



Medical Association of Georgia

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Committee/Officer: Council on Legislation										
Submitted by: Michael E. Greene, M.D.										
Action Items: Information Only										
<p>Council on Legislation</p> <p>The issues prioritized by the MAG Council on Legislation and approved by the Board of Directors for the 2009 legislative session were as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th colspan="3" style="text-align: center; padding: 5px;">2009 Legislative Priorities</th> </tr> <tr> <th style="width: 33%; text-align: center; padding: 5px;">Tier 1</th> <th style="width: 33%; text-align: center; padding: 5px;">Tier 2</th> <th style="width: 33%; text-align: center; padding: 5px;">Tier 3</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top; padding: 5px;"> <ul style="list-style-type: none"> • Trauma Funding • Prompt Pay/Insurance Reform • Medicaid Issues <ul style="list-style-type: none"> ○ Payment Issues ○ CMO Reform ○ PeachCare </td> <td style="vertical-align: top; padding: 5px;"> <ul style="list-style-type: none"> • Protect Tort Reform • Pharmacy Benefit Manager (PBM) Regulation • Scope of Practice Issues • Laser Technician Regulation • Client Billing • The Medically Uninsured • Flu Vaccine </td> <td style="vertical-align: top; padding: 5px;"> <ul style="list-style-type: none"> • Medical Practice Act Reform • Tobacco Issues </td> </tr> </tbody> </table> <p>The Georgia General Assembly convened on January 12, 2009 and adjourned sine die on April 3rd. The legislation was marked once again by issues arising between the leadership of the Georgia House of Representatives, Senate and the Governor. The prevailing issue throughout the session was the budget crisis. In the Fall of 2008, the budget deficit in Georgia was approaching \$1.6 billion. By the end of the session, the deficit grew in excess of \$2.6 billion with poor revenue</p>		2009 Legislative Priorities			Tier 1	Tier 2	Tier 3	<ul style="list-style-type: none"> • Trauma Funding • Prompt Pay/Insurance Reform • Medicaid Issues <ul style="list-style-type: none"> ○ Payment Issues ○ CMO Reform ○ PeachCare 	<ul style="list-style-type: none"> • Protect Tort Reform • Pharmacy Benefit Manager (PBM) Regulation • Scope of Practice Issues • Laser Technician Regulation • Client Billing • The Medically Uninsured • Flu Vaccine 	<ul style="list-style-type: none"> • Medical Practice Act Reform • Tobacco Issues
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projections. In advance of the session, the Governor reduced agency budgets and recommended a budget that cut physicians and other health provider Medicaid reimbursements by 6% and hospital Medicaid reimbursements by 10%. Republican leadership in both chambers committed to not raising taxes in light of the current status of the economy. The ongoing problem for policy makers then was to attempt to find enough revenue to continue to run state programs and agencies without tax increases. Prior to the legislative session, the Speaker of the House stated on numerous occasions that he was committed to fund Georgia's Trauma Care System. The Lieutenant Governor stated repeatedly that he was committed to fund the Trauma Care System but only on a limited basis (he had not been in favor of funding uncompensated care or creating an "entitlement" type of funding system). We were advised in advance of the 2009 legislative session by leadership in both Houses of the Legislature that the session would be short and very contentious.

The 2009 legislative session was the first year of a two year "carry-over" session. Bills that did not pass in the 2009 session are technically alive for consideration in the 2010 legislative session.

There were 1156 bills considered in the 2009 legislative session (865 House Bills; 291 Senate Bills) and 1779 Resolutions (1000 House Resolutions; 779 Senate Resolutions). In the course of the session, MAG monitored and tracked 196 bills and resolutions related to health care (111 House Bills; 59 Senate Bills; 10 House Resolutions; 16 Senate Resolutions). MAG engaged to some extent in lobbying efforts on 96 bills and resolutions and engaged heavily on 40 bills and resolutions.

Summary of Top Tier Issues and Outcomes

Tier 1 Issues

Trauma Funding –

There were six bills and one resolution filed during the course of the 2009 legislative session that were related to trauma funding. Of those, only one, HB 160, the Governor's "Super Speeder" legislation passed and was signed by the Governor. The result will be that drivers exceeding the speed limit drastically will be assessed an additional \$200 fee on top of all other fines that they now receive. Those dollars intended for trauma funding. HB 160 is projected to bring in \$23 million for trauma care. However, it is estimated that we will need approximately \$100 million to fund Georgia's trauma system at current levels and that we would need in excess of \$300 million in order to dramatically expand the current trauma network. In the last week of the session, there were two bills that had a chance for passage, SB 156 which is the Lieutenant Governor's bill that pertains to the Georgia Commission for Trauma Care. The proposed \$10.00 automobile tag fee is attached to SB 156. The other bill is HB 480, which does away with the ad valorem car tax and replaces it with a higher initial tag and title fee. HB 480 would bring in up to a projected \$150 million for trauma care. Neither SB 156 nor HB 480 would dedicate funding for trauma care however (dedicated funding must be approved by Georgia's voters as a ballot initiative on the 2010 ballot). Neither bill passed the Rules Committee for a floor vote on the last day of session.

