2017 GEORGIA GENERAL ASSEMBLY

PRIORITY ISSUES

MEDICAID PAYMENT PARITY- Approved in 2018 Budget
Lawmakers passed a FY 2018 budget that includes $38 million to increase pay for certain Medicaid primary care and OB-GYN codes. Of that, $6.5 million will be used to resolve physician “location” and “attestation” issues that MAG brought to the attention of the Georgia Department of Community Health.

HB 301, converting the current Preceptor Tax Incentive Program (PTIP) from a tax deduction to a credit and expands eligibility to APRN and PA preceptors in Georgia- **did not pass**

Mandatory PDMP Schedule II- Passed

- **H.B. 249**, by Representative Kevin Tanner which will – along with other provisions – codify an executive order to make naloxone available on an over-the-counter basis, require prescription drug dispensers to update the state’s Prescription Drug Monitoring Program (PDMP) every 24 hours, and require prescribers to check the PDMP every time they prescribe a Schedule II drug beginning in July 2018.

**S.B. 241** by Sen. Renee Unterman (R-Buford), which would have moved the administration of the Georgia Prescription Drug Monitoring Program (PDMP) from the Georgia Drugs and Narcotics Agency to the Georgia Department of Public Health. The bill had also been amended to create a disposal program for controlled substances in hospice programs. MAG remained focused on improving
the PDMP’s use, reliability, and accessibility. **Outcome:** Did not pass, although the bill was attached to **H.B. 249** - which did pass.

**S.B. 125** by Sen. Rick Jeffares (R-McDonough), which will allow physician assistants to write hydrocodone prescriptions of up to five days if this prescriptive authority is included in their job description. **Outcome:** Passed.

**H.B. 157 Physician Advertising** by Rep. Trey Kelley (R-Cedartown), which will amend a law (**H.B. 1043**) that was passed in 2016 that allows physicians who are in a specialty or subspecialty to advertise a board certification that is similar in scope and complexity (i.e., training, documentation, and clinical requirements) to the certifications that are offered by the Accreditation Council for Graduate Medical Education (ACGME) and the Bureau of Osteopathic Specialists of the American Osteopathic Association (AOA). H.B. 157 will also require physicians to show evidence of their board certification upon the request of the Georgia Composite Medical Board. **Outcome:** Passed

**MAINTENANCE OF CERTIFICATION**- Passed

**H.B. 165** by Rep. Betty Price, M.D. (R-Roswell), which will prevent the state’s Medical Practice Act from being used to require Maintenance of Certification (MOC) as a condition of licensure or to require MOC to be employed by a state medical facility or for the purposes of licensure, insurance panels, or malpractice insurance.

**Surprise/ Out of Network Billing**
These bills that **did not pass** were...

**H.B. 71** by Rep. Richard Smith (R-Columbus), which would have required physicians required physicians to participate in every health insurance plan that is offered by any hospital where they have privileges and health centers to disclose certain information to patients about the providers they expect to use and the fees they typically charge before any services are rendered. This bill would have also required physicians to participate in every health insurance plan that is offered by any hospital where they have privileges.
- **S.B. 8, S.B. 8** (‘Surprise Billing and Consumer Protection Act’) by Sen. Renee Unterman (R-Buford), which would have established an unsustainable payment system for physicians who provide care in emergency care settings on an out-of-network basis. This measure, in its final form, would have 1) established notification requirements for providers, health care facilities, and insurers regarding insurance coverage, scheduled providers, and cost information for elective procedures and 2) set payment for out-of-network emergency services at the greatest of either the median network rate paid by the health care plan or the rate of the health care plan in its standard formula for out-of-network reimbursement or the Medicare fee-for-service reimbursement.

- **S.B. 277**, which was model legislation that MAG and other physician groups developed to address the surprise health insurance coverage gap and end the need for balance billing for out-of-network care in emergency care settings. Unlike S.B. 8, this bill would have created a fair and sustainable solution (e.g., payment based on the 80th percentile of the 'FAIR Health' database) – and it is legislation that MAG will continue to promote.

- **S.B. 16** by Sen. Ben Watson, M.D. (R-Savannah), which will modify the state’s medical cannabis law. The original version of this bill would have reduced the amount of THC that would be allowed in the cannabinoid oil, and it would have added autism to the list of qualifying conditions. A House/Senate compromise left the THC at the current 5.0 percent level and added six qualifying conditions, including 1) "severe" autism for people who are under the age of 18 and 2) autism for people who are 18 or older and 3) severe or end-stage cases of Alzheimer’s disease and 4) AIDS or peripheral neuropathy and 5) severe Tourette’s syndrome and 6) any case of epidermolysis bullosa. S.B. 16 would also make the low THC cannabinoid oil available to people who are in hospice programs. **Outcome:** Passed.

