



CAPITOL WATCH

2016 Session

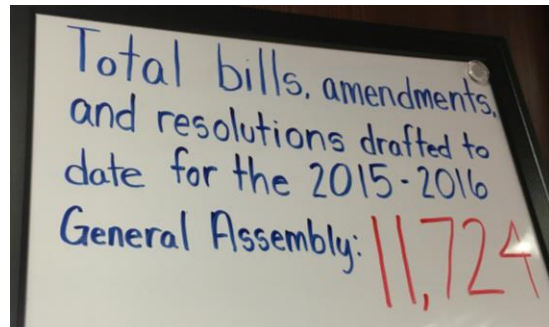
Legislative Wrap Up: 2015-16 Session of the GA General Assembly

Ever focused on small government, Georgia's lawmakers agreed on a record, all-time high [budget of \\$23.7 billion for 2017](#). It includes pay raises for many state employees, including public health nurses, law enforcement officers, and a 3% raise for school nurses and teachers. The budget also includes \$200,000 for loan repayments to APRNs and Pas, as well as over \$1.5 billion for new road, bridge, and construction projects. (Cross your fingers for less traffic!)

Overall, the 2016 legislative session of Georgia's General Assembly was on the mellow side. Things heated up when, on the antepenultimate day of the session, [HB 757](#) (also known as the Religious Freedom bill) suddenly resurfaced and passed within a matter of hours. The bill is controversial: from one perspective it protects religious freedom, from the other it legalizes discrimination. All arguments aside, Governor Deal announced on Monday that he will veto HB 757, saying "I do not think we have to discriminate against anyone to protect the faith based community in Georgia." However, this is surely not the last RFRA bill this state will see. The fate of the similarly contentious [HB 859](#) (aka Campus Carry, also awaiting signature) is still unknown.

Prospects seemed promising for [HB 722](#), Representative Allen Peake's Medical Marijuana bill. After being whittled into a watered down version of the original (expanding the list of treatable conditions but not permitting marijuana cultivation), HB 722 passed the House but encountered a less receptive audience in the Senate. After the house bill got stalled in the Senate health committee, a Senate bill with identical language appeared on *sine die* evening, but also hit a wall and failed to pass.

A big bipartisan success this year was the passage of [SB 364](#), the Quality Basic Education Act. Reflecting a new sense of collegiality towards Georgia's educators, this bill revamps the teacher evaluation process, reducing the weight of student test scores on teacher performance. SB 364 also reduces the number of standardized tests from 32 to 24, and



lessens the role teachers and administrators play in evaluating student performance on standardized tests. Also, the General Assembly passed a bill [expanding MARTA](#) on the last day of the session; [SB 369](#) allows the city of Atlanta to hold a vote on up to a half penny tax for transit expansion.

Legislators also added nearly \$4 million to the budget for the Department of Public Health to boost pay for public health nurses and for other grant programs created by [SB 308](#). To fund these increases, they made several relatively small cuts to an assortment of state agencies—the primary source being the Department of Community Health, which shrinks by nearly \$8 million. They also removed \$5.8 million from earlier versions of the budget that was intended to pay for expensive medications for patients with Hepatitis C. The budget also reduced projected Medicaid enrollment growth expenses by \$4.9 million.

Typically, as the final legislative day drags on towards midnight, legislators exhibit more and more pique as their energy and blood sugar lag. However, this year's *sine die* commenced with a bit of comedy (or at least an attempt), when Rep. Rusty Kidd donned a [Donald Trump mask before delivering a morning order](#). Now that we're all in a good mood, read on to see which bills passed and which did not:

Passed and Awaiting Governor's Signature

[HB 34 Georgia Right to Try Act \(Rep. Mike Dudgeon\)](#)

Allows people with terminal illnesses to use experimental medical treatments.

