



2017 Legislative Session Summary

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Legislation that Passed and was sent to the Governor

HB 154 Dental Hygienists/Scope of Practice Authorizes that dental hygienists can clean teeth and apply fluoride and sealants without a dentist present in the office. **Signed by Governor**

HB 157 Medical Advertising Repeals language from 2016 (HB 1043) limiting the advertising and publicizing of medical specialty certification to specific board certifications. **Signed by Governor**

HB 198 Flu Vaccines

Requires local school systems to provide flu vaccine information to parents and guardians of students in grades 6-12. **Signed by Governor**

HB 231 Controlled Substances - Dangerous Drug Bill Annual Update

Reclassification of non-prescription fentanyl; classifies a synthetic opioid, (commonly known as U-4770) as a Schedule I drug. **Signed by Governor**

HB 249 PDMP

Moves the administration of the PDMP from the Georgia Drug and Narcotics Agency to the Department of Public Health. The bill requires pharmacists to input the data into the PDMP within 24 hours of dispensing and makes naloxone easier to access. Physicians must check the PDMP prior to prescribing opioids and benzodiazepines for a first-time patient and then once every ninety days. There are exceptions for a physician checking the PDMP which includes a 3-day prescription, a 10-day prescription following surgery, cancer and palliative care, and other exceptions. Any penalties on the physician would be reported to the Georgia Composite Medical Board.

Here are some more specifics about the effects of HB 249: 1. All prescribers with a DEA must register with the PDMP by January 1, 2018. 2. Between January 1 and May 31, 2018, the Department of Public Health will test the PDMP to assure that it is operational 99.5% of the time. 3. Assuming No. 2 is met, the PDMP requirement will go live on July 1, 2018. 4. All dispensers (pharmacies) shall electronically report a long list of details on every script dispensed every 24 hours. 5. MDs can delegate access to the PDMP to 2 staff members per shift, but can be held liable for any misuse of the data. 6. Providers may use data from the PDMP to communicate misuse, report patient to DPH, and document in the health record. 7. The user or their Agency must implement security measures “substantially equivalent” to the Department’s. 8. Dispensers (pharmacies) do not have to check the PDMP, and carry no liability. 9. Must check PDMP for all opioids, and benzodiazepines for first script and at least every 90 days thereafter. Exceptions: a. 3 day supply, no more than 26 pills; b. Hospital, nursing home, or healthcare facility where meds are to be used on site c. Patient has had surgery in an ASC and the prescription is no more than a 10-day supply d. Hospice care 10. Prescriber can be held administratively liable for not checking if there is an adverse outcome. 11. Prescriber must make documentation in the medical record of when and who checked the PDMP. 12. Pharmacies can be fined or jailed for not giving data. 13. There are a series of escalating penalties for misuse of the PDMP data (for anyone.) **Signed by Governor**

HB 292 Firearms – Expanded Conceal Carry

Cleans up existing gun laws and make it easier for anyone declared ineligible for a weapons permit for mental health reasons to petition the court to regain that right. **Signed by Governor**

HB 360 Expedited Partner Therapy ADDED TO SB 193. To provide for expedited partner therapy for patients with chlamydia or gonorrhea. **Signed by Governor**

HB 427 Physicians and Health Care Practitioners for Rural Areas Assistance Act Expands the service cancelable loan program for MDs in underserved areas to other health care practitioners: Dentists, APRN’s, and PA’s. **Signed by Governor**

HR 240 Joint Study Committee Georgians' Barriers to Access to Adequate Health Care, which will:

- Measure the effectiveness of Medicaid's and the state health benefit plan’s coordinated and managed behavioral health services, substance abuse treatment, bariatric treatment, and adult immunizations
- Assess the need for an asthma and COPD state plan to take effect in 2019

- Examine the risk adjustment between the Medicaid and state health benefit plans, including high risk patients with behavioral conditions and early onset of chronic disease
- Examine the benefit package for gap-group and Medicaid enrollees and analyze their needs
- Assess the HIV laws' alignment with current evidence regarding HIV transmission risk and consider whether these laws are the best vehicle to achieve their intended purpose
- Examine comprehensive behavioral health services for those suffering from serious mental illness which have been demonstrated to have a positive impact on medical outcomes and reduced burdens on patients, providers, families, and society **Signed by Governor**

SB 88 Narcotic Treatment Programs Enforcement Act

Provides comprehensive regulations and a licensing process for narcotic treatment programs. **Signed by Governor**

SB 103 Pharmacy Patient Fair Practices Act

Gives the Commissioner of DCH the authority to investigate PBMs; prevents a PBM/insurer from requiring the use of a mail-order pharmacy or from requiring a covered individual to pay a different copay for using his/her pharmacy of choice; disallows PBMs from prohibiting pharmacies from providing info about alternatives, offering delivery services, or advocating on behalf of an insured to the PBM; and other prohibitions for the PBM relative to financial maneuvers.