- **S.B. 153** by Sen. Matt Brass (R-Newnan), which – after it was amended with a substitute by Rep. Earl Ehrhart (R-Powder Springs) – will allow optometrists to inject pharmaceutical agents around a patient’s eye. Exceptions include subtenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous, intramuscular, intraorbital nerve block, intraocular,
and botulinum toxin injections. The optometrist will have to obtain a certificate that shows that they have successfully completed an “injectables” training program of at least 30 hours that is sponsored by a school or college of optometry that is credentialed by the U.S. Department of Education and the Council on Postsecondary Accreditation or that they are enrolled in such a program. They will also have to be under the direct supervision of a board-certified ophthalmologist. **Outcome:** Passed.

**S.B. 102** by Sen. Butch Miller (R-Gainesville), which will create a three-tier cardiac care center designation framework – similar to the state’s stroke and trauma designation system for hospitals. **Outcome:** Passed.

**OTHER KEY SENATE BILLS** Passed

**S.B. 14** by Sen. Dean Burke, M.D. (R-Bainbridge), which will clarify which business types can claim an exemption of up to $10,000 under the state Rural Hospital Income Tax Credit. **Outcome:** Passed.

**S.B. 41** by Sen. Renee Unterman (R-Buford), which will create a state licensure system for durable medical equipment suppliers and will give the Georgia Board of Pharmacy authority over these licensees. Health care practitioners and others will be exempt. **Outcome:** Passed.

**S.B. 47** by Sen. Chuck Hufstetler (R-Rome), which will allow a visiting sports team’s physicians and trainers to provide care in Georgia without the need to be licensed in Georgia. **Outcome:** Passed.

**S.B. 52** by Sen. P.K. Martin (R-Lawrenceville), which will remove the sunset provision from the state law that allows licensed professional counselors to be
authorized to conduct emergency examinations on individuals who are mentally ill or drug- or alcohol-dependent. **Outcome:** Passed.

**S.B. 70** by Sen. Butch Miller (R-Gainesville), a bill that will extend Georgia’s Medicaid provider fee – also known as the “bed tax” – until June 30, 2020. **Outcome:** Signed into law.

**S.B. 88** by Sen. Jeff Mullis (R-Chickamauga), which is a comprehensive regulatory and licensing framework for narcotic treatment programs. **Outcome:** Passed.

**S.B. 96** by Sen. Ben Watson, M.D. (R-Savannah), which will allow physician assistants, nurse practitioners, and registered nurses to pronounce an organ donor’s death in hospice settings. **Outcome:** Passed.

**S.B. 109** by Sen. Butch Miller (R-Gainesville), which will create a three-tier cardiac care center designation system that is similar to the one that’s used for stroke and trauma hospitals in the state. This measure was also amended to include the provisions of the ‘Nurse Licensure Compact’ (**S.B. 166**), which will allow registered nurses and licensed practical nurses to be licensed in more than one state – though the scope of the care they will be allowed to provide will be determined by the state where the patient receives the care. **Outcome:** Passed.

**S.B. 103** (‘Pharmacy Patient Fair Practices Act’) by Sen. Jeff Mullis (R-Chickamauga), which will authorize the Commissioner of the Georgia Department of Community Health to investigate pharmacy benefits managers (PBM). This measure will also place certain restrictions on PBM, including prohibiting them from requiring patients to use mail order pharmacies. And it will allow pharmacists and pharmacies to have more freedom in their interactions with patients (e.g., the ability to deliver prescriptions). **Outcome:** Passed.

**S.B. 106** by Sen. Greg Kirk (R-Amicus), which will define when certified registered nurse anesthetists (CRNA) can provide medical treatment and services in a licensed pain management clinic when a licensed provider – who is
authorized to prescribe controlled substances – is not physically present. This measure will also require the supervising physician to examine the patient before the CRNA is allowed to write any orders for treatment. There are also patient notification and consent requirements (i.e., addressing the nature of the treatment, the risk associated with the treatment, and that a physician might not be on-site). **Outcome:** Passed.

**S.B. 121** by Sen. Butch Miller (R-Gainesville), which will 1) make naloxone available on an over-the-counter basis under a standing order by the state health officer and 2) reclassify naloxone as a Schedule V controlled substance. It will also require the state health officer to be licensed to practice medicine in Georgia. **MAG’s Position:** Supported. **Outcome:** Passed.

**S.B. 180** Sen. Dean Burke, M.D. (R-Bainbridge), which will 1) require rural hospitals to report payments to consultants to qualify for the state’s tax credit for rural hospitals and 2) increase the amount of tax-deductible donations individuals and married couples can make to rural hospitals and 3) allow IRS “S” corporation-eligible members to make tax-deductible donations to rural hospitals. **Outcome:** Passed.

