The Georgia General Assembly convened the 2013 legislative session on Monday, January 14th and adjourned on Thursday, March 28th. The session started later than usual due to the second Monday in January being the 14th this year, but legislators sprinted to an early finish in 40 legislative days.

2013 marked the first year of the two-year legislative term, the House had over 40 new members and the Senate had 9 new members. The Republican majority holds 119 seats in the House and the Democratic minority holds 60 seats with 1 Independent. In the Senate the Republican majority is 38 members and the Democratic minority is 18 members. The Senate GOP holds a constitutional majority in the Chamber, meaning they can vote to place constitutional measures on a ballot.

Governor Nathan Deal, Speaker David Ralston and Lt. Governor Casey Cagle worked closely on key issues. Cagle regained his traditional powers in the state senate. Sen. David Shafer was elected as the new Senate Pro Tempore and Sen. Ronnie Chance became Majority Leader. The House Leadership team remained the same, Speaker David Ralston, Speaker Pro Temp Jan Jones, Majority Leader Larry O’Neal and Majority Whip Ed Lindsey. Both Health Committee Chairs retained their positions -- Rep. Sharon Cooper, House Health & Human Services Committee and Sen. Renee Unterman, Senate Health & Human Services Committee.

The legislative session presented many challenges for medicine. Scope of practice issues, CON, and tort reform all arose during the 40-day session. The $19.9 billion 2014 fiscal year budget demands, gun control legislation and ethics reform took center stage in the press but medicine was under siege throughout the session.
Mental Health Legislation & Issues

The GPPA Leadership and Government Affairs Team were engaged on many mental health issues pending before legislation during the session. The Governor’s Juvenile Justice Reform legislation and a joint House and Senate Study Committee on Medicaid Reform both passed, all other measures will hold over until the 2014 session.

**SB 65 – Licensed Professional Counselors**, sponsored by Sen. Renee Unterman; the bill allows licensed professional counselors to order 1013 and 2013. **HELD OVER FOR 2014**

**SB 128 – Marriage Counselor & Family Therapists Licensure**, sponsored by Sen. Fran Millar; the bill would allow and require licensure of both allied providers, it would make the eligible for Medicaid reimbursement. **HELD OVER FOR 2014**

**SB 211 – Psychological Testing**, sponsored by Sen. Chuck Hufstetler; the bill defines psychological tests, and provides for rules for administering and interpretation to be established by the GA State Board of Examiners of Psychologists. **HELD OVER FOR 2014**

**SB 163 – Medicaid Reform**, sponsored by Sen. Bill Ligon, requires DCH to study and identify options to reform Medicaid. **HELD OVER FOR 2014**

**HR 107 – Joint House & Senate Medicaid Reform Study**, sponsored by Rep. Donna Sheldon, the joint study committee will be comprised of legislators and stakeholders to study the current Medicaid system. **PASSED**


**HB 242 – Juvenile Justice Reform**, sponsored by Rep. Wendell Willard and a top legislative priority for Governor Deal, is a comprehensive rewrite of the juvenile code section. It has been in the works for several years. **PASSED**


Practice Issues & Scope of Practice Expansions

The medical community was called into action on many fronts as a torrent of legislation was introduced that directly impacted medical practices and many constituted scope of practice expansions. Fortunately, most of the harmful scope expansion bills were stopped or greatly narrowed.

Scope of Practice Issues

**HB 68 – Physician CME for orthotics & prosthetics**, sponsored by Rep. Rusty Kidd, requires continuing medical education for providers prescribing orthotics or prosthetics. **PASSED**


**HB 235 – Optometry Prescribing**, sponsored by Rep. Earl Ehrhart, was considerably narrowed from its original version and presented a setback for optometrists who only gained oral corticosteroids. A special thanks to Rep. Ben Watson, MD and Sen. Dean Burke, MD for their work to narrow the bill. **PASSED**

**HB 315 – Nurse Continuing Education / Mandatory Reporting of misconduct by nurses**, sponsored by Rep. Sharon Cooper, requires nursing continuing education and mandatory reporting for violations of codes of conduct. **PASSED**

