeframes established under state law, and load provider contracts in a timely manner.

Source: <https://oci.georgia.gov/press-releases/2022-03-29/georgia-insurance-commissioners-office-fines-anthem-blue-cross-blue>

### **Georgia Board of Workers Compensation Update**

Chief Judge Ben Vinson reports a finalization on the J1 code matter and also reports a pending market basket increase.

Additional details to follow in the coming weeks.

---

To find any bill, go to [www.legis.ga.gov](http://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.

---

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

**Travis Lindley**  
**404.886.5058**  
[travis@capitolstrategy.us](mailto:travis@capitolstrategy.us)

**Devin Krecl**  
**770.655.9545**  
[devin@capitolstrategy.us](mailto:devin@capitolstrategy.us)