**S.B. 200** by Chuck Hufstetler (R-Rome), which will require insurers to cover prescriptions that are written for less than 30 days at a “prorated daily cost-sharing rate” when it is in the best interest of the patient or when it is for the purpose of synchronizing the insured patient’s medications for chronic conditions. **Outcome:** Passed.

**S.B. 201** by Sen. Renee Unterman (R-Buford), which will require employers to allow employees to use sick leave to care for immediate family members. **Outcome:** Passed.

**S.B. 206** by Sen. P. K. Martin (R-Lawrenceville), which will require health insurers to cover billed charges of up to one hearing aid per impaired ear not to exceed $3,000 per hearing aid every 48 months for covered patients who are 18 or younger. **Outcome:** Passed.
**SB 242** by Renee Unterman
will increase the number of advanced practice registered nurses (APRN) that a physician can delegate their authority to from four to eight – including no more than four at any single point in time. This measure will also add county and municipal emergency medical services that have a full-time medical director to the list of organizations that are exempt from limiting the number of APRN their physicians can supervise. **Outcome:** Passed.

**S.R. 13** by Sen. Butch Miller (R-Gainesville), which recognized Dallas Gay, the MAG Foundation ‘Think About It’ campaign community co-chair, for his “acts of public service” to reduce prescription drug abuse in the **Position:** **Outcome:** Adopted.

**S.R. 18** by Sen. Butch Miller (R-Gainesville), which recognized January 12 as ‘Addiction Recovery Awareness Day’ in Georgia **Position:** **Outcome:** Supported.

**S.R. 188** by Sen. Renee Unterman (R-Buford), which will form a Senate study committee to evaluate at barriers to access to adequate health care in Georgia, with an emphasis on the role of advanced practice registered nurses. **Position:** **Outcome:** Passed.

**OTHER KEY HOUSE BILLS**

**H.B. 154** by Rep. Sharon Cooper (R-Marietta), which will authorize dental hygienists to provide certain services under general supervision to patients in certain settings, such as in schools, nursing homes, rural health clinics, and long-term care facilities. **Outcome:** Passed.

**H.B. 206** (‘Pharmacy Audit Bill of Rights Act’) by Rep. Trey Kelley (R-Cedartown), which will prevent scrivener (i.e., a person who writes a document for another person) errors from being deemed fraud or as a basis to recoup payment for medical assistance provided. **Outcome:** Passed.

**H.B. 210** by Jodi Lott (R-Evans), which will exempt blood banks or specimen collections stations from being classified as clinical laboratories when the blood or
specimens are intended to be used as source material for biological products. **Outcome**: Passed.

**H.B. 231** by Rep. Bruce Broadrick (R-Dalton), the annual update to ensure that the state’s drug schedule is aligned with the federal government’s drug schedule. **Outcome**: Passed.

**H.B. 276** by Rep. David Knight (R-Griffin), which will allow the commissioner of the Georgia Department of Community Health to promulgate rules that are related to the oversight of pharmacy benefit managers (PBM) and investigate them for violations. This measure will also prevent 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 their pharmacy of choice, it will prohibit PBM from prohibiting pharmacies from disseminating information about prescription drug alternatives or delivery services, and it will place other limits on PBM that are related to “financial maneuvers.” **Outcome**: Passed.

**H.B. 427** (‘Physicians and Health Care Practitioners for Rural Areas Assistance Act’) by Rep. Mark Newton, M.D. (R-Augusta), which will add dentists, physician assistants, and APRN to the list of practitioners who are eligible for the service cancelable loan program that is administered by the Georgia Board for Physician Workforce. These funds are included in the FY 2018 budget. **Outcome**: Passed.

**H.B. 486** by Rep. Tommy Benton (R-Jefferson), which will require proxy caregivers who are “employed or contracted to provide home and community based services, community residential alternative services, or community living services” to receive training that is approved by the Georgia Department of Behavioral Health and Developmental Disabilities. **Outcome**: Passed.

**H.B. 499** (‘Georgia Personal Data Security Act’) by Sheri Gilligan (R-Cumming), which will improve the system and procedures for providing and regulating data breach notifications that affect Georgians. The measure will also change the notification requirement when certain data security breaches occur, and it will require certain entities to maintain certain data security procedures. The state
Attorney General will be responsible for enforcing this law, which will include civil penalties. **Outcome:** Passed.

**H.R. 282** by Rep. John Carson (R-Marietta), which will create a House study committee on distracted driving – keeping in mind that MAG promoted a bill (**H.B. 163**) that would require drivers who make phone calls while operating a motor vehicle to do so on a hands-free basis as one of its priority patient safety measures. MAG will ask to be included in the study committee, which will meet this summer. **Outcome:** Passed.