

GSA Government Affairs Report

2017 General Assembly Session

Note: The following summaries are compiled from weekly legislative reports of the Medical Association of Georgia and comments of staff of the Georgia Society of Anesthesiologists.

SB 8 introduced by Senator Renee Unterman (R) on 1/23/2017. Legislation that would create a payment system for out-of-network care and prohibit balance billing. Sen. Unterman has advised MAG that she will introduce a new version of the bill, which MAG will evaluate as soon as it's available. The MAG/Multi-Specialty coalition will introduce legislation in the Senate next week as a counter-discussion to the onerous provisions of SB 8 and HB 71. This consensus legislation was developed by coalition members

SB 70 introduced by Butch Miller (R) on 1/25/2017. This legislation would extend Georgia's Medicaid Provider Fee – also known as the 'bed tax' – until June 30, 2020. MAG will monitor this legislation, which has been assigned to the Senate Finance Committee. Passed Senate Finance. On fast track.

SB 81 introduced by Senator Renee Unterman (R) on 1/26/2017. This is an "omnibus bill" (i.e., several measures that are packaged together), which is designed to address the state's prescription drug abuse epidemic.

Section 1 of S.B. 81 – the 'Jeffrey Dallas Gay Jr. Act' – codifies the emergency order that Georgia Gov. Nathan Deal recently issued to allow a standing order so naloxone is available on an over-the-counter basis in the state. The late Jeffrey's Gay's grandfather is Dallas Gay, who serves as the community chair of the MAG Foundation's 'Think About It' campaign to reduce prescription drug abuse in Georgia. Jeffrey Gay died of a prescription drug and alcohol overdose in 2012. MAG supports this section.

Section 2 of S.B. 81 would change the state's Prescription Drug Monitoring Program (PDMP) in several important ways, including requiring pharmacists to input prescription information every 24 hours instead of weekly; allowing prescribers to delegate their access to the PDMP to any office staff; and requiring prescribers to check the PDMP whenever they prescribe a Schedule II, III, IV or V controlled substance to a patient for the first time and at least every 90 days thereafter – prescriptions of three or less days notwithstanding. Under Section 2, prescribers would not be able to prescribe more than a five-day supply of a Schedule II, III, IV or V controlled substance to an adult they are seeing for the first time. Prescribers would also not be able to prescribe these drugs to a minor for more than a five-day period, and they would be required to discuss the risks associated with the drug with the minor and their parent(s) or guardian. The five-day restrictions would not apply when the prescriber determines that a longer prescription is necessary – and the prescriber would have to note the factors that warranted the longer prescription in the patient's medical record, along with a statement that the prescriber determined that alternative treatments would not be appropriate. Under this legislation, a prescriber/delegate who failed to review or who disregarded the prescription information could be guilty of a felony – punishable by one to five years in prison and/or a fine of up to \$50,000; they would

also be reported to the applicable licensing board. Other than the requirement for dispensers to update prescription information more often and increasing the number of staff a prescriber can delegate to access the PDMP on their behalf, MAG opposes Section 2. MAG is educating members of the House and Senate about the potential consequences associated with Section 2 of S.B. 81.

Section 3 of S.B. 81 requires providers, coroners, and medical examiners to report instances of neonatal abstinence syndrome to the Georgia Department of Public Health (DPH). DPH would then be required to give an annual report to the president of the State Senate, the Speaker of the House of Representatives, and the chairs of the House and Senate Health and Human Services committees. MAG is evaluating this section of the bill.

Section 4 of S.B. 81 requires the Georgia Department of Community Health (DCH) to conduct an annual, onsite inspection of narcotic treatment programs in the state. This legislation would also require these programs to submit patient outcome to DCH on a monthly basis. MAG is also assessing this section of the bill, which has not yet been assigned to a committee.