[HB 212 Pain Management Clinics \(Rep. Tom Weldon\)](#)

Relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services

[HB 498 Professional Counselors \(Rep. Lee Hawkins\)](#)

Expands scope of LPCs by adding "diagnose" to the practice act. LPCs maintain this is necessary for them to receive reimbursement through private insurance and Medicaid. *Passed as an amendment to [SB 319](#).*

[HB 588 Pseudoephedrine Electronic Registry \(Rep. Valerie Clark\)](#)

Allows for the use of an electronic registry to track/block the sale of pseudoephedrine products. *Passed as amended language onto [SB 362](#).*

[HB 775 Spectacles \(Rep. Earl Ehrhart\)](#)

This bill is the GA Optometric Association response to the launch of *Opternative*, an online refraction technology option in Georgia. The bill prevents Georgia patients from receiving a prescription for spectacles or contact lenses without an in-person eye examination.

[HB 783 Controlled Substances \(Rep. Bruce Broadrick\)](#)

This bill updates the state's annual dangerous drug statute.

[HB 826 Medical Advertising/Board Certification \(Rep. Betty Price, MD\)](#)

Provides certain requirements for the advertisement or publication of a physician's board certification on the Internet or other marketing materials.

- *This legislation illustrates an interesting lesson in civics. While HB 826 itself failed, the language passed as an amendment to [HB 1043](#). However, a conflicting bill with almost identical language ([SB 385](#), sponsored by Sen. Judson Hill) also passed—therefore, one of the bills must be vetoed.)*

[HB 853](#) Coverdell-Murphy Act (Rep. Lee Hawkins)

Updates the current system of levels of certified stroke centers to reflect advances in stroke treatments and therapy.

[HB 897](#) Drug Repository Program (Rep. Betty Price, MD)

Establishes a program through the Dept. of Community Health and the Dept. of Public Health that would accept and dispense unused, donated prescription drugs to eligible Georgia residents. Stipulates that drugs must be sealed/unopened and only dispensed for a valid prescription.

[HB 900](#) Prescription Drug Monitoring Program (Rep. Sharon Cooper)

Aims to reduce prescription drug abuse by giving physicians and their delegates access to an electronic database of prescription information to track overuse and over-prescribing of Schedule II drugs. The passage of HB 900 represents a major reform to the state's drug monitoring program.

[HB 910](#) Health Records Costs (Rep. Spencer Frye)

Expands patients' access to records, and standardizes costs.

[HB 916](#) Pharmacy Audit Bill of Rights (Rep. Dusty Hightower)

Provides that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance

[HB 919](#) Rural Healthcare Tax Credits (Rep. Geoff Duncan)

Provides tax credits for contributions in support of a rural health care organization, up to \$250 million. *Passed as an amendment to [SB 258](#).*

[HB 920](#) Restrict Civil Actions Against Passive Investors in Nursing Homes (Rep. Trey Kelley)

[HB 997](#) Income tax; deduction for certain physicians, nurses, and physician assistants; delete and create new credit (Rep. Geoff Duncan)

[HB 1058](#) HIV/AIDS (Rep. Betty Price)

Reinforces a pregnant woman's right to refuse an HIV test, absolves the DPH of the responsibility to produce HIV counseling brochures, and states that confidential AIDS information may be disclosed to parents of minors. The House passed the bill including the needle exchange, but it was amended out of the bill in the Senate. Bill also includes [HB 486](#) Disclosure of AIDS Confidential Information.

[SB 158](#) Consumer & Provider Protection Act / Rental Network Reform (Sen. Dean Burke, MD)

Addresses rental networks by requiring the insurer to register with the Georgia Department of Insurance, provide notification to the provider and imposes a fine for any violation.

SB 273 Non-diagnostic Laboratories Licensure (Sen. Dean Burke, MD)

To provide that certain non-diagnostic laboratories are not subject to state licensure as a clinical laboratory.

SB 302 Accurate Insurance Provider Directories (Sen. P.K. Martin)

Requires health insurance carriers to provide and maintain accurate provider directories to beneficiaries of network plans.

SB 305 Orders for Life Sustaining Treatment (Sen Renee Unterman)

SB 308 Alternatives for Pregnancy (Sen. Renee Unterman)

Provides funding for unlicensed pregnancy centers.

