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 Efstration 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


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 Efstration  
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  
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** Lacee'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 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

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

**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 886 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.