

COMMITTEE ON COUNCIL ON LEGISLATION

Committee: 04.20

SUBJECT: Annual Report
SUBMITTED BY: W. Scott Bohlke, M.D., Chairman
REFERRED TO: Not Referred

Charge of the Council

The Medical Association of Georgia’s (MAG) Council on Legislation was established to review legislation and to recommend policy positions to MAG’s policy-making bodies and to communicate MAG’s positions to legislators at the state and federal levels.

2020 LEGISLATIVE SESSION

MAG Priority: Health Insurance

S.B. 28 by Sen. Lester Jackson (D-Savannah) would require health insurance copays to be “reasonable in relation to covered benefits to which they apply” and would “require that copays be used as an incentive rather than a barrier to accessing appropriate care.”

MAG’s position: Supported. Outcome: Passed.

S.B. 303 by Sen. Ben Watson, M.D. (R-Savannah) would require health insurers to make certain patient cost comparison information available on an interactive and publicly accessible website. Doing so would allow patients to 1) see how much in-network physicians are paid by insurers and 2) see the average amount that in-network physicians actually agree to be paid by insurers and 3) get an estimate for how much out-of-pocket money they will owe their physicians/providers and 4) compare quality metrics for the physicians/providers that are in their network in major diagnostic categories, adjusted for risk and severity.

MAG’s position: Supported. Outcome: Passed.

S.B. 313 by Sen. Dean Burke, M.D. (R-Bainbridge) addresses pharmacy benefit managers (PBMs) practices – such as “steering” (i.e., forcing patients to use PBM-owned pharmacies) and pharmaceutical manufacturers’ rebates. This measure includes language from a MAG 2019 House of Delegates resolution that calls for establishing requirements for physicians who are involved with prior authorization and step therapy determinations, formulary development, and formulary management (i.e., they would have to be seeing or having seen patients in the last five years and be practicing or having practiced in the last five years in the same specialty for which they are providing advice). Under this legislation, the Georgia Department of Community Health would be encouraged to require the use of Georgia-licensed physicians for prior authorization or step therapy appeals or determinations in its future contracts with PBMs. This bill was identical to H.B. 946 (see below).

MAG’s position: Supported. Outcome: Passed.

S.B. 348 by Sen. Kay Kirkpatrick, M.D. (R-Marietta) would have 1) required insurers to cover physician/provider charges at in-network rates for 90 days after a physician/provider’s departure from a network during an enrollee’s contract year if the provider was advertised as in-network in the insurer’s

1 physician/provider directory when the enrollee selected their plan and 2) set network adequacy standards  
2 for insurance networks.

3 **MAG's position:** Supported. **Outcome:** Did not pass.

4  
5 **S.B. 352** by Sen. Dean Burke, M.D. (R-Bainbridge) would have required insurers to cover  
6 physician/other health care provider charges at in-network rates for the duration of the patient's contract  
7 year if a physician/provider departs the network during the contract year and were advertised as in-  
8 network in the insurer's provider directory when the patient selected their plan.

9 **MAG's position:** Supported. **Outcome:** Did not pass.

10  
11 **S.B. 360** by Sen. Donzella James (D-Atlanta) would have required diagnostic examinations for breast  
12 cancer to be treated "no less favorably" than screening examinations for breast cancer with respect to  
13 cost-sharing requirements and treatment limitations.

14 **MAG's position:** Supported. **Outcome:** Did not pass.

15  
16 **S.B. 376**, a bill by Sen. Jen Jordan (D-Atlanta) would have capped the cost sharing amount that an  
17 insured person is required to pay for a covered insulin drug prescription at \$100 for a 30-day supply,  
18 regardless of the amount or type of insulin that's needed.

19 **MAG's position:** Supported. **Outcome:** Did not pass.

20  
21 **S.B. 427** by Sen. Jeff Mullis (R-Chickamauga) called for the state to conduct a study to determine how  
22 much money the state could save if it carved the pharmacy benefits out of the state's care management  
23 organizations – action that would kick in if the savings were placed at more than \$20 million.

24 **MAG's position:** Supported. **Outcome:** Did not pass.

25  
26 **S.B. 433** by Sen. Burt Jones (R-Jackson) would have required the Georgia Department of Community  
27 Health (DCH), pharmaceutical manufacturers, pharmacy benefit managers, insurers, and pharmacists to  
28 report information about the price of insulin products. DCH would have then been responsible for  
29 compiling this information and posting it on its website. Non-profit organizations that advocate for  
30 patients who have diabetes would have been required to report any payments, donations, or subsidies that  
31 they receive from pharmaceutical manufacturers. This bill would have limited the cost-sharing amount  
32 that a covered person is required to pay for a covered prescription insulin drug to \$150 per 30-day supply,  
33 regardless of the amount or type needed to fill the covered person's prescription.