Prompt Pay/Insurance Reform –

MAG's Prompt Pay bill would extend the current Georgia Prompt Pay statute to third party administrators acting on behalf of self funded plans. Our prompt pay language moved forward on three bills in the 2009 legislative session.

HB 342, by Representative Carl Rogers, is our Prompt Pay bill in the House of Representatives. The bill passed the House Insurance Committee in early march but was not able to pass the House of Representatives by cross-over day so was not eligible for passage in 2009. The bill is still alive for consideration in the 2010 session however.

SB 62 by Senator Ralph Hudgens passed the full Senate by a vote of 49-0 in February. The bill was assigned to the House Appropriations Committee, which is highly unusual for an insurance bill. We learned however that the Chairman of the House Appropriations Committee, Representative Ben Harbin, opposed the bill and precluded the bill from moving forward.

Senator Hudgens added our prompt pay language to HB 321 by Representative Steve Davis (a bill that had already passed the House of Representatives and addresses an insurance related issue). HB 321 passed the Senate at 11:15 PM on the last day of the legislative session. The bill moved over to the House of Representatives where it was brought up for "agree/disagree." We were advised that the Speaker of the House would not recognize any motions for an "agree" with the Senate version of the bill. In fact, he did recognize and call for a vote on an amendment to strip off our prompt pay language. The amendment was defeated but the Speaker did not bring the bill up for consideration before the clock ran out on the last night of the session. Technically the bill is alive, with our prompt pay language intact for consideration in the 2010 legislative session, as is SB 62 and HB 342. The final vote on the amendment to strip the language shows that we have the votes to pass the bill in both chambers.

Medicaid Issues –

In the 2008 legislative session we were able to obtain a 2% increase in physician payment for Medicaid. Prior to the session, with the state budget deficit hovering at \$1.6 billion, the Governor froze that increase. The budget proposed by the Governor for 2010 would have cut physicians (and non-physician health care providers) 6% for Medicaid payments. The Governor also proposed that Medicaid payments for hospitals be cut by 10%. Fortunately, the budget cuts were not supported by both chambers. However, we are carefully watching the budget numbers and speaking to the Governor's office and legislators to determine if there will be a need for a special session to address further budget cuts.

Tier 2 Issues

Protect Tort Reform –

There were several possible vehicles for attacks on the 2005 tort reform package. None materialized however. We will continue to work to protect medical liability reform in Georgia.

Pharmacy Benefit Manager (PBM) Regulation –

A Senate bill that places PBMs under the regulation of the Insurance Code and the Insurance Commissioner passed, but was vetoed by the Governor.

Scope of Practice Issues –

We were faced with a scope of practice challenge in regard to Physician's Assistants as a part of the Medical Practice Act re-write. MAG worked diligently to overcome this threat and was highly successful.

Laser Technician Regulation –

A Senate bill that was endorsed and supported by MAG passed and signed by the Governor's desk. The bill cleans up some very language and scope of practice issues that were a part of a bill that passed in 2007.

Client Billing –

A bill that would prohibit physicians to bill for a pathology lab procedure unless they perform it or supervise it was introduced in the House of Representatives. The bill received a sub-committee hearing although it failed to pass. The bill is technically alive for consideration in 2010.

The Medically Uninsured –

A Senate bill passed both chambers providing enabling language for the American Recovery and Reinvestment Act addressing coverage options with COBRA. The bill was signed by the Governor.

Influenza Vaccine –

MAG worked diligently with the Georgia Pharmacy Association and the Governor's Office to construct a bill providing protocols which will allow pharmacists to administer flu vaccinations. An amendment that would have included the flu mist was offered but opposed by MAG and defeated. The Governor signed the bill into law.

Tier 3 Issues

Medical Practice Act Reform –

MAG was involved in a very contentious debate in regard to HB 509, the re-write of the Medical Practice Act. Although the bill was 110 pages in length, not offered until January 28th and originally contained numerous egregious proposals involving in appropriate regulations on physicians and physician's assistant scope of practice expansions, MAG was able to negotiate a package that was acceptable. The bill passed and was signed by the Governor.

Tobacco Issues –

Although advocates of a \$1.00 tax on tobacco products in Georgia fought hard to push this legislation forward, it did not pass in 2009. The bill is alive for consideration in 2010.

Other Important Issues

Seat Belts -

For the past several sessions, Dr. Thomas has attempted to pass legislation that would mandate the use of seatbelts in trucks. SB 5 passed the Senate in February but stalled in the House Agriculture Committee.

Cell Phones -

A bill that would regulate the use of cell phones for minors passed the House of Representatives but stalled in the Senate Rules Committee in the last several days of the session. The bill is technically alive for consideration in 2010.

Trauma Task Force

The Trauma Task Force met often during the legislative session. Many of the task force members were involved in lobbying activities and made numerous calls and visited their legislators in their districts.