SB 85 – Pharmacists Vaccine Protocol, sponsored by Sen. Charlie Bethel, to allow pharmacist to administer vaccines. The Medical Association of Georgia opposed the legislation. Repeated attempts to add this language to several other different bills failed. HELD OVER FOR 2014

SB 94 – APRN Radiological Imaging, sponsored by Sen. Fran Millar, allows APRNs to order radiographic imaging tests. HELD OVER FOR 2014

SB 134 – Pharmacy Prescriptive Authority, sponsored by Sen. Buddy Carter allows for prescriptive authority by pharmacists licensed in another state. HELD OVER FOR 2014

SB 195 – EpiPen, sponsored by Sen. Chuck Hufstetler, to update the state’s EpiPen statute to allow schools to keep EpiPens for students. PASSED

Practice Issues

HB 57 – Controlled Substances, Schedule I & II, sponsored by Rep. Matt Ramsey, is the annual update of the states’ dangerous drug list. Signed by the Governor

HR 107 – Joint House & Senate Medicaid Reform Study, sponsored by Rep. Donna Sheldon, the joint study committee will be comprised of legislators and stakeholders to study the current Medicaid system. PASSED

HB 132 – Pharmacy & Dental Board transition to DCH, sponsored by Rep. Lee Hawkins, moves the pharmacy board and the dental board from the Secretary of State’s office to become attached agencies of DCH, much like the Composite Medical Board. PASSED


HB 284 – Return to Play, sponsored by Rep. Jimmy Pruett, sets guidelines for training, and addresses immunity for schools for injuries sustained by student athletes; immunity does not apply to physicians who are paid consultants for school teams. PASSED

HB 317 – Administrative Medical License, sponsored by Rep. Sharon Cooper, allows the Composite Medical Board to issue an administrative medical license for physicians who are not involved in clinical care but want to maintain their license. PASSED

HB 332 – GA Board of Nursing, sponsored by Rep. Bruce Broadrick, merges LPN, RN and APRN boards into one nursing board. PASSED

HB 465 – Medicaid Single Dental Administrator, sponsored by Rep. Carl Rogers, creates a single dental administrator for Medicaid providers. The bill enjoyed wide support but the state’s three CMOs opposed the legislation, as did Blue Cross Blue Shield. HELD OVER FOR 2014

HB 481 – Ethical Treatment of Human Embryos Act, sponsored by Rep. Jay Neal, creates standards for human embryos relative to research. The bill was heard by the House Judiciary Committee in early March, but did not get a vote. The intent by the sponsor is to limit and or monitor the research in the area. HELD OVER FOR 2014

SB 317 – Provider Profiling Act, sponsored by Sen. Josh McKoon, establishes that healthcare cost delivery criteria be developed by practicing physicians. The bill was pushed by the GA Society of Dermatology and was supported by MAG. HELD OVER FOR 2014

Composite Medical Board Renewal & Immigration issues – lawmakers addressed several issues stemming from the recent immigration reform package; key for physicians is that they will no longer be required to provide proof of citizenship annually.
Pain Management Issues & Prescription Form Fix

Pain Clinic Licensure – HB 178, by Rep. Tom Weldon and GA Attorney General Sam Olens, stemming from the state “pill mill” crisis, requires all pain clinics to be licensed and authorizes the composite medical board to promulgate rules for all pain clinics. One new provision requires new pain clinics to be wholly owned by physicians. Existing clinics will be grandfathered in. PASSED

Prescription Form Correction & Drug Compounding – HB 209, by Rep. Ben Watson, MD, allows for the use of CMS approved forms or continued use of the state approved form for Schedule II drug prescriptions. It also addresses a problem that arose by placing restrictions on access to compounded medications needed by physicians in their offices. PASSED

Prescription Monitoring Program (UPDATE) – The program is to be implemented in April 2013. In 2011, the legislature created a statewide prescription monitoring program to allow officials to track prescription drug abuse and fraud by patients and over prescribing by providers. The law was signed into effect in July 2011, the program received grant funding and the composite medical board will implement the program.

