

Legislation Passed in 2013 Georgia General Assembly Session Signed/Vetoed by Governor Deal

Verification of Lawful Presence: [HB 324](#) requires the Georgia Student Finance Commission and the Board of Directors of the Georgia Student Finance Authority to develop policies or regulations, or both, for verification of lawful presence for receipt of postsecondary benefits. **Effective Date: 7/1/13**

Temporary Drivers Permit: [SB 122](#) allows temporary driving permits to be issued to a noncitizen applicant whose Georgia driver's license has expired or will expire. The applicant must be able to prove a request for a visa extension. **Effective Date: 1/1/14**

Reciprocal Agreements for Georgia Drivers Licenses: [HB 475](#) allows the Commissioner of the Georgia Department of Driver Services to enter into reciprocal agreements with other countries so that a holder of a valid driver's license in one country may obtain a license in the other without having to be tested. Lawful presence will have to be proven in Georgia. **Effective Date: 7/1/13**

Changes to Immigration Statute: [SB 160](#) streamlines the business license process for renewals by only requiring the business submit its federal work authorization user number. Also, streamlines the citizenship verification process for government benefits by only requiring that verification be provided upon initial application for a government benefit or service. **Effective Date: 7/1/13**

Uniform Fraudulent Transfers Act: [SB 105](#) creates an exception to current law for nonprofit organizations unless that organization was aware or participated in the fraudulent transfer. **Effective Date: 7/1/13**

Georgia Council for the Arts: [HB 338](#) recognizes and clarifies the role of arts in economic development and as a vital part of our culture. The Council is reorganized, reducing the number of members to nine and all will be appointed by the Governor. The Council will advise the Governor through the Georgia Department of Economic Development on how best to advance the arts in education, tourism, and community development in Georgia. The Council will also assist local governments and communities in planning and moving forward on these same initiatives. **Effective Date: 7/1/13.**

Hospital Provider Payment Program: **Effective Date of 2/13/13,** [SB 24](#) allows for continuation of the Medicaid Hospital provider Tax beyond the sunset date of June 30, 2013. Revenues generated by the tax will be used to fill the \$700 million Medicaid program deficit that averted a \$429 million cut in Medicaid reimbursement rates for hospitals and other providers. Key provisions of the legislation include:

- The Department of Community Health is authorized to create one or more hospital provider payment program.
- Ensures legislative oversight of the program through the budget process and Administrative Procedures Act.
- Ensures no funds from the program will be spent without going through the legislative budgetary process.
- Sunsets if federal funds are not available.
- Sunsets if hospital Medicaid reimbursement is reduced (this provision was subsequently modified in SB 62 that passed on Day 40 of the legislature).
- Sunsets on June 30, 2017 unless reauthorized by the Legislature.

Federal and State Funded Health Care Financing Program Overview Committee: The underlying purpose of [SB 62](#) is for this committee to study healthcare costs in Georgia, however two amendments were added to the legislation. As referenced above, language was added to clarify the intent of the administration of the hospital

provider payment program as it pertains to reimbursement methodologies. The language in the other amendment restricts how the Fulton DeKalb Hospital Authority (FDHA) can expend its funds by specifically limiting how much the FDHA can spend on personnel and contractors. The effect should be nearly \$2 million in savings that can be redirected to taking care of indigent patients care for at Grady Hospital. **Effective Date: 5/7/13**

Administrative Medicine Licenses: [HB 317](#) defines “administrative medicine” as administration or management utilizing the health and safety of the public or any person but shall not include the practice of medicine. While these individuals are not authorized to engage in the practice of medicine, they are still subject to the rules and regulations of the Georgia Composite Medical Board. **Effective Date: 7/1/13**

Georgia Boards of Nursing: [HB 332](#) combines the registered nurse and licensed practical nurse boards into one board. In order to handle the increased duties, the membership of the new board is increased. **Effective Dates: 5/6/13 and 7/1/14**