SB 319 Professional Counseling – Diagnosing (Sen. Lester Jackson)

Adds diagnosing to LPCs' scope of practice, with some restrictions.

SB 271 Mental Health Emergency Receiving Facility (Sen. Dean Burke)

Improves administrative processes surrounding involuntary commitment.

SB 402 Drug Abuse Treatment and Education Programs (Sen. Jeff Mullis)

Creates the State Commission on Narcotic Treatment Programs; suspends the acceptance of applications and issuing of licenses for narcotic treatment programs for a certain period.

HR 1367 House Study Committee on the Pharmacy Benefits Managers Process (Rep. Darlene Taylor)

We are expecting a complete list of all study committees passed out of the House to be available soon, and will keep you apprised of any relevant updates.

Failed to Pass

HB 705 Mental Health Patient Directive (Rep. Katie Dempsey)

This bill requires providers to ask a patient at three different intervals during treatment to choose an individual with whom the provider may discuss the patient's medical condition and treatment plan. GPPA met with the bill sponsor and key stakeholders, and will continue to meet over the summer with the GA Hospital Association and the DPH Coordinating Care Council to educate all parties about the consequences of this legislation.

HB 537 Dental Single Administrator (Rep. Carl Rogers)

Despite the sponsor's relentless, up-to-the-last-minute efforts, HB 537 still failed to pass.

HB 813 Expedited Partner Therapy (Sen. Rick Jasperse)

To provide for expedited partner therapy for patients with chlamydia & gonorrhea.

HB 875 Specialty Tier Drugs (Rep. Lee Hawkins)

Would require insurers to provide information to enrollees, and puts an upper payment limit of \$200/month on co-pays for specialty tier drugs. Would set yearly copay limits for

these drugs of \$1000/insured individual and \$2000/insured family. Would require policies to make standardized drug tier definitions available and establish a pharmacy consumer service phone line. Also would mandate that policies establish an exception approval process, for physicians to request approval if the formulary drug is not preferred. Also establishes that prior authorization approvals for specialty drugs cannot be changed for duration of the plan year.

[HB 944](#) Pronouncement of Death in Nursing Home Patients who are Organ Donors (Rep. Sheri Gilligan)

[SB 114](#) APRN Protocol Agreement (Sen. Chuck Hufstetler)

[SB 115](#) PA's: Authority to Prescribe Schedule II Drugs (Sen. Chuck Hufstetler)

[SB 143](#) State Health Benefit Plan: Require Insurer to Include Trauma Centers in Provider Network

[SB 314](#) APR Licensing (Sen Renee Unterman)

[SR 683](#) Prohibition on Senate Conference Committee Reports Unless Public Overnight (Sen. Bill Heath)

[SR 722](#) Joint Study Committee Mental Illness (Sen. Donzella James)

Estimated Time of Departure

The following state legislators are not running for re-election this year:

Rep. Tom Weldon [R-3]

Rep. Stephen Allison [R-8]

Rep. Mike Dudgeon [R-25]

Rep. Carl Rogers [R-29]

Rep. Joe Wilkerson [R-52]

Rep. Margaret Kaiser [D-59]

Rep. LaDawn Jones [D-62]

Rep. Ronnie Mabra [D-63]

Rep. Virgil Fludd [D-64]

Rep. Dee Dawkins-Haigler [D-91]

Rep. Tom Rice [R-95]

Rep. Hugh Floyd [D-99]

Rep. B.J. Park [R-108]

Rep. Barbara Sims [R-123]

Rep. Nikki Randall [D-142]

Rep. Bob Bryant [D-162]---deceased
(special election March 29)

Rep. Alex Atwood [R-179]

Sen. Tommie Williams [R-19]

Sen. Bill Jackson [R-24]

Sen. Mike Crane [R-2]

Keep Up With the Action

Nathan Deal has until **May 3rd** to sign and/or veto all of the legislation passed this session.

Bills that he does not sign and does not veto automatically become law after that day.

Click [here](#) to follow which pieces of legislation have been graced by the Governor's pen.

Thank you,

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