

2018 Legislative Summary

The 2018 legislative session drew to a close on 3/29 shortly after midnight. The final day was marked by numerous twists and turns, bill substitutions, and conference committees.

In the end, all health care bills failed to move due to political gamesmanship. Both the House and the Senate dug in their heels over the Drug Czar and APRN issues and all other measures were casualties. We can report that no damaging legislation passed; however, many good public policy measures fell short. As a reminder, major change is coming as next year we will be dealing with many new legislators and a new Governor and new Department Commissioners as well.

To get a feel for the events of this session overall, I suggest the Georgia Health News article Legislative Twists by Andy Miller published on March 20, available here <http://www.georgiahealthnews.com/2018/03/legislative-twists-a-standoff-nursing-bill-boost-orthopedic-center/> and here [Read more about the health care legislation that passed -- and bills that didn't make it.](#)

Total Bills

2017-2018 = 11,277

2017 = 5,834

2018 = 5,444

Everything that passed now enters a FORTY DAY BILL REVIEW PERIOD during which they will either be signed or vetoed by Governor Deal.

F - Failed

P – Passed

V- Vetoed

HB 161 Harm Reduction Rep. Betty Price, MD Allows for needle exchange programs and the sale of clean needles and syringes. House vote 169/1 Senate vote 51/0 by sub **F**

HB 293 Evidence, Child's Testimony/Sexual Contact & Physical Abuse, Rep. Deborah Silcox , provides an effective date for the procedure relating to the testimony of a child's description of sexual contact or physical abuse. **F**

HB 301 Physician Preceptorship, Tax Credit Rep. Jodi Lott Deletes an income tax deduction for certain physicians serving as community based faculty physicians and creates an income tax credit for taxpayers licensed as physicians, APRNs, or PAs who provide uncompensated preceptorship training to medical, APRN, or PA students. **F**

HB 314 Surprise Billing Rep. Jason Shaw and Sen. Chuck Hufstetler Comprehensively address the issue of out-of-network billing and billing transparency; Endorsed by the Medical Association of Georgia. **F**

HB 519 Step Therapy

Rep. Sharon Cooper Requires health benefit plans to utilize certain clinical review criteria to establish step therapy protocols and provides for a step therapy override determination process. **F**

HB 660 Criminal Procedures/Hate Crimes Rep. Meagan Hanson Provides sentencing for those who commit certain crimes which target a victim because of their race, color, religion, national origin, sexual orientation, gender, mental or physical disability; also provides law enforcement training . **F**

HB 673 Texting While Driving/Distracted Driving Rep. John Carson Prohibits actions which distract a driver while operating a motor vehicle. **P**

HB 678 Surprise Billing/Transparency, Rep. Richard Smith, Requires disclosure and transparency for out of network patients. **F**

HB 697 Tax Exemption - Health Clinics - Sunset Removal Rep. Darlene Taylor Extends an exemption from state sales and use taxes for five additional years regarding the sale or use of tangible personal property for certain nonprofit health centers. **P**

HB 701 Opioid Testing for State Employment Rep. Kevin Tanner Drug testing for state employment, so as to allow for testing for all forms of opioids. **P**

HB 716 Pre-Arrest Diversion for Drug & Mental Health Treatment Act, Rep. Paulette Rakestraw, Would allow offenders of non-violent drug crimes to voluntarily opt to enter treatment in lieu of being arrested. **F**

HB 764 PTSD/THC Oil Rep. David Clark Allows for small quantities of low THC oil to be distributed and dispensed to those with PTSD. This bill was added to HB 65 **P as HB 65**

HB 769 House Rural Development Council Rep. Rick Jaspers contains recommendations from the House Rural Development Council. The bill does not include any of the provisions requested by Cancer Treatment Centers of America to further weaken the Certificate of Need (CON) program, nor does it eliminate CON in urban areas. The bill does create a new CON exemption for micro hospitals with 2 - 7 beds located in counties with a population of 50,000 or less, but only when an existing hospital purchases a closing hospital in a contiguous county in order to repurpose the facility as a micro hospital. HB 769 also contains multiple provisions aimed at addressing the ongoing shortage of health care providers in rural Georgia. It eases restrictions on the use of remote order entry by hospital pharmacies when a pharmacist is not available to be physically present in the facility; directs the state Medicaid agency to streamline the provider credentialing and billing processes and to update its payment policies for telehealth services; and creates a new grant program for physicians who

practice in underserved rural areas of the state. It also includes language that increases the rural hospital tax credit to 100% and makes S-Corps eligible donors. **P**