Continuing Education for Nurses: for several years the General Assembly has debated this issue as nurses are the only class of health professionals in Georgia who are not required to maintain continuing education. [HB 315](#) imposes CE requirements on both RNs and LPNs and the law provides several ways in which nurses can meet these educational standards. However, an original provision allowing hospitals to certify such training for nurses who worked at least 500 hours per year was inadvertently removed. The bill sponsor will introduce legislation in the 2014 session to correct this prior to implementation of these requirements. HB 315 was also amended to require any professional misconduct or substance abuse by nurses be reported to the Board of Nursing. **Effective Date: 7/1/13**

Optometrist Prescribing: [HB 235](#) allows the prescribing of oral steroids and oral antibiotics as well as a 48-hour supply of hydrocodone by an Optometrist. Provisions also call for the Optometrist to obtain a patient history and to cap oral corticosteroid prescriptions at 14 days. The legislation also prohibits Optometrists from administering medications by injections. **Effective Date: 7/1/13**

Continuing Education Requirements: [HB 68](#) authorizes the Georgia Composite Medical Board to establish the number of required CE hours and the categories in which hours should be earned by those licensed as Orthotists and Prosthetists. Requirements cannot exceed the current 40 hours of CE. **Effective Date: 7/1/13**

Podiatry/Podiatric Medicine: [HB 192](#) changes the definition of the practice of podiatry to include the diagnosis and treatment of cosmetic conditions relating to the human foot and leg. **Effective Date: 7/1/13**

Pharmacy Compounding: As a result of last summer’s antifungal meningitis outbreak that was attributed to processes used in a Boston, MA compounding pharmaceutical company, [HB 209](#) includes provisions requiring the Georgia Board of Pharmacy to establish rules and regulations governing compounding in compliance with USP-NF standards. Pharmacists who compound sterile drugs for specific practitioners to use in patient care must comply with federal law and board rule using these standards. Practitioners who compound drugs for administering or dispensing to their own patients must comply with the USP-NF standards. Provisions of HB 209 also add Medicare and Medicaid approved prescription pads as meeting the definition of “security paper.” **Effective Date: 7/1/13**

Annual Drug Update: [HB 302](#) is the Board of Pharmacy’s annual drug update legislation that moves new and existing drugs into different classes. **Effective Date: 4/18/13**

Pharmacy Audit Bill of Rights: [HB 179](#) requires that audits be conducted onsite and prohibits recoupment of the cost of drugs or medicinal supplies by a Pharmacy Benefit Manager that were properly dispensed by the pharmacy. The audit report must be delivered to the pharmacy within 60 days (changed from current 120 days) and the pharmacy will have 30 days to respond with any documentation addressing any discrepancy. **Effective Date: 7/1/13.**

Georgia Pain Management Clinic Act: [HB 178](#) requires pain management clinics to be licensed by the Georgia Composite Medical Board. A licensed physician must operate the clinic and is required to meet certain requirements for prescribing medicine and pain management services. Pain clinics owned and operated by a hospital, health system, ambulatory surgery center, skilled nursing facility, hospice, or home health agency. The intent of the legislation is to give the state the authority needed to protect the public from abuse clinics known as “pill mills.” **Effective Date: July 1, 2013.**

State Boards Transferred: [HB 132](#) transfers the Georgia Board of Pharmacy and the Georgia Board of Dentistry from the Secretary of State’s Office to the Department of Community Health. The Georgia Drugs and Narcotics Agency is also given additional powers as it pertains to conducting of investigations and prosecution. **Effective Date 7/1/13**

Nursing Home Employees: [HB 208](#) requires nursing homes to annually offer influenza vaccinations to its healthcare workers and employees. **Effective Date: 7/1/13.**

Human Trafficking: [HB 141](#) authorizes the Georgia Bureau of Investigation to develop model notices with the call number of the National Human Trafficking Resource Center. A number of businesses, including the emergency rooms of acute care hospitals and urgent care centers, are required to post the notice. **Effective Date: 5/6/13**

Reduction of Future Expenses: [HB 94](#) allows discretion in the discount rate used for calculation or present value of future damages. New language states that the trier of fact may use the current law provision of a 5% discount rate or any other discount rate deemed appropriate. **Effective Date: 7/1/13.**

Medicaid Reimbursement: [HB 240](#) requires reimbursement for services provided by speech-language pathologists for persons covered by Medicaid or PeachCare for Kids. The pathologist must be clinical fellows licensed by the State Board of Examiners for Speech-Language Pathology and Audiology. **VETOED BY GOVERNOR.**