34 **MAG's position:** Supported. **Outcome:** Did not pass.

35  
36 **S.B. 482** by Sen. Dean Burke, M.D. (R-Bainbridge) would create a 'Georgia All Payer Claims Database'  
37 (GAPCD) to collect claims data from insurance companies, the Georgia Department of Community  
38 Health, Medicaid care management organizations, Medicare plans, entities that contract with institutions  
39 of the Georgia Department of Corrections to provide medical, dental, or pharmaceutical care to inmates,  
40 the State Board of Workers' Compensation, and the Georgia Access to Medical Cannabis Commission.  
41 This measure would also establish a GAPCD Advisory Committee to make recommendations about the  
42 GAPCD framework and develop a plan to facilitate the "reporting of health care and health quality data  
43 resulting in transparent and public reporting of safety, quality, cost, and efficiency information at all  
44 levels of health care."

45 **MAG's position:** Neutral. **Outcome:** Passed.

46  
47 **H.B. 789** by Rep. Mark Newton, M.D. (R-Augusta) would 1) address "surprise bills" by creating a "star"  
48 rating system to highlight which health insurance plans include both certain medical specialties (i.e.,  
49 emergency medicine, radiology, anesthesiology, and pathology) and hospitals in the same networks and  
50 2) require health insurers to make this information available on their websites and in their printed  
51 directories.

1 **MAG's position:** Neutral. **Outcome:** Passed.

2  
3 **H.B. 800** by Rep. Sandra Scott (D-Rex) would have defined a health care provider who provides  
4 obstetrical/gynecological services within 50 miles of Georgia's border as an "in-state provider of medical  
5 assistance" for Medicaid reimbursement purposes.

6 **MAG's position:** Neutral. **Outcome:** Did not pass.

7  
8 **H.B. 888** by Rep. Lee Hawkins (R-Gainesville) would set the price that should be paid for out-of-network  
9 emergency care and unanticipated out-of-network non-emergency care at 1) the previously contracted rate  
10 between the provider and the insurer or 2) the 2017 median contracted rate, adjusted annually according  
11 to the Consumer Price Index (CPI) – whichever is greater – and paid without the need for prior  
12 authorization and without any retrospective payment denials and allow a patient to choose out-of-network  
13 elective care by consenting in writing and orally at least 48 hours in advance with an estimate of the  
14 charges and require an insurer to use the most recent in-network contract rates as the initial payment for a  
15 physician/provider when a contract is terminated without cause by the insurer or with cause by a  
16 physician/provider within one year of the effective date of the legislation and establish a "baseball-style"  
17 arbitration system (i.e., the insurer and physician/provider would each submit a payment amount and an  
18 arbitrator would choose one of the numbers and the "loser" would pay the arbitration costs and the  
19 bundling or batching of claims would be allowed, with no thresholds).

20 **MAG's position:** Supported. **Outcome:** Passed.

21  
22 **H.B. 918** by Rep. Sharon Cooper (R-Marietta) would change PBMs licensure requirements and prohibit  
23 "steering" (i.e., when PBMs force patients to use the pharmacies they own) and reform the process for  
24 auditing pharmacies – which are currently conducted by PBMs, insurers, etc.

25 **MAG's position:** Supported. **Outcome:** Passed.

26  
27 **H.B. 946** by Rep. David Knight (R-Griffin) would address PBMs practices – such as "steering" (i.e.,  
28 forcing patients to use PBM-owned pharmacies) and pharmaceutical manufacturers' rebates. This  
29 measure includes language from a MAG 2019 House of Delegates resolution that calls for establishing  
30 requirements for physicians who are involved with prior authorization and step therapy determinations,  
31 formulary development, and formulary management (i.e., they would have to be seeing or having seen  
32 patients in the last five years and be practicing or having practiced in the last five years in the same  
33 specialty for which they are providing advice). Under this legislation, the Georgia Department of  
34 Community Health would be encouraged to require the use of Georgia-licensed physicians for prior  
35 authorization or step therapy appeals or determinations in its future contracts with PBMs. This bill was  
36 identical to **S.B. 313** (see above).

37 **MAG's position:** Supported. **Outcome:** Passed.

