

## 2019 Legislative Update



**FOR THE WEEK OF MONDAY FEBRUARY 25 – FRIDAY MARCH 1**

**Days 21 - 25 of 40**

**(Day 28, Crossover Day – Thursday March 7)**

### **Senate panel backs health care waiver bill to expand coverage**

Source: Atlanta Journal Constitution

Georgia's [Senate Health and Human Services Committee](#) passed a bill to give the governor power to shape two programs that could improve access to government-funded health care for more Georgians.

The measure, [Senate Bill 106](#), passed the committee on a 9-4 vote, with mostly Republicans voting against the Democratic minority. The Democrats objected to voting so quickly with little debate on such an important bill.

SB 106, proposed by Gov. Brian Kemp, has the potential to make sweeping changes in Georgia health care — or just small ones.

#### **Georgians for a Healthy Future - Patients First Act falls short**

Titled the Patients First Act, the legislation (Senate Bill 106) permits Georgia's Governor to pursue two health care waivers that could make significant changes to health coverage for Georgia consumers. The legislation allows for an 1115 waiver to extend Medicaid coverage to some poor adults in Georgia but leaves out thousands who would be covered under a full Medicaid expansion. Additionally, the bill allows the Governor to make potentially seismic changes to private health insurance in Georgia through 1332 waivers with little accountability. While it is heartening that Georgia's leaders see the need to create a pathway to coverage for more Georgians, this proposed legislation falls short for two reasons:

1. The proposed 1115 Medicaid waiver would cover fewer people at a higher cost than Medicaid expansion. It would leave out thousands of Georgians in need of coverage and leave the state accountable for a larger share of the medical costs for those who would be newly covered.
2. More than 480,000 Georgians rely on Georgia's health insurance marketplace for health coverage, and many more are eligible. Changes made to private coverage through a 1332 waiver could benefit or harm these consumers, but the legislation, as written, is too broad to

## **Georgia Democrats protest Kemp's Medicaid waiver bill**

Source: Atlanta Journal-Constitution

Georgia Democrats in the state House of Representatives on Wednesday stood together to denounce Gov. Brian Kemp's health care proposal to deal with poor and middle-class Georgians struggling with health care costs. At a press conference called on the steps inside the state Capitol, they said the bill falls short of a cheaper, stronger, faster solution the state ought to enact but hasn't because of Republican ideology. "SB 106 is not an acceptable solution," said state Rep. Erica Thomas, D-Austell, the vice chairwoman of the House Minority Caucus.

## **Medical school pushes plan for more doctors in rural Georgia**

Source: WCTV

One of Georgia's medical schools wants to embark on a plan that could put dozens of new doctors in rural parts of the state. The Augusta Chronicle reports that Medical College of Georgia wants a program that would help pay tuition for doctors who serve in rural areas, where there's a need for more physicians. Under the proposal, the Augusta institution would also expand by 50 students and shorten medical school to three years. Medical College of Georgia Dean David Hess called the initiative "the biggest thing we've done since 1828." That's the year the school was founded. School leaders have taken the idea to some state lawmakers, and hope legislation allowing the changes could be passed either this legislative session or the next one.

## **House Bill 178 – Assisted Outpatient Treatment Programs**

Source: NAMIGA

House Bill 178, sponsored by Representative Don Hogan, amends Title 37 of Georgia Law to create a unit within the Department of Behavioral Health and Developmental Disability to provide supervision, support, and coordination to assisted outpatient treatment programs that provide court-ordered treatment services. The bill also creates an advisory council for these programs and provides for a pilot program and training and education for service providers. This bill has been referred to the House Health and Human Services Committee.

## **Step therapy legislation moves quickly through House**

Source: Georgians for a Healthy Future

[House Bill 63](#), a bill sponsored by Chairman of the House Health & Human Services Committee, [Representative Sharon Cooper](#), passed the full House on February 15<sup>th</sup> with a 162-1 vote. HB 63 addresses step therapy, which is a requirement by some insurers that patients try a series of lower-cost treatments before the insurer will cover the higher-cost treatment prescribed by a patient's physician. This bill would require health insurance plans to establish step therapy protocols and outline a process for health care providers to request exceptions.