Signed by Governor

SB 106 Pain Management Clinics

Allows CRNAs to practice independently in pain clinics.

SB 16 Medical Marijuana

Lawmakers expanded Georgia's medical marijuana law. It adds six conditions to Georgia's existing law. It adds six conditions to Georgia's existing law including Alzheimer's, AIDS, peripheral neuropathy, autism, Tourette syndrome, and the painful skin disorder epidermolysis bullosa.

SB 121 NARCAN

Codifies Governor Deal's executive order making naloxone available over the counter. The Governor has signed this bill. **Signed by Governor**

SB 125 PA Prescribing Schedule II

Allows PAs to write hydrocodone for 5 days if it's in their job description. PAs are subject to the new PDMP checking requirements.

SB 160 Back the Badge Act of 2017

Imposes mandatory minimum prison sentences for criminals convicted of aggravated assault and aggravated battery against a public safety officer.

SB 176 GA Council on Criminal Justice Reform

Enacts reforms relating to driving privileges recommended by the Georgia Council on Criminal Justice Reform; to change and provide for the procedure of issuing bench warrants for individuals charged with certain traffic, motorist, and road violations; to remove a barrier to obtaining a habitual violator probationary license; to change provisions relating to third and subsequent convictions under Code Section 40-6-391 involving controlled substances or marijuana; to change provisions relating to reinstatement of certain licenses under certain conditions. SB 176 tracks with the Governor's Criminal Justice Reform Council recommendations and year-end report. Included in the report, Georgia will move from a Medicaid Termination stance to a Medicaid Suspension stance upon a Medicaid recipient's conviction and incarceration. Currently, once convicted of a crime, a recipient's Medicaid is terminated and upon release can take up to 9 months to reestablish coverage.

SB 193 Positive Alternatives for Pregnancy & Parenting Grant Program

Revises the mission and practice of the Positive Alternatives for Pregnancy and Parenting Grant Program; removes certain references to medically indigent women; disallows contract management agencies from referring, encouraging, or affirmatively counseling a person to have an abortion unless the person's attending physician diagnoses a condition which makes such abortion necessary to prevent her death. *Expedited Partner Therapy added in committee.* Expedited Partner Therapy (EPT) is the clinical practice of treating the sex partners of patients diagnosed with chlamydia or gonorrhea by providing prescriptions or medications to the patient to take to his/her partner *without the health care provider first examining the partner.* **Signed by Governor**

SB 200 Synchronizing Patients' Chronic Medications

Requires insurers to cover, at a prorated daily cost-sharing rate, prescriptions that are dispensed for less than 30-days where the fill is in the best interest of the patient or is for synchronizing the insured patient's chronic medications.

SB 201 Employee Sick Leave

Would require an employer with at least 25 employees and offers sick leave to allow an employee to use that sick leave to care for an immediate family member. The provisions of this bill will expire on July 1, 202 unless extended by the General Assembly

SR 241 GA AIDS Coalition

SR 352 Senate Study Committee on Homelessness

Not Passed but Alive for 2018 Session

SB 4 Enhancing Mental Health Treatment of GA Act

Creates the Georgia Mental Health Treatment Task Force. Sets out the duties of the task force including evaluating the current environment and recommending changes.

HB 71 Surprised Billing

Sponsored by Rep. Smith, would have required physicians, as a condition of medical staff privileges, to accept all the health insurance plans accepted by the hospitals. Sen. Unterman's SB 8 represented the Senate version of the bill. It included the Fair Health Database, and in its original form as it passed the Senate had potential to address the surprise insurance gap. The substitute to SB 8 was strong on transparency required of physicians, hospitals, and health insurers, but had a payment methodology favorable to the health insurers and failed to pass the House of Representatives. SB 277: The Consumer Coverage for Emergency Medical Care Act, sponsored by Sen. Michael Williams, mandates payment for out-of-network emergency care at the 80th percentile of an independent database of billed charges. The Medical Association of Georgia worked with Sen. Williams to make SB 277 the best solution for the issue, and the matter will hold until the 2018 legislative session

HB 159 Adoption

A bipartisan measure sponsored by state Rep. Bert Reeves looked promising. But on sine die a late-hour RFRA amendment to allow some private agencies to refuse to place children with same-sex couples kept the bill from making it through this session.

HB 51 Sexual Assault on Campus

seeking to change the way post-secondary schools investigate and punish allegations of sexual assault on college campuses. After being tabled and resurrected on the second-to-last day of the Session, the proposal ultimately failed.