38  
39 **H.B. 947** by Rep. David Knight (R-Griffin) called for the state to conduct a study to determine how much  
40 money it could save if it carved the pharmacy benefits out of the state's care management organizations –  
41 action that would kick in if the savings were placed at more than \$20 million.

42 **MAG's position:** Supported. **Outcome:** Did not pass – although the study will be conducted without the  
43 need for legislation.

44  
45 **H.B. 961** by Rep. Sam Park (D-Lawrenceville) would have required the state to identify high-cost  
46 prescription drugs that represent a "significant expenditure" for the state that have increased in price by  
47 more than 50 percent or more over the past five years or 15 percent or more over the past 12 months. It  
48 would have also authorized the state Attorney General to require the applicable drug manufacturer to  
49 justify the increase in the wholesale acquisition cost of the drug.

50 **MAG's position:** Supported. **Outcome:** Did not pass.

51

1 **H.B. 991** by Rep. Matt Hatchett (R-Dublin) would create a ‘Healthcare Transparency and Accountability  
2 Oversight Committee’ that would have the authority to review the performance and conduct of all state  
3 health care plan contractors, their affiliate subcontractors, and their subcontractor pharmacy benefits  
4 managers.

5 **MAG’s position:** Supported. **Outcome:** Vetoed.

6  
7 **H.B. 1027** by Rep. Lee Hawkins (R-Gainesville) would have required PBMs to calculate an enrollee’s  
8 defined cost sharing for each prescription drug at the point of sale based on a price that is reduced by an  
9 amount equal to at least 80 percent of all rebates received or that will be received in connection with the  
10 dispensing or administration of the prescription drug.

11 **MAG’s position:** Supported. **Outcome:** Did not pass.

12  
13 **H.B. 1125** by Trey Kelley (R-Cedartown) would require the Department of Community Health and  
14 Georgia Composite Medical Board (GCMB) to compile information on factors and pertinent history to  
15 identify individuals with a high risk for breast cancer. GCMB would be tasked with distributing this  
16 information to physicians annually. And the State Health Benefit Plan would be required to cover breast  
17 cancer screening for individuals with a high risk for breast cancer who are 30 years of age or older.

18 **MAG’s Position:** Neutral. **Outcome:** Passed.

19  
20 **MAG Priority: Tort Reform**

21  
22 **S.B. 359** by Sen. Chuck Hufstetler (R-Rome) would create liability protections for physicians, other  
23 health care providers, health care entities, businesses, and sports venues for claims related to COVID-19.  
24 Physicians, health care providers, and health care entities would be protected from liability for the injury  
25 or death of a patient for COVID-19 or where the response to COVID-19 reasonably interfered with the  
26 arranging for or the providing of the health care services or medical care at issue and for the transmission,  
27 infection, exposure, or potential exposure of COVID-19 to an individual. These protections would not  
28 apply in cases of gross negligence, willful and wanton misconduct, reckless infliction of harm, or  
29 intentional infliction of harm.

30 **MAG’s Position:** Supported. **Outcome:** Passed.

31  
32 **S.B. 415** by Sen. Steve Gooch (R-Dahlonega) would have 1) eliminated “phantom damages” (the  
33 difference between what a patient is billed and what they pay for their care, which can translate into much  
34 higher medical malpractice awards) and 2) changed the state’s ‘Civil Practice Act’ to improve and  
35 streamline the process for physicians and small businesses that are involved in lawsuits and 3) established  
36 guidelines for what a judge needs to consider when they decide whether to bifurcate a trial. It also  
37 included other legal reforms (e.g., premises liability reform and seat belt admissibility).

38 **MAG’s Position:** Supported. **Outcome:** Did not pass.

39  
40 **H.B. 167** by Rep. Darlene Taylor (R-Thomasville) would have made physicians, other health care  
41 providers, and health care facilities immune from civil liability where they were arranging for the  
42 provision of COVID-19 health care services or where the arrangement or provision of services were  
43 impacted decisions or activities in response to or as a result of the COVID-19 pandemic. These  
44 protections would not have applied in cases of gross negligence, willful or wanton misconduct, or  
45 intentional infliction of harm. The legislation also included language that stated that there is “no civil  
46 liability for [the] transmission of, contraction of, or exposure to COVID-19 unless it was caused by  
47 willful or wanton misconduct or an intentional infliction of harm.”

48 **MAG’s Position:** Supported. **Outcome:** Did not pass.

49  
50 **H.B. 1089** by Rep. Tom McCall (R-Elberton) was identical to **S.B. 415** (see above).

51 **MAG’s Position:** Supported. **Outcome:** Did not pass.

