

Georgia State 2022 Legislation



The 2022 Georgia Legislative Session adjourned on April 4. The one item that must be passed each legislative session is the next year's budget. The 2023 budget details a \$30.2 billion and was able to reverse many of the deep cuts of the past two years with most agencies returning to pre-pandemic funding levels. Some of the good news is that there is an increase in public health and mental health funding. Now, we wait to see what Governor Kemp will sign or veto. Constitutionally, Kemp has 40 days to sign legislation or veto it. He can also let a bill become law without his signature, leaving a gray area for some bills to become law. As a general note, any legislation that did not pass, is dead, and will have to resubmitted in 2023.

The highlight of this session was the unanimous votes on H.B. 1013 Mental Health Parity Act which was introduced by Rep. David Ralston (R-Blue Ridge) and is an omnibus bill to enact the recommendations of the Georgia Behavioral Health Reform and Innovation Commission. Besides its ironic numbering, the bill has over twenty components including forcing insurance companies to treat mental health problems equally with medical problems; implementing medical loss ratios on Medicaid HMOs forcing them to spend 85% of the annual money on actual care for patients, and a loan forgiveness program for doctors going into mental health and substance abuse fields. H.B. 1013 was signed into law by Governor Kemp on April 4th with Rep. David Ralston looking on is shown in the picture above.

Bills that passed both houses and await Governor's signature:
H.B. 752, which would implement a Psychiatric Advance Directive (PAD) was introduced by Rep. Sharon Cooper (R-Marietta). The PAD would allow patients with mental illness to make their wishes in relation to mental health care known and designate a health

care agent related to mental health care. This legislation passed both houses, and is currently sitting on the Governor's desk.

H.B. 961 by Rep. Chuck Efstration (R-Dacula) would allow for evidence of a non-party's fault and authorize apportionment of damages in single-defendant lawsuits. This legislation passed both houses, and is currently sitting on the Governor's desk.

Rep. Sharon Henderson (D-Covington) introduced H.B. 937 which would provide for Medicaid coverage for annual mammograms at no cost to the recipient. This legislation passed both houses, and is currently sitting on the Governor's desk.

H.B. 972 was introduced by Rep. Dave Belton (R-Buckhead) and would make changes to the "Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing Law," including deleting that under their practice act that, "diagnose shall not mean the diagnosis of any neuropsychological functioning or conditions" and a number of other updates the law. This legislation. passed both houses, and is currently sitting on the Governor's desk.

Rep. Rick Jasperse (R-Jasper) introduced H.B. 1042, which would authorize authorities to administer grants to developers who open "primary care medical facilities" in health shortage areas. These facilities would then be operated by a dentist, physician, or "mental health care providers" (psychiatrist, psychologist, professional counselor, marriage and family therapist, clinical social worker, or clinical nurse specialist in psychiatric/mental health). This legislation has been assigned to the House Health & Human Services Committee. H.B. 1042 passed both houses, and is currently sitting on the Governor's desk.

S.B. 341 would provide guidelines for the prior authorization of a prescribed medication for chronic conditions requiring ongoing medication therapy under certain circumstances. S.B. 341 passed both houses, and is currently sitting on the Governor's desk. See

below for Sen. Kay Kirkpatrick, M.D. (R-Marietta) other two less successful healthcare bills.

S.B. 345 was introduced by Sen. Jeff Mullis (R-Chickamauga) would prohibit state and local governments from mandating vaccine passports. GOMA opposed this legislation when it had wording that was suggestive that school vaccines would not be required, which has been amended to eliminate that terminology. The amended legislation passed both houses, and is currently sitting on the Governor's desk.

S.B. 330 by Sen. John Albers (R-Roswell) that would (1) prohibit insurers from cancelling, modifying coverage, refusing to issue, or refusing to renew life insurance policies solely because the applicant or insured donated a liver or kidney, (2) provide for a tax credit for individuals who donate all or part of their liver, pancreas, kidney, intestine, lung, or bone marrow, and (3) create an income tax credit for employers that provide paid leave to employee donors for periods of medically necessary leave from work. This bill passed both houses.

S.B. 352 by Sen. Bruce Thompson (R-White), which would allow for licensure by endorsement for certain licenses to spouses of firefighters, health care providers, and law enforcement officers who relocate to the State of Georgia. This legislation passed both houses.

Bills that failed to get the votes:

H.B. 867 by Rep. Mark Newton, M.D. (R-Augusta), which would require pharmacy benefit managers (PBMs) and insurers to disclose to patients the final true net cost for a prescription drug, less all rebates actually received by the pharmacy benefits manager or its health plan client subsequent to the point of sale and base the patient's cost-sharing on the final true net cost. This legislation only passed the House and will have to be reintroduced next year.

