



## LEGISLATIVE UPDATE

Georgia Academy of Family Physicians  
3760 LaVista Rd. Ste. 100 Tucker, GA 30084  
404-321-7445 Fax 404-321-7450

---

### State Legislative Wrap Up May 1, 2009

The first half of the 2009-2010 Legislative Session concluded on April 3, 2009. Below is a report of health-related legislation as well as a review of our legislative priorities:

#### GAFP Legislative Priorities

1. Protect Medicaid and work with the Access Coalition to insure no additional provider cuts.

This priority took the most amount of time among GAFP leadership, GAFP staff, and grassroots support as the governor revised projected state revenues with a downturn of \$3.1 billion. He recommended to the General Assembly a cut of Medicaid providers of between 6-10 percent to help offset the budget deficit. Both the House and Senate leadership worked diligently to avoid such a draconian cut. The legislature adopted a balanced budget by enacting severe cuts to state agencies and leveraging more than \$1.4 billion in federal stimulus funds. GAFP will continue to closely monitor this issue as state revenues are still weak. **Current Status: Succeeded**

2. Oppose direct billing for pathology service – House Bill 403

A subcommittee of House Insurance heard testimony on House Bill 403 which would give pathologists a monopoly on certain office-based lab codes. GAFP President Howard McMahan, MD testified against this bill. A vote to pass the bill was taken and there was a tie, which re-commits the bill to the subcommittee, pending further action.

**Current Status: Pending**

3. Support increasing the tobacco tax up to \$1.00 a pack (House Bill 39)

The GAFP continues to work with the “Pass the Buck” coalition in support of increasing the tax. GAFP co-hosted a press conference on the issue in February and generated grassroots calls to House leadership in March. House Bill 39 currently resides in the House Ways & Means Subcommittee where it will be available for consideration in 2010.

**Current Status: Pending**

4. Support Requiring the Use of Seatbelts in Pickup Trucks – Senate Bill 5

The State Senate passed this bill in early February with a vote of 49-4. The bill is not popular in the House of Representatives where it is now pending in the House Agriculture Committee. It has encountered resistance over in the House, as House leadership and the governor have indicated opposition to this legislation.

**Current Status: Pending**

5. Support legislation to require retail health clinics to limit the number of nurse practitioners that one physician can supervise; and require the clinics to post and publicize who the supervising physician is at each location and on their follow up referral forms to the patient's personal physician. This issue will be discussed during the 2010 legislative session.

**Current Status: In Development**

6. Support legislation to form a study committee on the Patient Centered Medical Home  
Senate Resolution 664 passed on April 1. It was sponsored by the Senate Health and Human Services Chairman, Don Thomas, MD, and the bulk of his committee. This study committee will be appointed over the summer with a report due to the State Senate no later than December 2009.

**Status: Succeeded**

7. Support Removal of Prior Authorization for RX drugs

Senate Bill 3 will remove prior authorization; however, it also requires that all PeachCare children receive generic prescriptions. GAFP Legislative Committee does not believe that Senate Bill 3, in its current form, can be supported.

**Status: Pending**

### **Additional Healthcare Legislation**

[HB 217](#) – Rep. Jimmy Pruett (R-Eastman). Authorizes the use of flu vaccine orders and provides for flu vaccine protocol agreements between physicians and pharmacists or nurses. There were numerous attempts by biotech and pharmaceutical companies to expand the scope of the type of flu vaccine to be dispensed and administered by pharmacists to include “flu-mist” or other FDA approved vaccines. However, all of the expansion attempts were thwarted.

**Status: Signed by the Governor on April 28, 2009**

[HB 346](#) – Rep. Debbie Buckner (D-Junction City) Amends the definition of “Health Care Facility” to include hospice licensed under Chapter 7 of Title 31 without regard to whether it provides hospice care in the patient’s home or on an outpatient or short-term inpatient basis.

**Status: House HHS Committee 2/11/09**

[HB 350](#) – Rep. Chuck Martin (R-Alpharetta). Provides conditions for claiming exemptions by hospitals and other organizations that provide emergency health care services to inmates. The provisions of HB 350 were added to HB 464.

**Status: Passed House 3/12/09; Senate Approps Committee 3/17/09**

[HB 475](#) – Rep. Sharon Cooper (R-Marietta). Revises certain provisions of the Georgia Registered Professional Nurse Act relating to requirements for registered professional nurses in nontraditional nursing education programs.

**Status: Passed and sent to Governor 4/14/09**

[HB 509](#) – Rep. Sharon Cooper (R-Marietta). SB 509 was a comprehensive rewrite of the medical practice act governing the regulation of physicians, acupuncture, physician’s assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice and requires to notify the board upon the conviction of felony, provides for the suspension and reinstatement under certain circumstances of a license, permit or certificate.