1 **H.B. 1101** by Rep. Martin Momtahan (R-Dallas) would have required health insurers to disclose certain  
 2 information prior to or contemporaneously with a claim settlement offer. This included the limits of  
 3 coverage in the policy and information about the case. This legislation also called for insurers to provide  
 4 claimants with notice of Georgia law pertaining to claims and claimant’s rights.

5 **MAG’s position:** Opposed. **Outcome:** Did not pass.

6  
 7 **MAG Priority: Medicaid**

8  
 9 **S.B. 324** by Sen. Jen Jordan (D-Atlanta) would have extended Medicaid coverage for eligible pregnant  
 10 women from 60 days to 12 months after the birth of their child.

11 **MAG’s position:** Supported. **Outcome:** Did not pass.

12  
 13 **H.B. 1114** by Rep. Sharon Cooper (R-Marietta) would extend postpartum Medicaid coverage from two  
 14 months to six months and require Medicaid to cover lactation care and services.

15 **MAG’s position:** Supported. **Outcome:** Passed.

16  
 17 **MAG Priority: Scope of Practice**

18  
 19 **S.B. 306** by Sen. Valencia Seay (D-Riverdale) would create a licensure and telemedicine compact for  
 20 audiologists and speech language pathologists.

21 **MAG’s position:** Neutral. **Outcome:** Vetoed.

22  
 23 **S.B. 321** by Sen. Chuck Hufstetler (R-Rome) would 1) increase the physician PA supervision ratio from  
 24 4-to-1 in a group practice and 2-to-1 in a solo practice to 4-to-1 for all and 2) allow APRNs to order  
 25 radiographic imaging in non-life-threatening situations if it is included in their protocol agreement.

26 **MAG’s position:** Opposed. **Outcome:** Passed.

27  
 28 **S.B. 334** by Sen. Lester Jackson (D-Savannah) would have required certified community midwives to be  
 29 licensed and regulated.

30 **MAG’s position:** Opposed. **Outcome:** Did not pass.

31  
 32 **S.B. 391** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) would allow pharmacists to fill a 30-day supply of a  
 33 prescription medication early when a state of emergency has been declared or when a hurricane warning  
 34 has been issued – Schedule II medications notwithstanding. This would only apply when a pharmacist  
 35 determines that the prescription is 1) essential to the maintenance of life or the continuation of therapy for  
 36 a chronic condition and 2) the interruption of such therapy might reasonably produce undesirable health  
 37 consequences or cause physical or mental discomfort. The pharmacist would have to let the prescriber  
 38 know about the early prescription request within 48 hours. And insurers would be required to cover these  
 39 early prescriptions.

40 **MAG’s position:** Neutral. **Outcome:** Passed.

41  
 42 **H.B. 739** by Rep. Rick Jasperse (R-Jasper) would have prevented hospitals and ambulatory surgery  
 43 centers from hiring or retaining surgical technicians who don’t have a “certified surgical technologist”  
 44 credential – as defined by the legislation. It also included continuing education requirements for affected  
 45 technicians.

46 **MAG’s position:** Opposed. **Outcome:** Did not pass.

47  
 48 **H.B. 791** by Rep. Ron Stephens (R-Savannah) would allow pharmacists to convert a maintenance  
 49 medication prescription from a 30-day supply to a 90-day supply up to the quantities that have been  
 50 authorized through refills by the physician – although this would not be permitted on the initial

1 prescription or whenever the physician specifies that the refills should not be combined. This bill was  
2 amended to include **S.B. 391**'s provisions (see above).

3 **MAG's position:** Neutral. **Outcome:** Passed.

4  
5 **H.B. 816** by Rep. Karen Mathiak (R-Griffin) would have allowed physicians and chiropractors to jointly  
6 own a professional corporation.

7 **MAG's position:** Neutral. **Outcome:** Did not pass.

8  
9 **H.B. 910** by Rep. Karen Mathiak (R-Griffin) would have established a license for certified professional  
10 midwives.

11 **MAG's position:** Opposed. **Outcome:** Did not pass.

12  
13 **H.B. 932** by Rep. Houston Gaines (R-Athens) would allow physicians and podiatrists to form  
14 professional corporations together.

15 **MAG's position:** Neutral. **Outcome:** Passed.

16  
17 **H.B. 1092** by Rep. Alan Powell (R-Hartwell) would have 1) allowed APRNs who are working under a  
18 protocol agreement with a physician to order radiographic imaging in non-life-threatening situations and  
19 2) increased the APRN-to-physician ratio from 4:1 to 6:1.