State Departments – DCH, DBH&DD & DPH

We continued an excellent working relationship with departmental commissioners and all three departments this session. We have a number of issues to work collaborate on in the interim.

Department of Behavioral Health & Developmental Disability – Commissioner Frank Berry is half way through his first full year as Commissioner. GPPA has maintained a working dialog with the Commissioner and department leadership.

Department of Community Health – Commissioner David Cook is ending his service as DCH Commissioner. The Commissioner has been accessible and his team has worked well with us this session. We expect some action in the coming months on the CMO contracts; as well as, the SHBP contract renewals. Though DCH had a very challenging budget year, providers were spared the .74 % rate cut. The Governor’s office and the Appropriations Chairs eliminated proposed language allowing DCH to seek supplemental rebates on drugs in Medicaid. We look forward to working with incoming Commissioner Clyde Reese.

The DCH Board leadership has changed in the last year. Below is their current leadership:

DCH Board Members
Norm Boyd, Chairman
Jamie Pennington
Jack Chapman, MD
Mimi Collins
Clay Cox
Ron Jackson
Donna Moses, DMD
Kiera von Besser, MD, PhD
Bill Wallace, Jr.

Their biographical information can be viewed at:  http://dch.georgia.gov/dch-board-members

State Health Benefit Plan – HB 511 – Bariatric Surgery Pilot, sponsored by Rep. Katie Dempsey, the bill creates a two-year pilot for 75 patients. The pilot will be measured on patient medical outcomes and cost savings to the state health benefit plan. The GA Hospital Association, Medical Association of Georgia, Obesity Action Coalition, GA Society of the American College of Surgeons and GA Chapter of the American Society of Metabolic & Bariatric Surgeons all supported the legislation. The companion resolution, HR 603, required DCH to provide the general assembly with key data on the benefit, while it was in place for three years, ending in 2011. The benefit was first instituted in 2009 and was in place for 3 years; approximately 1,400 people utilized the benefit. HB 511 was tabled in the final hours of the session due to an attempt to amend the bill with abortion and autism legislation. Either amendment would have likely resulted in the bill being voted down, so Rep. Dempsey and Sen. Renee Unterman opted to table the bill and work to move it early in the 2014 session along with the funds in the 2015 budget. HELD OVER FOR 2014

Department of Public Health – Commissioner Brenda Fitzgerald, MD is entering her third year as Commissioner. Dr. Fitzgerald and her leadership team have been busy with issues, from childhood obesity, public health clinic access and the AIDS drug assistance program (ADAP) to the ongoing effort to build the department’s infrastructure.
Insurance, ACA & Workers Compensation Issues

National Healthcare Reform – several bills and resolutions were introduced during the session relating to the state’s compliance with national healthcare legislation.

HB 198 – Patient Protection & ACA Navigators Licensure, by Rep. Richard Smith, requires licensure of navigators working under provisions in the Affordable Care Act. Licensure will be issued by the state. PASSED

SB 236 – ACA Premium Increase Notice, by Sen. Burt Jones, requires insurers to issue notices on any increases that may be attributed to the ACA. PASSED

State Board of Workers’ Compensation – Leadership has changed at the workers comp board in recent months. The current leadership is as follows:

Judge Frank McKay, Chairman
Judge Steve Farrow
Judge Elizabeth Gobeil

HB 154 – Workers Comp, sponsored by Rep. Mark Hamilton, consisted of the agency’s annual clean legislation to update state law with ongoing changes within the work comp system. PASSED

Tort Reform & Juvenile Justice Reform

Tort Reform:

SB 141 & HB 662 – Patient Injury Act / Jackson Healthcare Tort Reform Proposal, sponsored by Sen. Brandon Beach (SB 141) and Rep. Mike Cheokas (HB 662), would replace the state’s medical malpractice system with an administrative compensation process. The system would be modeled after the state’s worker compensation system. The Medical Association of Georgia, a majority of specialty societies, and the GA Trial Lawyers Association oppose the proposed legislation. In a strange twist, SB 141 the legislation was sent to the Senate Health & Human Services Committee rather than the two Senate Judiciary Committees. There were two hearing before the committee Former Georgia Attorney General Mike Bowers weighed in on the legislation on behalf of the Medical Association of Georgia, arguing that the proposal would be ruled unconstitutional. A Senate Health Subcommittee will study SB 141 by over the summer; there has been no action on the House version. Jackson Healthcare has engaged two large lobbying firms to push the measures. They have also set up a non-profit group called, Patients for Fair Compensation. HELD OVER FOR 2014

As you know, in 2010 the Georgia Supreme Court struck down the cap on damages included in the 2005 tort reform law. The only remedy is a constitutional amendment to establish authority to set a cap. A constitutional amendment requires a two-thirds vote in both chambers and then approved by GA voters in a November general election.

Other Tort Legislation:

HB 94 – Future Damages, sponsored by Rep. Andy Welch, creates guidelines to calculate future damages that are related to civil judgments in medical malpractice cases. The Medical Association of Georgia championed the legislation. PASSED

HB 499 – Provider Shield, sponsored by Rep. Donna Sheldon, will protect physicians from medical malpractice liability that is not related to the practice of medicine. The Medical Association of Georgia worked with the sponsor to pass this legislation. PASSED

HB 643 – Civil Practice Act – Discovery, sponsored by Rep. Wendell Willard, will change provisions governing discovery, including electronic discovery. The bill was introduced after the 30th legislative day and will be alive for the next session. HELD OVER FOR 2014
Juvenile Justice Reform:

**HB 242 – Juvenile Justice Reform**, sponsored by Rep. Wendell Willard, a top legislative priority for Governor Deal, is a comprehensive rewrite of the juvenile code section. It has been in the works for several years. **PASSED**

---

**Big Picture Issues of the Session**

The General Assembly considered a wide-range of proposed legislation. There were 692 bills introduced in the House of Representatives and 272 in the Senate.

Lawmakers moved quickly in passing the 2013 amended fiscal year budget; as well as, the state’s 2014 budget, totaling $19.9 billion in state funds. The total 2014 budget with state and federal funds equals $37.1 billion. The DCH budget totals in excess of $12.8 billion, including state and federal dollars.

State agencies were again pressed to cut 2% from the administrative budgets as lawmakers crafted the amended FY 2013 budget and the FY 2014 budget. One of the first bills signed into law this year was **SB 24 – Hospital Medicaid Financing Program Act (Bed Tax)**. The bill shifts authority for setting the tax rate from the General Assembly to the Department of Community Health. The statute only applies to hospitals and sunsets in 2017.

Firearm and gun legislation was heavily debated throughout the session and several bills passed the House but failed to make it through the Senate by the 40th day. Proposed legislation would have allowed conceal carry permit holders to carry firearms to an expanded list of locations where they are currently barred. One measure would have allowed college students to carry firearms on college campuses, and another proposed bill would have allowed school administrators to be armed. We expect renewed effort to push these measures in the next session.

**HB 142 – Ethics Reform** – Atlanta newspapers, the GA Tea Party and Common Cause GA used the results of the GOP and Democrat ballot initiatives from the 2012 primary elections when voters were polled on so called “gifts” from lobbyists, to pressure the General Assembly to enact ethics reforms this session. Speaker of the House David Ralston introduced HB 142 that banned all gifts, golf outings, meals, travel (unless for official state business), etc. The Senate took early action on the issue and implemented a new senate rule capping expenditures for Senators at $100 per occasion. HB 142 was finally passed in the final hours of the session. The new cap on expenditures will be $75, as well as a ban on foreign travel, golf outings, sports and concert tickets effective January 1, 2014. Interestingly, in spite of getting nearly 100% of the stated ethics priorities passed, the AJC, GA Tea Party and Common Cause GA insist the legislation doesn’t go far enough and vow more must be done. The legislation will have little impact on the medical lobby because large amounts for travel or gifts are rarely expended. **PASSED**

---

**Campaigns Underway – 2014 Elections**

**Georgia’s Statewide Officials**

All of Georgia’s Constitutional Officers, i.e. statewide office holders, are up for re-election in 2014. At this time, no opponents have announced their intent to run against any of the incumbents in the November 2014 General Election. Governor Deal has picked up a primary opponent in Dalton Mayor Doug Pennington who announced in early April that he plans to enter the 2014 republican primary. We expect that all of the statewide officials will face opponent in the General Election. So stay tuned!