SB 106 introduced by Senator Gregory Kirk (R) on 2/1/2017. Would remove the prohibition that nurse anesthetists may not dispense anesthesia when licensed prescribers (doctors, PAs and NPs) are not present in a licensed pain clinic.

HB 30 introduced by Representative Kevin Tanner (R) on 1/9/2017. Controlled substances; add synthetic opioid to list of Schedule 1 drugs.

HB 55 introduced by Representative Rick Williams (R) on 1/11/2017. Legislation that would limit the number of consecutive years an individual can serve on a professional licensing board. MAG is watching the measure, which is in the House Regulated Industries Committee.

HB 65 introduced by Representative Allen Peake (R) on 1/12/2017. This legislation would add six conditions to the state's 'Low THC Oil Patient Registry' – including Tourette's syndrome, autism spectrum disorder, intractable pain (i.e., severe, debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months, post-traumatic stress disorder), Alzheimer's disease, human immunodeficiency virus, and acquired immune deficiency syndrome.

HB 71 introduced by Representative Richard Smith (R) on 1/23/2017. Legislation that would require physicians and health centers to disclose certain information about the other providers they expect to utilize and the fees they typically charge before any services are rendered. This legislation would also require physicians to participate in every health insurance plan that is offered by any hospital where they have privileges. MAG is opposing this bill because it will reduce the amount physicians are reimbursed by insurers as well as placing an undue burden on physicians. The measure is in the House Insurance Committee, which Rep. Smith chairs.

HB 157 introduced by Representative Trey Kelley (R) on 1/26/17. Makes several changes to the 2016 Act relating to requirements for advertising or publicizing of medical specialty certification. (See legislation; requires GSA Government Affairs Committee review)

[HB 165](#) introduced by Representative Betty Price (R) on 1/26/2017. Would prohibit GA Composite Medical Board from requiring Maintenance of Certification as a condition of licensure.

[SB 4](#) introduced by Senator Renee Unterman (R) 1/20/2017. the 'Enhancing Mental Health Treatment in Georgia Act,' a bill that would create a Georgia Mental Health Treatment Task Force that would recommend ways to improve the state's mental health care system. MAG is evaluating the legislation, which has been assigned to the Senate Health and Human Services Committee (HHS) – which Sen. Unterman chairs.

[SB 7](#) introduced by Senator Vincent Fort (D) on 1/23/2017. Medicaid expansion.

[SB 11](#) prefiled by Senator Michael Rhett (D) on 12/9/2016. This legislation would expand the existing civil and criminal immunity protection that is in place for emergency and involuntary mental health examinations to emergency medical technicians (EMT) and cardiac technicians. This measure would expand the types of examinations physicians can rely on when they issue a certificate for emergency admission or for emergency involuntary treatment to those performed by EMT and cardiac technicians. It would also increase the types of examinations a physician can use to determine whether a mental health patient should be involuntarily admitted or treated.

[SB 12](#) introduced by Senator Renee Unterman (R) on 1/18/2017. GSA Dental Hygiene Supervision. The bill adds to the settings in which a licensed hygienist may practice under the general supervision of a dentist (volunteer community health settings; senior centers; and battered women's shelters as defined by the board). GSA comment: votes and comments of committee members on this legislation may be predictive of how those committee members view scope of practice expansion legislation for other providers.

[SB 14](#) introduced by Senator Dean Burke (R) on 1/11/2017. This bill is a measure that would clarify which business types can claim an exemption of up to \$10,000 under the state Rural Hospital Income Tax Credit. MAG is assessing the bill, which is in the Senate Finance Committee.

[SB 16](#) introduced by Senator Ben Watson (R) on 1/11/2017. This legislation would lower the amount of THC that is allowed in the cannabidiol oil that can be used by patients who are registered with the Georgia Low THC Oil Patient Registry from 5.0 percent to 3.0 percent. It would also add autism spectrum disorder to the list of qualifying conditions. MAG is assessing the legislation, which is in the Senate Health and Human Services Committee.