HB 782/407 PDMP (Prescription Drug Monitoring Program) Clean Up Bill Rep. Trey Rhodes In conjunction with the Department of Public Health, will allow for interstate communication with other PDMPs, allow for EHR communication, and allows physician delegates to register directly with the Department of Public Health. ADDED TO HB 407 **P as SB 407**

HB 873 Prior Authorization Reform, Rep. David Knight, promotes consistency and clarity in the disclosure of prescription drug formularies. **F**

HB 737 Law enforcement; court-ordered blood tests, Rep. Clay Cox, for protection of officers who have significant exposure to HIV, hepatitis B, or hepatitis C; provisions **F**

HR 1321 House Study Committee on High Risk Exposure to HIV and Hepatitis B and C; create, Rep. Clay Cox **F**

HB 895 Prohibition & Minor Age Verification Cough Medicines, Rep. Sharon Cooper, prohibits the sale of dextromethorphan to minors. **F**

HB 943 Opioid Alternative Treatment Act, Rep. Karen Mathiak, *Mandates* carriers to cover other treatment options. **F**

SB 164 PT Insurance/Co-Payment Sen. Fran Millar Prohibits insurers from imposing a copayment, coinsurance, or office visit deductible amount greater than such charges imposed on a physician or an osteopath to an insured for services rendered by a physical therapist, an occupational therapist, or chiropractor. **F**

SB 318 EMT/1013 Sen. Doc Rhett A pilot program allowing EMTs to order a provisional 1013 in two urban counties **F**

SB 321 False Medicaid Claims, Sen. Blake Tillery, Increases civil penalties for false or fraudulent Medicaid claims **P**

SB 334 Nursing Board Transfer to DCH as an Attached Agency, Sen. Renee Unterman, Moves the nursing board from under the Secretary of State's Office to DCH, much like the Composite Medical Board. **F**

SB 351 APRN Full Prescriptive Authority, Sen. Renee Unterman, Amended to allow for expanded supervision only - no prescribing authority. **F**

SB 352 Commission on Substance Abuse and Recovery, Sen. Renee Unterman, Creates a way for communities and recovery treatment providers to work together to expand access to treatment, sets up a K-12 education strategy designed to educate students about and prevent abuse of substances (both street drugs and household medications);

it will also include insurance reforms to protect patients who are undergoing treatment for drug addiction. **F**

SB 357 Health Coordination & Innovation Council of the State Sen. Dean Burke This council is a recommendation of Lt. Gov. Cagle's health care task force, and would coordinate health planning and services of all relative state agencies **P/ Vetoed**

SB 359 Consumer Coverage Protection for Out of Network Medical Care Act, Sen. Chuck Hufstetler, and Addresses surprise/out of network billing and reflects the collective efforts of the Medical Association of Georgia and a board coalition of physician specialties. **F**

SB 406 Long- Term Care Background Check Sen. Brain Strickland requires background checks for all personnel **P**

SB 407 Criminal Justice System Sen. Brain Strickland this is the Governors justice reform legislation HB 782 the PDMP was added **P**

SB 422 Pharmacists Testing, Sen. Renee Unterman, would allow pharmacists to perform and interpret the results for certain types of tests **P**

SB 424 Center for Rural Health Innovation Sen. David Lucas **F**

SB 434 Name Change Ga. Physician Workforces, Sen. Renee Unterman **F**

SB 471 E-Prescribing - Schedule II , Sen. Chuck Hufstetler, would mandate electronic prescribing for all prescriptions **F**

Select Budget Highlights

\$626,545 PDMP pursuant to the passage of HB 249 (2017 Session) DPH
\$215,700 to improve perinatal hepatitis C surveillance, linkage to care, and testing to address the statewide increase of the hepatitis C virus due to the opioid epidemic DPH
\$50,000 Grady IDP to support retention in care efforts for patients with HIV/AIDS DPH
\$631,775 / \$580,542 restored funding cut to school nurses and added an additional \$ 51,233 DOE
\$188,500 for 13 exiting slots in Psychiatry Georgia Board for Physician Workforce
\$120,000 for Gateway Behavioral Health for the second year of start up for new psychiatry program GBPW
\$177,867 ABD increase 1% in reimbursement for select dental codes
\$ 1,382,360 LIM increase 1% in reimbursement for select dental codes
\$20,626,044 for behavioral health services Recommended by the Children's Commission on Mental Health
\$6,000,000 for two Behavioral Health Crisis Centers