## **Governor Debuts "Patients First Act", My GCAL Teen Suicide App**

Source: Nelson Mullins Gold Dome Report

Kemp announced his Patients First Act, a follow-on to his spending proposal for Medicaid waiver planning that would empower the executive branch to actually seek waivers from the federal government. The legislation, [SB 106](#), would amend Title 33 to allow the Governor to apply to the federal government for a Section 1332 waiver from the Patient Protection and Affordable Care Act. It would also amend Title 45 to allow the Department of Community Health to apply for a Section 1115 Medicaid waiver that "*may include an increase in the income threshold up to a maximum of 100 percent of the federal poverty level.*" State law expressly

prohibits the State from seeking the waivers without statutory authority from the General Assembly, and the Patients First Act would grant broad authority to the Governor and DCH to craft the waiver applications. It is yet to be seen whether the legislature will be willing to grant such wide discretion. The Governor's press release is available [here](#).

Governor Kemp also narrowed the focus to mental health, announcing the launch of My GCAL, the suicide prevention app geared toward teens and funded by the General Assembly last session. Legislators allocated \$1.4M for the development of the app, which is a collaboration between the Georgia Crisis and Access Line ("GCAL") and the Department of Behavioral Health and Developmental Disabilities. The app is available for download in the [App Store](#) and [Google Play](#), and the Governor press release is available [here](#).

## **FY2020 Budget - DBHDD**

Source: Nelson Mullins Gold Dome Report

Judy Fitzgerald, Commissioner of the Department of Behavioral Health and Developmental Disabilities ("DBHDD"), presented DBHDD's FY 2020 requests along with a look into the Department's priorities beyond the next year. The priorities of DBHDD remain rooted in:

- Crisis services
- Hospital services
- IDD waivers
- Forensic services
- Addictive disease beds
- Core services
- Administrative Services Organization

The DBHDD budget requests fall into two major categories. The annualization of funds from the FY 2019 budget include:

- BHCC funding: \$8,263,770
- Medicaid loss offset: \$7,054,652
- 125 NOW and COMP waivers \$3,666,672
- ASO funding: \$9,547,164
- C&A MH commission and supported employment for 500 youth and young adults: \$1,530,000

The Department's request for their largest priorities in FY 2020 includes:

- Forensic Coordinator (8): \$627,344
- Forensic Evaluator (5) \$782,480
- Forensic Community integration home (6 beds) \$433,080
- 125 new NOW and COMP waivers \$4,249,798
- MH supportive housing vouchers (700 new individuals) \$2,488,254
- Crisis bed infrastructure (21 BHCC/CSU): \$10,212,349
- AD residential beds (144 beds) \$4,939,920

### **Georgia Budget & Policy Institute - Overview: 2020 FY Budget for DBHDD**

The governor's budget proposal for the FY2020 adds \$78.7 million more in state general funds for the DBHDD than the 2019 budget. It directs \$10.4 million in state funds toward home and community-based waiver programs and housing support services. These efforts are a part of the continued compliance with the 2010 settlement with the U.S. Department of Justice (DOJ) that requires Georgia to serve individuals with mental health and developmental disabilities in community settings instead of institutions.

The DOJ settlement required the state to transition more individuals with developmental disabilities out of state hospitals and provide them with additional support in their communities. Georgia has invested \$256 million in meeting the terms of the settlement since 2011. The targeted end of the settlement agreement extension was June 30, 2018, but some of the data was not available at that time and the state is still awaiting a final determination of whether continued federal oversight is needed. The agency's 2019 spending directs \$34 million towards crisis services, core outpatient services and residential addictive disease treatment.

The department's \$50.6 million in state general funds for 2020, a 6.8 percent increase from last year, includes:

- \$18.5 million for behavioral health crisis bed capacity, \$10.2 million to better fund and maintain these facilities and \$8.3 million to annualize the operating costs of two new Behavioral Health Crisis Centers in areas with the greatest need.

- \$10.6 million to increase the number and quality of core behavioral health services.
- \$4.2 million to add 125 new NOW and COMP waiver program slots and \$3.7 million to annualize the cost of 125 NOW and COMP slots.
- \$4.9 million to provide an additional 144 residential treatment beds for people with addictive diseases.
- \$4 million to reflect the decline in the Federal Medical Assistance Percentage
- \$2.5 million to provide supported housing services to 655 more people with severe and persistent mental illnesses.
- \$1.8 million for adult forensic services including eight forensic community coordinators, five forensic evaluator positions and one community integration home.

