

Legislative Days 17-20

February 19th - 22nd

The General Assembly marked the halfway point of the 2019 Legislative Session this week by approving the [Amended FY 2019 Budget](#). Committees are in full gear and both chambers continue to move keys pieces of legislation. This report contains committee updates and new legislation filed.

Certificate of Need Debate:

The House Special Committee On Access to Quality Health Care met to hear additional testimony and review a substitute to [HB 198](#) by Representative Matt Hatchett (R-Dublin). The bill seeks to repeal and replace certificate of Need ("CON") laws. The new substitute contains the following changes:

- Allows hospital-owned freestanding emergency departments (lines 1769-1779);
- Provides Grady Memorial Hospital the 10-mile radius protection provided to non-region 3 facilities, as requested by Grady (lines 2115-2120);
- Allows for a physician who owns or has an ownership interest in an ASC to receive credit for indigent care provided outside of the ASC and apply to the ASC's indigent care requirement (lines 2165-2170);
- Clarifies calculation of Medicare rate for indigent care requirement and allows 15% of Medicaid payments toward indigent care requirement (2204-2206);
- Waives penalty for failing to meet indigent care requirement for 25 most-needy hospitals (line 2209); and
- Changes certain reporting requirements to annual (at end of fiscal year) rather than continuous (line 2424).

The Committee will meet on Monday February 25th at 8:00 a.m. to vote on the measure.

On the Senate side, the Regulated Industries committee heard two bills that would repeal and change CON laws. A vote on both bills will take place on Tuesday, February 26th. [SB 74](#) by Senator Matt Brass (R-Newnan) repeals and replaces the CON Program. Senator Brass introduced the bill by noting its drafting had been a process and intended to be a solution to a general problem. Sen. Brass then provided an overview of the sections of the bill which:

1. Repeal CON except for long term care;
2. Establishment a new licensing program that retains all current CON exemptions and adds mental health, cardiology, ASCs, and multi-specialty ASCs with separate specialty ASC, but precludes protests in Health Region 3 and outside a 10 mile radius;
3. Transparency provisions;
4. Rural hospital tax credits (which will be removed in a substitute to come);
5. Clean up; and effective date.

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[SB 114](#) by Senator Dean Burke (R-Bainbridge) presented as an alternative option to complete repeal and replacement of CON. The bill would reinstate the Health Strategies Council, increase capital expenditure thresholds, create a new definition for specialty cancer hospitals, and provide additional exemptions from CON. Sen. Burke noted that repealing CON would be devastating to rural Georgia and urged caution and awareness regarding unintended consequences.

Medicaid Expansion

The Senate Health and Human Services committee gave [SB 106](#) by Senator Blake Tillery (R-Vidalia) a “Do Pass” recommendation, but with votes essentially splitting along party lines. The bill addresses Medicaid expansion in Georgia by granting the Governor authority to apply for a 1115 Medicaid waiver and a waiver of 1332 under the Affordable Care Act. This bill would allow Governor Kemp to tailor healthcare solutions to Georgia’s needs according to Sen. Tillery

Insurance

The Senate Insurance committee gave a favorable “Do Pass” to [SB 56](#) by Senator Chuck Hufstetler (R-Rome) known as the "Consumer Coverage and Protection for Out-of Network Medical Care Act". The bill establishes standards for insurers and healthcare providers in regard to payment under a managed care plan in the provision of emergency medical care. The bill also provides for patient or prospective patient and insurer disclosures. Senator Larry Walker (R-Perry) expressed concern with lines 227-240 of the bill, which appear to require that an insurer recoup deductibles, to which Senator Hufstetler stated he was amenable to discussing.

The House Insurance committee heard [HB 84](#) by Representative Richard Smith (R-Columbus). The bill deals with surprise billing issues and provides for public disclosures of facts relating to out of network providers’ involvement in elective procedures in hospitals and surgery centers and estimates of the cost of services to patients. Chairman Smith agreed to hold the vote for the bill next week so the arbitration provisions can be properly amended.

Public Safety

Chairman John Albers (R-Roswell) presented a new version to [SB 15](#) known as the “Keeping Georgia’s Schools Safe Act.” This legislation is a part of a package on school safety and security measures and the result of discussions from a Senate Study Committee which met over the summer and fall of 2018. The bill seeks to do the following:

- A process for threat assessments to be conducted every three years by a third-party with input from local law enforcement;
- A plan to review these assessments annually and the submission of those to the Department of Education;

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- Language to deal with busing and transportation efforts;
- Training and designating by a school principal as the school safety coordinator or his/her designee (who will work with agencies and conduct tests to make sure the assessments are reviewed and drills are conducted annually);
- Information sharing with the Department of Education about threats and best practices and coordinate with the GBI and its entities;
- Creation of a school safety coach program (language is permissive and not a mandate) to help with emergencies (these coaches are former law enforcement, EMS, and/or former military service members and GEMA will help with the training of these coaches);
- Use of the See Something, Say Something app (and other like technology as it may evolve);
- Allowing GBI to monitor and conduct investigations when a threat is received;
- Permitting investigations by AG, DAs and other agencies to verify such threats

The Lumsden Subcommittee on Public Safety and Homeland Security gave a favorable “Do Pass” to [HB 202](#) by Representative Jesse Petrea (R-Savannah). The bill requires the Commissioner of Corrections to, on the official website used by the department, publish a report of aggregate data on the immigration status, offenses, and home countries of inmates who are not United States citizens and who are confined under the authority of the department. Additionally, the commissioner must report, in a similar manner, the percentage of inmates, in relation to the population in confinement, that are not citizens of the United States.

Military

The House Chamber passed unanimously [HB 59](#) by Representative Dave Belton (R-Buckhead), which allows children of active duty military personnel to register in a local school district based on the parent's official military orders, rather than requiring the family to establish residency.

[HB 395](#) by Representative Sandra Scott (D-Rex) provides that when a law enforcement agency receives a report that a veteran or active duty member of the military, who is believed to have a physical or mental health condition related to their service, is missing, shall immediately open an investigation to locate them. The bill was assigned to the Defence and Veteran Affairs committee.

Local Government

[HB 398](#) by Representative Michael Smith (D-Marietta) allows local authorities to regulate the use of bicycles on sidewalks by individuals under the age of 16 or with disabilities. This bill was referred to the House Transportation Committee.

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The House Agriculture and Consumer Affairs Committee passed [HB 302](#) out of committee on Wednesday. This proposed bill is a usurpation of home rule and prohibits local governments from regulating building design elements in single or double family dwellings. Local governments would no longer have the ability to enact standards on exterior building color; exterior cladding material (vinyl siding); materials on roofs or porches; architectural ornamentation; types of foundations; and more.

Horse Racing

The Senate Economic Development Committee gave a do pass to [SB 45](#) by Senator Brandon Beach (R-Alpharetta). The bill establishes a horse racing commission in Georgia along with outlining provisions for the construction and regulation of horse racing facilities in Georgia. Sen. Beach walked the committee through the changes in proposed amendments which included allowing tracks to reduce the required 60 days of racing to 45 along with striking language regarding tobacco to adhere with concerns from local municipalities.