20 **MAG's position:** Opposed. **Outcome:** Did not pass.

21  
22 **MAG Priority: Tax Credits For Uncompensated Care**

23  
24 Due to state budget constraints, legislation addressing this issue was not introduced during the 2020  
25 legislative session.

26  
27 **Other Legislation**

28  
29 **S.B. 101** by Sen. Brandon Beach (R-Alpharetta) would have required volunteer coaches with youth  
30 athletic associations to undergo training to reduce the likelihood of injuries to youth athletes engaged in  
31 high risk athletics.

32 **MAG's Position:** Supported. **Status:** Did not pass.

33  
34 **S.B. 272** by Sen. Randy Robertson (R-Cataula) would have prohibited the sale to and by minors of drug  
35 products containing dextromethorphan.

36 **MAG's Position:** Supported. **Status:** Did not pass.

37  
38 **S.B. 279** by Sen. Jen Jordan (D-Atlanta) would have required "informed consent" to perform a pelvic  
39 exam on an unconscious or sedated female patient – emergencies notwithstanding. These exams would  
40 have been required to be within the scope of care that is ordered for the patient and be medically  
41 necessary for diagnosis or treatment purposes or when a court has ordered a pelvic exam to collect  
42 evidence.

43 **MAG's position:** Neutral. **Outcome:** Did not pass.

44  
45 **S.B. 298** by Sen. Renee Unterman (R-Buford) would have 1) raised the age to purchase cigarettes,  
46 tobacco products, tobacco related objects, alternative nicotine products, consumable vapor products, or  
47 tobacco product samples from 18 to 21 and 2) made it illegal to distribute tobacco product samples on a  
48 public street, sidewalk, or park within 500 feet of a school or playground and 3) required the State Board  
49 of Education to set a minimum course of study on vaping and smoking for children in grades K-12 and  
50 4) required anyone who is engaged in the business of manufacturing, importing, brokering, purchasing,

1 selling, consigning, vending, dealing in, shipping, receiving, or distributing alternative nicotine products  
2 or consumable vapor products to obtain a license from the Georgia Department of Revenue.

3 **MAG's position:** Supported. **Outcome:** Did not pass.

4  
5 **S.B. 311** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) would have prohibited kickbacks, commissions,  
6 bribes, benefits, rebates, and bonuses by substance abuse providers or solicited by substance abuse  
7 providers to induce referral of a patient and outlaws fraudulent marketing techniques designed to deceive  
8 individuals into expensive long term recovery facilities. It would have also prohibited 'high-tech drug  
9 testing' (i.e., testing an individual's specimen for numerous substances and billing and receiving payment  
10 separately for each substance that's tested).

11 **MAG's position:** Neutral. **Outcome:** Did not pass.

12  
13 **S.B. 323** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) would have 1) required the Georgia Composite  
14 Medical Board to establish rules and regulations for the in-office use of sedation in "MediSpas" and  
15 2) prohibited anyone who doesn't have a license to practice dentistry to administer conscious sedation in a  
16 dental facility or during the practice of dentistry in a MediSpa.

17 **MAG's position:** Supported. **Outcome:** Did not pass.

18 **S.B. 347** by Sen. Gloria Butler (D-Stone Mountain) would have required surgical smoke evacuation  
19 systems in operating rooms in ambulatory surgery centers and hospitals.

20 **MAG's position:** Neutral. **Outcome:** Did not pass.

21  
22 **S.B. 375** by Sen. Jeff Mullis (R-Chickamauga) would 1) make the sale of cigarettes, tobacco products,  
23 tobacco related objects, alternative nicotine products, or vapor products to individuals under the age of 21  
24 illegal and 2) create a regulatory structure and licensure fee for businesses that sell alternative nicotine  
25 products and consumable vapor products and 3) set a rate for the taxation of consumable vapor products.

26 **MAG's position:** Supported. **Outcome:** Passed.

27  
28 **S.B. 417** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) would address problematic language that is related  
29 to background checks in the Interstate Medical Licensure Compact bill that passed last year.

30 **MAG's position:** Supported. **Outcome:** Passed in H.B. 752.

31  
32 **S.B. 484** by Sen. Kay Kirkpatrick, M.D. (R-Marietta) called for Georgia to join a multistate compact that  
33 would "incentivize the development of cures for diseases through substantial financial awards." The  
34 compact states will "pay a financial award to someone who developed a cure for a disease by utilizing the  
35 money the state saves by utilizing the cure."