Patient Protection and Affordable Care Act (PPACA): [HB 198](#) requires licensing, certification, and training for health benefit exchange navigators. These licensed professionals are required to provide accurate information and advice to individuals and groups in Georgia seeking health insurance coverage as per the provisions of the PPACA. **Effective Date: Upon notification by the federal government that a health insurance exchange has been created or approved to operate in the State of Georgia.**

PPACA: [HB 389](#) allows insurance companies to terminate, cancel, or not renew all existing conversion policies on the effective date of PPACA, provided the insurer provides at least 90 days’ notice to the discontinuance of the coverage to policyholders and the Commissioner of Insurance. Also, on the PPACA’s effective date, health insurers or managed care organizations shall not be required to offer healthcare policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment system. **Effective Date: 7/1/13.**

PPACA: [HR 389](#) requests Congress to repeal the \$100 Billion federal sales tax on health insurance imposed by PPACA.

PPACA: [SB 236](#) requires insurance companies to send concurrently with any statements sent to consumers that provide notice of premium increases, an estimate of the portion of any premium increase that is due to the Affordable Care Act. **Effective Date: 7/1/13.**

PPACA: [HB 499](#) ensures that any administrative guideline set by the Affordable Care Act does not create a legal basis for negligence or the standard or duty of care owed by a health care provider to a patient in medical malpractice cases. **Effective Date: 7/1/13.**

Early Care and Learning Centers: [HB 354](#) changes the definition of child care facilities. Child care learning centers will no longer be referred to as day-care centers and the legislation recommends that owners of any early care and learning program carry liability insurance coverage. **Effective Date 7/1/13.**

Day Care Employees: [HB 350](#) requires a criminal background check on employees. Currently, center directors are required to undergo this process. **Effective Date: 7/1/13.**

Disabled and Elderly Persons: [HB 78](#) expands criminal protections for elderly and disabled adults to include sexual abuse and exploitation. If the abuse occurs in a long-term care facility, the law enforcement agency or the prosecuting attorney's office must be notified. If the abuse did not occur in a long term care facility, the person reporting must contact the law enforcement agency and adult protective services designated by the Georgia Department of Human Services. **Effective Date: 7/1/13.**

Georgia Alzheimer's and Related Dementias State Plan Task Force: [SB 14](#) moves the state forward in development of a statewide plan for early diagnosis and treatment of Alzheimer's. **Effective Date: 5/6/13.**

Child's Health Insurance Records: [SB 1](#) allows both parents the right to inspect, review, or obtain copies of a child's health insurance records. This addresses issues related to custody situations when one parent has custody and the other purchases the child's health insurance. **Effective Date: 7/1/13.**

Identify Theft: [SB 170](#) requires punishment for medical identity theft to be the same as financial identity theft. **Effective Date: 7/1/13.**

Return to Play Act: [HB 284](#) requires public and private schools to set policies on the risk of concussions and head injuries suffered during athletic events. **Effective Date: 1/1/14.**

Workers' Compensation: [HB 154](#) changes provisions related to workers' compensation medical benefits, reimbursement structure for mileage charges, and increases compensation benefits for total and temporary partial disability. **Effective Date: 7/1/13.**

Study Committees Created: House, Senate, and Jt. Committees were created for the purpose of in-depth study and review of issues during the interim period with a report and recommendations due in December. This may result in moving legislative proposals for consideration during the 2014 session. Several of the committees of interest and impact to Emory University include:

- Joint Study Committee on Medicaid Reform
- House Study Committee on Professional Licensing Boards
- Senate Study Committee on Independent Physician Practices in Georgia (CoN)
- Senate Select Alternative Funding for Medicaid and Other Health Care Federal Funding Committee
- Senate Study Committee on Public Transportation in the Metro-Atlanta Region
- Jt. Study Committee on Mental Health and School Violence
- Not a study committee, but joint Health and Higher Appropriations Standing Subcommittees will hold meetings to hear from medical schools and teaching hospitals on the physician shortage issue in Georgia and the contributions each are making in addressing this challenge.