
Legislative Update

2020 Legislative Session

Surprise Billing, Prescription Drug Prices, Tax Cuts, and a Public Health State of Emergency

The following is a summarized update through crossover day. Currently, the legislative session is suspended due to the Novel Coronavirus, COVID-19. We passed many substantive bills in the House and will begin to work them through the Senate once we return.

This summary highlights some of the more prominent bills passed since the last update:

One of the leading causes of bankruptcy is surprise medical bills, which is a medical bill that results when an insured patient received treatment from an out-of-network provider at an in-network facility. To address this, we passed House Bill 888, or the "Surprise Billing Consumer Act," which would require insurance providers to pay for emergency medical services without need for any prior authorization and without any retrospective payment denial for medically necessary services, regardless of whether a health care provider giving emergency medical services is a participating provider or not. Furthermore, health care plans would not be able to deny or restrict covered benefits from a participating provider to a covered patient solely because the patient obtains treatment from a non-participating provider leading to a balance bill. In addition to HB 888, we also passed the "Surprise Bill Transparency Act." House Bill 789 would create a health benefit plan surprise bill rating system to determine if a patient's benefit plan would apply to certain hospital-based specialty groups, including anesthesiologists, pathologists, radiologists, and emergency medicine physicians. My colleagues and I have been carefully crafting legislation over the last several years to ensure that Georgians are protected from surprise billing, and with these bills, our citizens would be able to receive the medical treatment they need without the unexpected burden of surprise billing.

House Bill 823 would allow the Georgia Department of Driver Services to revoke a person's commercial driver's license (CDL) and impose a lifetime CDL ban in Georgia for those who are convicted and knowingly used a commercial vehicle in the commission of a human trafficking crime. Over 3,600 children are sold into sex trafficking in Georgia every year, and our largest city, Atlanta, was listed by the Federal Bureau of Investigation as one of 14 U.S. cities with the most sex trafficking activity.

The House also passed several bills to improve regulations for Georgia's pharmacy industry and reduce the costs of prescriptions for our citizens. My colleagues and I passed House Bill 946 to create transparency for prescription drug prices and allow the state to better oversee pharmacy benefits managers (PBMs), which are third-party prescription drug administrators that pay for, reimburse and cover the cost of drugs, devices, or pharmacy care on behalf of a health plan. This bill would also require PBMs to report whether drug prices are above or below public pricing benchmarks, which indicate the true cost of drugs. Under HB 946, if a patient uses any discount or coupon, PBMs would be required to apply that toward an insured person's deductible, cost-share or co-payment responsibility or out-of-pocket maximum. Further, PBMs would not be able to withhold coverage for lower cost generic drugs or drop certain medications in order to force patients to find a different health plan. HB 946 would also prohibit spread pricing, require that 100% of all rebates received from pharmaceutical manufacturers be passed back to health plans, and strengthen anti-steering laws by imposing a surcharge on PBMs when they steer patients to affiliated pharmacies.

The House passed HB 885, which I sponsored, which would grant district attorneys access to all information regarding a violent or sexual offender's record, including confidential state secrets, when the offender is found guilty of serious violent felonies or dangerous sexual offenses and is eligible for parole.

The House passed HB 1045, which I co-sponsored, which would add flood risk reduction to the list of services that a county may provide with the proceeds from certain county taxes.

We also unanimously passed House Bill 914 to support our military families and veterans as they make our state their home. This bill would streamline and expedite the professional licensing process for military spouses, as well as service members who are transitioning into the private sector, when they move to our state. HB 914 would require professional licensing boards to issue expedited licenses to those who hold a current license for their job and are in good standing with another state.

The House also passed legislation to reform and lower personal income taxes for Georgians, the largest tax cut in Georgia history. House Bill 949 would lower Georgia's personal income tax to a flat rate of 5.375%. The corporate tax rate, already a flat tax, would remain at 5.75%. HB 949 would also institute a new Georgia Income Tax Credit for working families to offset the flattening of the tax brackets. This legislation would also triple the Adoption Tax Credit from \$2,000 to \$6,000 for the first five years after adoption starting with all adoptions in 2020.