**Status: Passed sent to Governor 4/15/09**

[HB 675](#) – Rep. Joe Wilkinson (R-Sandy Springs). Provides for the certification of polysomnographic technologists and provides for applications to be made to the Composite State Board of Medical Examiners to obtain certification to practice polysomnography.

**Status: House withdrawn, recommitted 4/3/09**

[HB 774](#) – Rep. Pat Gardner (D-Atlanta). Provides for guidelines relating to the incidence and treatment options of autism.

**Status: House HHS Committee 3/23/09**

[HB 862](#) – Rep. Jay Neal (R-LaFayette). Provides for the licensure of orthopedic physician assistants and for applications to be made to the Composite State Board of Medical Examiners. Provides for authorized services which may be performed by an orthopedic physician assistant in accordance with an approved job description.

**Status: House HHS Committee 4/3/09**

[HR 316](#) – Rep. Mickey Channell (R-Greensboro). Urges the Department of Community Health to work in conjunction with statewide medical organizations representing pediatric physicians to obtain or prepare and disseminate written materials, at appropriate literacy levels, containing information about the possible complications, proper care, and support for pre-term infants, and for other purposes.

**Status:** House withdrawn, recommitted 4/3/09

[SB 163](#) – Sen. Don Balfour (R-Snellville). Authorizes the commissioner of human resources to appoint a diabetes coordinator and provides for the department to service as the central repository of diabetes treatment and prevention data.

**Status:** Passed Senate 3/4/09; Passed House by substitute 4/1/09; Senate disagrees with House substitute 4/3/09; Recommitted to House: HHS Committee 4/3/09

[SB 201](#) – Sen. Don Balfour (R-Snellville). Relating to control of hazardous conditions, preventable diseases, and metabolic disorders, provides for voluntary contributions through individual income tax returns and other mechanisms for cancer research.

**Status:** Senate sent to Governor 4/8/09

[SB 233](#) – Sen. Doug Stoner (D-Smyrna). Relating to emergency medical services, requires the board to administer or approve examinations which conform to the respective scopes of practice for purposes of certifying emergency medical technicians, paramedics, and cardiac technicians.

**Status:** Passed Senate 3/10/09; House HHS Committee 3/17/09

[SB 244](#) – Sen. Renee Unterman (R-Buford). Under the Georgia Registered Professional Nurse Practice Act provides that the performance of health maintenance activities by a designated caregiver shall not be prohibited.

**Status:** Passed Senate 3/12/09; Passed House by substitute 3/30/09; Senate disagrees with House substitute 3/30/09; Senate conference committee appointed 4/3/09; House conference committee appointed 4/3/09; Recommitted House: HHS Committee 4/3/09

[SB 252](#) – Sen. Don Thomas (R-Dalton). Provides for the certification of polysomnographic technologists and provides for applications to be made to the Composite State Board of Medical Examiners to obtain certification to practice polysomnography.

**Status:** Passed Senate 3/12/09; House HHS Committee 3/18/09

[SR 257](#) – Sen. Don Thomas (R-Dalton). Calls for the creation of the Alzheimer’s Disease and Other Dementias Task Force.

**Status:** Passed Senate 3/10/09; Passed House 3/30/09

[SR 664](#) – Sen. Don Thomas (R-Dalton). Acknowledges the importance of a comprehensive approach to providing patient centered care and creating the Senate Study Committee and the Patient Centered Medical Home.

**Status:** Passed Senate 4/1/09

## INSURANCE

### Autism

[SB 161](#) & [HB 426](#) by Sen. Johnny Grant (R-Milledgeville) and Rep. Katie Dempsey (R-Rome) respectively, mandate insurance coverage of autism spectrum disorders, including applied behavioral analysis.

**Status:** Senate tabled 3/12/09; House Ins Committee 2/18/09

[SR 672](#), HR 824 & [HR 650](#) by Sen. Johnny Grant (R-Milledgeville), Rep. Katie Dempsey (R-Rome) and Rep. Pat Gardner (D-Atlanta) create Senate and House study committees on autism.

**Status:** Passed Senate 4/1/09; HR 824 House Rules Committee 4/1/09; HR 650 House Ins Committee 3/19/09

## **Prompt-Pay**

**HB 321** – Rep. Steve Davis (R-McDonough). Relating to “group accident and sickness insurance” provides for changes in the definitions of the terms. Language from SB 62 was added in Senate.  
**Status:** Passed House 3/12/09; Passed Senate by substitution 4/3/09; House disagrees with Senate substitution 4/3/09; Recommitted Senate: Insurance & Labor Committee 4/3/09

**HB 342** – Rep. Carl Rogers (R-Gainesville). Includes plan administrators in prompt pay requirements.  
**Status:** House withdrawn, recommitted 4/3/09