**US Senate & Congressional Campaigns**

With the announcement earlier this year that senior US Senator Saxby Chambliss will retire at the end of his term in the US Senate, there has been a flurry of activity to fill his seat. Several members of US Congress have announced their intent to run so there is much electioneering going on to fill those soon to be vacated offices.
Race for the US Senate – Contenders as of early April 2013

**GOP announced candidates:**
- US Rep. Paul Broun, MD
- US Rep. Phil Gingrey, MD

**GOP candidates showing interest:**
- US Rep. Tom Price, MD
- Former Sec. of State Karen Handel
- Businessman David Perdue

At this time there is no announced Democrat in the race, though US Rep. John Barrow has shown signs of interest. Barrow represents the 10th Congressional District.

**Congressional Races – Contenders as of early April 2013**

**GA 1st District** (to replace Jack Kingston)
- Sen. Buddy Carter (Pooler – R)
- David Shawarz (Savannah – R)

**GA 10th District** (to replace Paul Broun)
- Rep. Donna Sheldon (Dacula - R)
- Sen. Bill Cowsert (Athens - R)

**GA 11th District** (to replace Phil Gingrey)
- Former Congressman Bob Barr (Vinings – R)
- Sen. Barry Loudermilk (Cartersville – R)
- Rep. Ed Lindsey (Buckhead – R)
- Trica Pridemore (Marietta – R)

**Physicians in the General Assembly**

We now have two physician members of the General Assembly, one in each chamber.

<table>
<thead>
<tr>
<th>Rep. Ben Watson, MD</th>
<th>Sen. Dean Burke, MD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Specialty: Internal Medicine</td>
<td>Medical Specialty: GYN</td>
</tr>
<tr>
<td>Hometown: Savannah</td>
<td>Hometown: Bainbridge</td>
</tr>
<tr>
<td>Elected: 2010</td>
<td>Elected: 2013</td>
</tr>
<tr>
<td>Committees:</td>
<td>Committees:</td>
</tr>
<tr>
<td>House Health Committee Vice Chair</td>
<td>Senate Health Committee</td>
</tr>
<tr>
<td>Appropriations Committee</td>
<td>Agriculture Committee</td>
</tr>
<tr>
<td>Higher Education Committee</td>
<td>Education &amp; Youth Committee</td>
</tr>
<tr>
<td>Science &amp; Technology Committee</td>
<td>Retirement Committee</td>
</tr>
</tbody>
</table>

**Questions & Notes**

**Note** – all bills marked “PASSED” await signature into law by Governor Deal. The Governor has 40 days to sign bills into law, veto bills or simply allow them to become law without his signature. Bills that are held over are alive and ready for action when the 2014 legislative session convenes.

**Still have questions or want to learn more?** Visit [http://www.legis.state.ga.us](http://www.legis.state.ga.us/) to read the full text of all legislation, or feel free to contact us. You may also visit Georgia General Assembly website at [www.legis.ga.gov](http://www.legis.ga.gov).

Thanks to everyone who called legislators on various issues during the session, and a special thanks to those physicians and administrators who came to the Capitol! Your voice made a huge difference!
Looking Ahead

The GPPA legislative team, Lasa Joiner and Travis Lindley, will continue providing regular updates as we cover DCH, DBH&DD, DPH, Workers Comp Board, Composite Medical Board, Pharmacy Board and other regulatory bodies throughout the summer and fall. So stay tuned ~

Lasa Joiner
lasa@gapsychiatry.org
(404) 299-7700

Travis Lindley
travis@gapsychiatry.org
(770) 435-5586