H.B. 856 by Rep. Kim Schofield (D-Atlanta) would create the Legislative Commission on the Disparate Impact of COVID-19. This bill failed to pass either house

H.B. 939 by Rep. Mesha Mainor (D-Atlanta) that would provide for notice of admission and daily updates from a facility to the parent or legal guardian of an involuntary minor patient under 12 years of age. Failed to pass either house.

H.B. 996 by Rep. Kasey Carpenter (R-Dalton) allow individuals credentialed in the field of nutrition to provide advice, counseling, or evaluations in matters of food, diet, or nutrition under certain circumstances without receiving a dietetics license. This legislation, which dramatically changes who is allowed to provide nutrition counseling has been referred to the House Regulated Industries Committee. Did not pass either house.

H.B. 1000 was introduced by Rep. Stan Gunter (R-Blairsville) and would provide an exception for rabies vaccination of dogs and cats for animals where that vaccine would compromise the animal's health or if it is medically unnecessary. This legislation was referred to the House Agriculture & Consumer Affairs Committee. Did not pass either house.

H.B. 1003 introduced by Rep. Erick Allen (D-Smyrna) that would prevent the Department of Community Health from entering into or renewing any contract with an otherwise qualified entity for the State Health Benefit Plan who has either terminated early without cause or forced a renegotiation of an unexpired contract with a Georgia-based hospital or health care system within the prior 24 months, unless the qualified entity is the only available qualified entity. This legislation was referred to the House Insurance Committee. Did not pass either house.

H.B. 1038 introduced by Rep. Sharon Cooper (R-Marietta), which would update the tax credit for physicians and health care professionals who practice in rural areas. Did not pass either house.

H.B. 1057 was introduced by Rep. Gerald Greene (R-Cuthbert) and would set a standard suite of services that community service boards are required to provide in their respective service areas. This legislation was assigned to the House Health & Human Services Committee. Did not pass either house.

H.B. 855 by Rep. Gregg Kennard (R-Lawrenceville) that would provide workers' compensation coverage for first responders for post-traumatic stress disorder arising in the course and scope of employment. Did not pass either house.

H.R. 629 by Rep. Darlene Taylor (R-Thomasville) introduced that would create the House State Health Benefit Plan Study Committee. Did not pass either house.

S.B. 338 by Sen. Dean Burke, M.D. (R-Bainbridge) would increase postpartum coverage under Medicaid from six months to one year following birth. GOMA supported this legislation and it passed both houses, and is currently sitting on the Governor's desk.

Sen. Kay Kirkpatrick, M.D. (R-Marietta) introduced three bills (S.B. 340, S.B. 341, & S.B. 342). S.B. 340 updates provisions related to funding of medical education provided by hospital authorities and designated teaching hospitals. S.B. 341 would provide guidelines for the prior authorization of a prescribed medication for chronic conditions requiring ongoing medication therapy under certain circumstances. S.B. 342 would provide for annual reporting regarding mental health parity in health care plans. S.B. 340 was referred to Senate Health and Human Services while S.B. 341 and 342 were referred to Senate Insurance and Labor. Only SB 341 passed both houses, and is currently sitting on the Governor's desk.

S.B. 351 by Sen. Bruce Thompson (R-White) which would have extensively revise the "Women's Right to Know Act", including requiring the use of an informed consent authorization form and expanding reporting requirements. Additionally, the legislation

would make prescribing abortion pills without following the state law a crime and allow civil penalties of up to \$100,000 per violation. Reporting violations may threaten a physician's license and open them up to malpractice suits even where no physical injury occurs. Physicians would be required to have the patient sign off on 15 different statements prior to prescribing the pills and a follow-up visit two weeks later would be required. Finally, abortion pills could not be provided on the campus of any public or private school, college or university in the state. This legislation did not pass either house.

S.B. 372 was introduced by Sen. Brandon Beach (R-Alpharetta) that would (1) prohibit a person or governmental entity from refusing, withholding from, or denying a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person's vaccination status or whether the person has an immunity passport, (2) prohibit an employer from refusing employment to a person, barring a person from employment, or discriminating against a person in compensation or in a term, condition, or privilege of employment based on the person's vaccination status or whether the person has an immunity passport, and (3) prohibit a public accommodation from excluding, limiting, segregating, refusing to serve, or otherwise discriminating against a person based on the person's vaccination status or whether the person has an immunity passport. This legislation would not apply to schools and would allow health care facilities to ask for vaccination status to determine whether reasonable accommodations should be provided. An individual may not be required to receive any vaccine which is allowed for use under an emergency use authorization or any vaccine undergoing safety trials. A skilled nursing facility, personal care home, or assisted living community shall be exempt from compliance with this Code section during any period of time that such compliance would result in a violation of regulations or guidance issued by the federal Centers for Medicare and Medicaid Services or the federal Centers for

Disease Control and Prevention. This legislation has been assigned to the Senate Judiciary Committee. Did not pass either house.