My colleagues and I also passed legislation to strengthen the state's adoption laws to continue to place more foster children in their forever homes. House Bill 913 would reduce the statutory age at which a person is allowed to petition for adoption from 25 to 21 years old, enabling more families to adopt children in our state.

The House also passed several other measures, including:

- House Bill 93, which would require the owner operator of a coal combustion residual (CCR) surface impoundment to provide written notice to the director of the Environmental Protection Division (EPD) and the local governing authority within three days of the commencement of a dewatering operation.
- House Bill 479, or the "Child Victim Protection Act of 2020," would allow plaintiffs between the age of 23 and 38 years old to bring civil actions for recovery of damages suffered as a result of childhood sexual abuse committed on or after July 1, 2015, to be brought within four years from the date that the plaintiff knew or had reason to know of the abuse.
- House Bill 720, which would require at least one year of probation following the mandatory term of imprisonment for certain sexual offenses and additional consequences for subsequent offenses; it would also allow local governments to post a sign in front of a convicted sex offender's yard regarding Halloween on October 31st. This bill would also clarify that consent by a victim under the age of 16 is not a legal defense for certain sexual offenses, and it would revoke or suspend physicians who have committed a sexual assault on a patient.
- House Bill 833, which would prohibit any person from long-term anchoring, which would be more than 14 cumulative days, a vessel in state estuarine areas without a permit issued by the commissioner of the Department of Natural Resources.
- House Bill 857, which would require permits issued for biomass boilers to prohibit the burning of railroad ties treated with creosote or naphthenate compounds for the purpose of commercial electricity generation.
- House Bill 962, which would amend the Georgia Constitution to authorize the General Assembly to allow local boards of education to call for local referenda to authorize an assessment of residential homestead property at 20% of fair market value.
- House Bill 1037, which would expand the Georgia Entertainment Industry Investment Act's audit requirements, require all productions claiming credits to be audited by either an independent auditor or the Department of Revenue, restrict the additional 10% credit received for including the Georgia promotional and limit the qualified expenditures.
- House Bill 1071, which would prohibit text messages as a method of making unwanted telephone solicitations.
- House Bill 1092, which would authorize an advanced practice registered nurse to order radiographic imaging tests in non-life threatening situations if delegated to do so by a physician and increases from four to six the number of advanced practice registered nurses the physician may supervise in a nurse protocol agreement.
- House Bill 1240, which would urge the federal government to allow states to switch permanently to Daylight Saving Time.

On Monday, March 16, 2020, the Georgia General Assembly convened for an unprecedented special legislative session. Governor Brian Kemp signed a public health state of emergency to address the novel coronavirus, COVID-19, in Georgia on Saturday, March 14. The Constitution of the State of Georgia grants the governor the power to convene a special session of the General Assembly, and Governor Kemp called the House and Senate into a special session to take immediate action on ratifying the public health state of emergency through a joint resolution. This is the first time in Georgia's history that this kind of emergency has been declared. After President Donald Trump signed a national emergency declaration for the U.S., Governor Kemp declared a public health state of emergency to allow our state to address the growing threat of COVID-19. This public health state of emergency will assist health and emergency management officials across Georgia by allowing all of the state's resources to be made available for the mitigation and treatment of COVID-19. I urge my constituents to follow the DPH's guidelines and wash their hands, avoid touching their faces, and practice social distancing to help slow spread of the virus.

Finally, a revenue increase of \$100 million from the Revenue Shortfall Reserve will be appropriated to the Governor's Emergency Fund for COVID-19 (coronavirus) preparedness and response efforts, and it adds \$5 million to rural hospitals to prepare for the spread of coronavirus.

I encourage you to contact me with questions and/or concerns regarding any legislation that may impact you and your family. You are always welcome to visit my office at the State Capitol, and you can reach me at (404) 657-1803 or at Jesse.Petrea@house.ga.gov. I look forward to hearing from you soon.

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