**SB 62** – Sen. Ralph Hudgens (R-Hull). Includes plan administrators in prompt pay requirements.  
**Status:** Passed Senate 2/17/09; House Approps Committee 2/19/09

## **Other Insurance Related Bills**

**HB 89** – Rep. Alan Powell (D-Hartwell). Requires physicians who participate in the state employees’ or board of regents’ health insurance plan to also participate in the Medicaid program.  
**Status:** House HHS Committee favorably reported 3/12/09

**HB 305** – Rep. Tom Knox (R-Cumming). Removes a participation requirement before the extension of group life policy coverage to dependents of employees or members.  
**Status:** Passed by House on 3/10/09; Senate Insurance & Labor favorably reported 3/18/09; Recommitted by Senate: Insurance & Labor Committee 4/3/09

**HB 403** – Rep. Bill Hembree (R-Winston). Prohibits physicians from charging a markup, commission or profit on the actual amount paid or to be paid for an anatomic pathology service performed or supervised by another physician. No patient, insurer or third party payor is required to reimburse a licensed practitioner for charges or claims for anatomic pathology services that are not in accordance with the provisions of law regarding payment.  
**Status:** House Ins Committee 2/17/09

**HB 410** – Rep. Tom Knox (R-Cumming). Makes certain technical corrections with regard to certain exemptions from insurance premium taxes for high-deductible health insurance products.  
**Status:** Passed sent to Governor 4/14/09

**HB 411** – Rep. Tom Knox (R-Cumming). Removes a participation requirement before the extension of group life policy coverage to dependents of employees or members.  
**Status:** House Ins Committee 2/17/09

**HB 412** – Rep. Tom Knox (R-Cumming). Provides that the Commissioner of Insurance shall be authorized to allow certain health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses to be approved for sale in connection with or packaged with otherwise approved individual health insurance policies. Language was added to SB 94 in House.  
**Status:** House passed 3/10/09; Senate Insurance & Labor Committee favorably reported 3/18/09; Recommitted Senate: Insurance & Labor 4/3/09

**HB 417** – Rep. Jay Neal (R-LaFayette). Provides in the event of a dispute or complaint involving material not in English, the English version of the material shall control the resolution of the dispute or complaint.  
**STATUS:** House passed 3/12/09; Senate Committee on Insurance & Labor favorably reported 3/26/09; Recommitted Senate: Insurance & Labor Committee 4/3/09

**HB 450** – Rep. Doug McKillip (D-Athens). Changes the provisions relating to an insurer’s liability for a bad faith refusal to pay for a loss covered by insurance.  
**Status:** House Ins Committee 2/19/09

**SB 50**- Sen. Ralph Hudgens (R-Hull). “Rental Networks - Silent PPOs.” Prohibits access to a provider’s health care services and contractual discount by certain contracting entities under certain circumstances. The senate adopted a study committee resolution (SR 628) on April 1, 2009 creating a study committee to consider the issue and submit a report the Senate Insurance Committee with recommendations prior to the 2010 General Assembly.

**Status:** Senate I&L Committee 1/27/09

**SB 94** – Sen. Judson Hill (R-Marietta). Relating to insurance, provides that an insured under a group accident and sickness policy may include dependents up to age 25. SB 94 was changed in the House and again in the Senate. The final version does not include the dependents up to age 25 language. The passed version includes HB 412 language and extends state continuation benefits to 9 months for assistance eligible individuals under the American Recovery and Reinvestment Act of 2009.

**Status:** Passed sent to Governor 4/13/09

**SB 105** – Sen. Judson Hill (R-Marietta). Allows certain health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses to be approved for sale in connection with or packed with otherwise approved individual health insurance policies.

**Status:** Passed by Senate 2/24/09; House Insurance Committee favorably reported 3/30/09; Recommitted to House: INS 4/3/09

**SB 182** – Sen. Judson Hill (R-Marietta). The bill changes the age for continuation coverage under certain group accident and sickness insurance plans from 60 to 55 and provides for the coverage of dependents under group and individual accident and sickness policies up to and including 25 years of age if such dependent is a dependent for state income tax purposes for such policyholder or group member.

**Status:** Senate I&L favorably reported 3/5/09

**SB 245** – Sen. Don Thomas (R-Dalton). Requires that a health benefit plan that provides coverage for cancer chemotherapy shall provide coverage for orally administered cancer medication.

**Status:** Senate I&L Committee

**SR 331** – Sen. Judson Hill (R-Marietta). Calls for the creation of a Joint Study Committee on Health Care Transformation.

**Status:** Passed by Senate on 3/12/09; House HHS Committee 3/18/09

*Georgia Academy of Family Physicians  
3760 LaVista Road, Suite 100, Tucker, Georgia 30084  
404-321-7445, Fax 404-321-7450, www.gafp.org*