[SB 25](#) introduced by Senator Josh McKoon (R) on 1/13/2017. Creates the Georgia Health Care Transparency Initiative.) 'Georgia Health Care Transparency Initiative' means an initiative to create a data base which shall include an all-payor claims data base administered by the Commissioner that receives and stores data from a submitting entity relating to medical, dental, and pharmaceutical and other insurance claims information; unique identifiers; geographic and demographic information for covered individuals as permitted in this Code section; and provider files.

[SB 47](#) introduced by Senator Chuck Hufstetler (R) on 1/24/2017. This bill is a measure that would exempt a visiting sports team's physicians from certain licensure requirements if they are licensed and in good standing in another state. MAG supports this legislation, which has been assigned to the Senate HHS Committee.

[SB 50](#) introduced by Senator Hunter Hill (R) on 1/24/2017. This legislation would exempt direct primary care agreements between physicians and patients for the provision of health care services for an agreed-upon fee and period of time from insurance regulations. MAG supports this legislation, which is in the Senate HHS Committee.

[SB 52](#) introduced by Senator P.K. Martin (R) on 1/24/2017. This legislation would remove the sunset provision on 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. MAG is assessing the measure, which is in the Senate HHS Committee.

[SB 55](#) introduced by Senator Josh McKoon (R) on 1/24/2017. This legislation would allow a competent adult or his/her agent to execute a psychiatric advance directive containing mental health care preferences, information, or instructions regarding his or her mental health care. MAG is assessing the legislation, which is in the Senate HHS Committee.

[SB 56](#) introduced by Senator McKoon (R) on 1/24/2017. 'Accuracy and Transparency in Physician/Provider Profiling Act' – a measure that would provide for standards, criteria, and disclosure requirements for profiling programs that compares, rates, ranks, measures, tiers, or classifies a physician's or physician group's performance, quality, or cost of care against objective or subjective standards or the practice of other physicians. MAG is assessing the legislation, which is in the Senate Insurance and Labor Committee.

[SB 88](#) introduced by Senator Jeff Mullis (R) on 1/26/17. Regulation of Narcotic treatment centers.

[HB 7](#) prefiled by Representative Keisha Waites (D) on 11/15/2016. Legislation that would, with exceptions, require drivers who make phone calls to do so on a hands-free basis. MAG supports this concept as a patient safety initiative.

[HB 8](#) prefiled by Representative Keisha Waites (D) on 11/15/2016. Legislation that would prohibit the use of mechanical restraints on an inmate during labor, delivery, or post-delivery recovery unless it is deemed necessary to protect the inmate or others.

[HB 18](#) prefiled by Representative Sandra Scott (D) on 12/9/2016. Legislation that would prohibit smoking in a motor vehicle when a minor (i.e., younger than 18) is present.

[HB 35](#) introduced by Representative Bruce Broadrick (R) on 1/11/2017. Requires 48-hour or less Rx benefit manager approval.

[HB 36](#) introduced by Representative Earl Ehrhart (R) on 1/11/2017. Optometrist injection. Committee

votes and comments may be predictive of how committee members feel about provider scope expansion.

[HB 54](#) introduced by Representative Geoff Duncan (R) on 1/11/2017. Legislation that would require “rural hospitals to report payments made to a third party to solicit, administer, or manage the donations [they receive]” to qualify for the state’s rural hospital tax credit. And in some cases it would change the amount that can be claimed as a deduction. MAG is evaluating the bill, which is in the House Ways and Means Committee.

[HB 154](#) introduced by Representative Sharon Cooper (R) on 1/26/2017. Dental Hygienist General Supervision. Passed out of House Health and Human Services by substitute.

[HB 36](#) introduced by Representative Allen Peake (R) on 1/12/2017. This legislation would result in a constitutional amendment that would, if it passed, allow the growth and sale of medical cannabis in Georgia. MAG is assessing the bills, which are in the House Judiciary Non-Civil Committee.