36 **MAG's position:** Neutral. **Outcome:** Did not pass.

37  
38 **S.R. 981** by Rep. Gloria Butler (D-Stone Mountain) would create a Senate Study Committee on Surgical  
39 Smoke Evacuation Systems.

40 **MAG's Position:** Neutral. **Outcome:** Passed.

41  
42 **H.B. 113** by Rep. John Carson (R-Marietta) would have prohibited the use of cell phones by drivers who  
43 are under 18. Fines would have ranged from \$25 to \$100 per infraction – regardless of the number of  
44 times a person breaks this law, and keeping in mind that the state's existing law includes fines of \$50 for  
45 the first occurrence, \$100 for the second occurrence, and \$150 for the third occurrence.

46 **MAG's position:** Opposed as amended. **Outcome:** Did not pass.

47  
48 **S.B. 483** by Sen. Matt Brass (R-Newnan) would have provided for Medicaid reimbursement for patients  
49 who are treated by a hospital pursuant to a behavioral rehabilitation joint venture. The bill was amended  
50 to include language exempting facilities that were issued a letter of determination by the Department of  
51 Community Health prior to August 1, 2018, from requirements to have an operating room or operating

1 room environment and would only be subject to any minimum physical plan and operational standards  
 2 required for ambulatory surgery centers that do not perform procedures in an operating room with general  
 3 anesthesia. This legislation also included language to modernize the state's HIV laws.

4 **MAG's Position:** Neutral. **Outcome:** Did not pass.

5  
 6 **H.B. 715** by Rep. Shaw Blackmon (R-Bonaire) would have removed the cap on the occupation tax fee  
 7 that a local government can levy on a physician or other practitioner.

8 **MAG's position:** Opposed. **Outcome:** Did not pass.

9  
 10 **H.B. 731** by Rep. Ron Stephens (R-Savannah) would have raised the state's tobacco tax from 23 percent  
 11 to 42 percent for wholesale cigars, from \$.37 to \$1.87 per pack of 20 cigarettes, and from 10 percent to 42  
 12 percent of the wholesale price for loose or smokeless tobacco.

13 **MAG's position:** Supported. **Outcome:** Did not pass.

14  
 15 **H.B. 744** by Rep. Mike Wilensky (D-Dunwoody) would have prohibited prescribers from 1) prescribing  
 16 any combination of opioid medication that is an aggregate amount in excess of 100 morphine milligram  
 17 equivalents of opioid medication per day and 2) writing a prescription for more than a 30-day supply of  
 18 an opioid medication within 30 days for patients who are being treated for chronic pain and 3) writing an  
 19 opioid prescription for a patient who is being treated for acute pain that is more than a seven-day supply  
 20 within a seven-day period unless the medication has an FDA label that says it should only be dispensed in  
 21 a stock bottle that exceeds a seven-day supply as prescribed, in which case the amount dispensed may not  
 22 exceed a 14 day supply. These limits would not apply to opioid prescriptions that are for pain associated  
 23 with active and aftercare cancer treatment; pain associated with a fracture or compound fracture; post-  
 24 operative pain management resulting from a surgical procedure; palliative care for an advanced and  
 25 progressive disease; hospice care if terminally ill; or medication assisted treatment for a substance abuse  
 26 disorder. The limits would also not apply to 1) directly ordering or administering a benzodiazepine or  
 27 opioid medication to a patient in an emergency room setting, an inpatient hospital setting, or a long-term  
 28 care facility or 2) a surgical procedure. Under H.B. 744, prescribers would have been subject to a fine of  
 29 \$250 per violation – up to \$5,000 per calendar year.

30 **MAG's position:** Opposed. **Outcome:** Did not pass.

31  
 32 **H.B. 752** by Rep. Dave Belton (R-Buckhead) would address inadequate language that is in state law that  
 33 is related to the background checks that are conducted before Georgia can operate as a "home state" for  
 34 physicians wishing to gain licensure under the Interstate Medical Licensure Compact and physical  
 35 therapists can gain licensure under the Physical Therapy Compact.

36 **MAG's Position:** Supported. **Outcome:** Passed.

37  
 38 **H.B. 809** by Rep. Angelika Kausche (D-Johns Creek) would have regulated tobacco and tobacco-related  
 39 products and raised the age required to purchase these products from 18 to 21.

40 **MAG's position:** Supported. **Outcome:** Did not pass.

41  
 42 **H.B. 842** by Rep. Rick Williams (R-Milledgeville) would have prohibited physicians and other health  
 43 care providers and health insurers from discriminating against potential organ transplant recipients based  
 44 solely on a physical or mental disability.