### Substance Abuse Treatment

Fighting substance abuse has become a priority of state leaders as Georgia continues to see rapidly increasing drug overdose rates. The 2020 budget proposal transfers \$790,801 in funds added last year for opioid abuse prevention to the agency's substance abuse prevention budget that relies mostly on federal block grants. In addition to substance abuse prevention efforts, the state is investing more general funds to enhance federal funding provided for substance abuse treatment services.

## UPCOMING SCHEDULE

Monday, February 25 <sup>th</sup>	Day 21	Tuesday, March 5 <sup>th</sup>	Day 27
Tuesday, February 26 <sup>th</sup>	Day 22	Thursday, March 7 <sup>th</sup> <i>(Crossover)</i>	Day 28
Wednesday, February 27 <sup>th</sup>	Day 23	Friday, March 8 <sup>th</sup>	Day 29
Thursday, February 28 <sup>th</sup>	Day 24	Monday, March 11 <sup>th</sup>	Day 30
Friday, March 1 <sup>st</sup>	Day 25	Wednesday, March 13 <sup>th</sup>	Day 31
Monday, March 4 <sup>th</sup>	Day 26		
Thursday, March 14 <sup>th</sup>	Day 32	Tuesday, March 26 <sup>th</sup>	Day 37
Monday, March 18 <sup>th</sup>	Day 33	Thursday, March 27 <sup>th</sup>	Day 38
Thursday, March 21 <sup>st</sup>	Day 34	Friday, March 28 <sup>th</sup>	Day 39
Friday, March 22 <sup>nd</sup>	Day 35	Tuesday, April 2 <sup>nd</sup> <i>(Sine-Die)</i>	Day 40
Monday, March 25 <sup>th</sup>	Day 36		

## MENTAL HEALTH BILLS OF NOTE

**HB 26 Psychology Interjurisdictional Compact; enter into an interstate compact,** [Belton, Dave 112th](#), Status: Feb/08/2019 - House Committee Favorably Reported By Substitute

**HB 37 Expand Medicaid Now Act; enact,** [Trammell, Robert 132nd](#), Status: Jan/29/2019 - House Second Readers

**HB 63 Insurance; health benefit plans to establish step therapy protocols; require,** [Cooper, Sharon 43rd](#), Status: Feb/19/2019 - Senate Read and Referred

**HB 84 Insurance; provide for consumer protections regarding health insurance,** [Smith, Richard 134th](#), Status: Feb/05/2019 - House Second Readers

**HB 178 Mental health; provide for assisted outpatient treatment programs,** [Hogan, Don 179th](#), Status: Feb/11/2019 - House Second Readers

**HB 187 Community Health, Department of; pilot program to provide coverage for the treatment and management of obesity and related conditions; provide,** [Dempsey, Katie 13th](#), Status: Feb/12/2019 - House Committee Favorably Reported

**HB 229 Law enforcement agencies; retention of a person's involuntary hospitalization information; change provisions,** Status: Feb/12/2019 - House Second Readers

**HB 326 Special license plates; Georgia Council on Substance Abuse, Inc., and the Georgia Mental Health Consumer Network, Inc.; establish,** [Allen, Erick 40th](#), Status: Feb/20/2019 - House Second Readers

**SB 3 Medical Assistance; program of premium assistance to enable eligible individuals to obtain health care coverage; provide,** [Rhett, Michael 'Doc' 33rd](#), Status: Jan/15/2019 - Senate Read and Referred

**SB 36 Medical Assistance; authorization of appropriations for purposes of obtaining federal financial participation; Medicaid expansion; provide,** [Henson, Steve 41st](#), Status: Jan/30/2019 - Senate Read and Referred

**SB 90 Insurance; certain health insurers to cover emergency medical care; require,** [Karinshak, Zahra 48th](#), Status: Feb/12/2019 - Senate Read and Referred

**SB 106 "Patients First Act",** [Tillery, Blake 19th](#), Status: Feb/14/2019 - Senate Read and Referred