45 **MAG's position:** Neutral. **Outcome:** Did not pass.

46  
 47 **H.B. 864** by Rep. Bonnie Rich (R-Suwanee) would have taxed vaping devices and consumable vaping  
 48 products and required retailers that sell vaping devices and consumable vaping products to be licensed.

49 **MAG's position:** Supported. **Outcome:** Did not pass.

50



1 **H.B. 914** by Rep. Heath Clark (R-Warner Robbins) would allow military spouses to get a license (e.g., a  
2 medical license) “by endorsement” as long as the “potential licensee holds a current license to practice  
3 such occupation or profession issued by another state for which the training, experience, and testing are  
4 substantially similar in qualifications and scope to the requirements under this state to obtain a license,  
5 and that he or she is in good standing in such other state and he or she passes any examination that may  
6 only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to  
7 the practice of the profession, business, or trade for which such expedited license by endorsement is being  
8 sought.”

9 **MAG’s position:** Neutral. **Outcome:** Passed.

10  
11 **H.B. 952** by Rep. Sharon Cooper (R-Marietta) would have prohibited corporations that own and operate  
12 multiple pharmacies from implementing policies and procedures that restrict the quantity of controlled  
13 substances that are dispensed or places a restriction on filling a prescription for a controlled substance that  
14 is issued by a specific prescriber. It would have allowed a pharmacist to decline to fill a prescription if  
15 they “reasonably believe” that it’s not for a legitimate medical purpose or it’s not in the patient’s best  
16 interest or it was written by a prescriber who has been the subject of an enforcement action resulting from  
17 controlled substance prescribing by any state or federal agency or entity.

18 **MAG’s position:** Supported. **Outcome:** Did not pass.

19  
20 **H.B. 996** by Rep. Sharon Cooper (R-Marietta) would have expanded the definition of “cosmetic laser  
21 services” to include “energy based medical procedures using an ultrasound, cyolipolysis, microwave, or  
22 radio frequency device that is not expected or intended to remove, burn, or vaporize the live epidermal  
23 surface of the skin, but may damage underlying tissue, if used inappropriately and specifies that these  
24 services constitute the practice of medicine.”

25 **MAG’s position:** Supported. **Outcome:** Did not pass.

26  
27 **H.B. 1007** (‘Coach Safely Act’) by Rep. Demetrius Douglas (D-Stockbridge) would have required any  
28 association that sponsors or conducts sports training or high risk youth athletic activities for children age  
29 14 and under to require all unpaid or volunteer coaches and athletics personnel to complete an online or  
30 residence course approved by the department which provides such coaches and personnel with  
31 information and awareness of actions and measures that may be used to decrease the likelihood that youth  
32 athletes will sustain serious injuries while engaged or participating in high risk youth athletic activities.

33 **MAG’s position:** Supported. **Outcome:** Did not pass.

34  
35 **H.B. 1024** by Rep. Mark Newton, M.D. (R-Augusta) would have provided for an exception to the  
36 certificate of need (CON) process for freestanding emergency departments and increases in bed capacity  
37 or use of unused beds of a private or public hospital, located in a rural county, provided that any such  
38 beds are used exclusively for the treatment of patients in need of behavioral health or developmental  
39 disabilities services and provided any such beds may also be leased to a behavioral health provider for  
40 treatment of such patients.

41 **MAG’s position:** Neutral. **Outcome:** Did not pass.

42  
43 **H.B. 1032** by Rep. Hatchett (R-Dublin) would have exempted certain facilities that perform medical  
44 procedures only in non-sterile procedure rooms from certificate of need (CON) requirements and would  
45 exempt those facilities from having to have an operating room or an operating room environment or from  
46 having to have any minimum physical plant and operational standards, as specified in the rules of the  
47 Georgia Department of Community Health for the purposes of CON.

48 **MAG’s position:** Neutral. **Outcome:** Did not pass.

49  
50 **H.B. 1054** by Rep. Sharon Cooper (R-Marietta) would have created the ‘Newborn Screening and  
51 Genetics Advisory Committee’ to review and make recommendations to the Georgia Department of

1 Public Health (DPH) when a new disorder is added to the federal ‘Recommended Uniform Screening  
2 Panel’ about whether DPH should add the new disorder to the state’s newborn screening panel.

3 **MAG’s position:** Neutral. **Outcome:** Did not pass.

4  
5 **H.B. 1060** by Rep. Ginny Ehrhart (R-Marietta) would have made it a felony for any licensed medical  
6 professional to provide a minor with treatments including use of puberty suppressants, hormone therapy,  
7 and enumerated surgical procedures (e.g., mastectomy, vasectomy, hysterectomy). Violating this law  
8 would have subjected the licensed physician or other treating provider to a prison term of one to 10 years  
9 and the revocation of their license.

10 **MAG’s position:** Opposed. **Outcome:** Did not pass.

11  
12 **H.B. 1076** by Rep. Scott Holcomb (D-Atlanta) would have 1) created a statewide sexual assault kit  
13 tracking system and 2) required the Georgia Composite Medical Board (GCMB) to refuse to grant a  
14 license to an applicant or to suspend or revoke a physician’s license if it finds (following an investigation)  
15 that they have committed a sexual assault on a patient or have pleaded guilty to committing a sexual  
16 assault on a patient or have been found guilty by a court of law of committing a sexual assault on a  
17 patient. This legislation also called for health care professionals to report the name of a physician to  
18 GCMB if they have reasonable cause to believe that the physician has sexually assaulted a patient.  
19 Finally, it would have required GCMB to issue an annual report that addresses the number of physicians  
20 it has investigated for sexual assault, sexual abuse, sexual misconduct, or the exploitation of a patient and  
21 the outcome of any investigations (i.e., whether it refuses, revokes, or suspends a physician's license or  
22 issues a private or public disciplinary order).

23 **MAG’s position:** Neutral. **Outcome:** Did not pass.

24  
25 **H.B. 1105** by Rep. Mark Newton, M.D. (R-Augusta) would have required hospitals to complete a survey  
26 to disclose whether they have the technological capability to share certain patient information with other  
27 hospitals on an electronic basis. As a condition of getting and maintaining a certificate of need (CON),  
28 this legislation would have required every hospital be a “meaningful electronic health records user of  
29 certified electronic health records technology” by July 1, 2022.

30 **MAG’s position:** Neutral. **Outcome:** Did not pass.

31  
32 **H.R. 1282** by Rep. Shelly Hutchinson (D-Snellville) would have created the ‘House Study Committee on  
33 Evaluating, Simplifying, and Eliminating Duplication of Regulatory Requirements for Mental Health and  
34 Social Services Providers’.

35 **MAG’s position:** Neutral. **Outcome:** Did not pass.

36  
37 **H.R. 1302** by Rep. Katie Dempsey (R-Rome) would have created the ‘Joint Study Committee on Chronic  
38 Weight Management and Type 2 Diabetes.’

39 **MAG’s position:** Supported. **Outcome:** Did not pass.

#### 40 41 **FY 2021 Budget**

42 The state’s FY 2021 budget was cut by \$2.2 billion (10 percent) given the projected tax/revenue deficit  
43 associated with COVID-19. The budget that lawmakers passed does include \$19.7 million for six months  
44 of Medicaid postpartum coverage, and the Georgia Board of Health Care Workforce budget remains  
45 intact – which means that there will be no cuts to the medical schools’ operating grants. The budget also  
46 includes \$12 million in additional funds for rural hospital stabilization grants. The Georgia Department of  
47 Behavioral Health and Developmental Disabilities’ budget was reduced by \$91 million, while the Georgia  
48 Department of Public Health’s budget was trimmed by \$8.2 million – including a \$2.3 million reduction  
49 in funding for trauma center readiness and uncompensated care. It is also worth noting that funding for  
50 local health departments was restored, and there was no reduction in the Georgia Maternal Mortality  
51 Review Board’s budget.

1 **Physician’s Day at the Capitol – 2020**  
2

3 More than 100 physicians and medical students and nearly 20 state legislators participated in this year’s  
4 ‘Physicians’ Day at the Capitol’ event, which took place at the State Capitol in Atlanta on February 19.  
5

6 The dignitaries included Georgia Gov. Brian Kemp, Georgia Insurance Commissioner John King,  
7 Georgia Department of Public Health Commissioner Kathleen Toomey, M.D., Georgia Department of  
8 Community Health Commissioner Frank Berry, and Georgia Department of Behavioral Health and  
9 Developmental Disabilities Commissioner Judy Fitzgerald.  
10

11 **2020 Summer Legislative Education Seminar**  
12

13 The 2020 Legislative Education Seminar was cancelled due to the COVID-19 pandemic.  
14

15 **2021 Legislative Education Seminar**  
16

17 The 2021 Legislative Education Seminar is scheduled for Friday, May 14 – Sunday, May 16,  
18 2021.  
19

20 ###