

House Bill 511

By: Representatives Dempsey of the 13th, Watson of the 166th, Cooper of the 43rd, Sims of the 123rd, Clark of the 101st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the state employees' health insurance plan, so as to provide for a pilot program to
3 provide coverage for bariatric surgical procedures for the treatment and management of
4 obesity and related conditions; to provide for eligibility; to provide for requirements; to
5 provide for a review panel; to provide for an evaluation report on the pilot program; to
6 provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the
11 state employees' health insurance plan, is amended by adding a new Code section to read as
12 follows:

13 "45-18-10.1.

14 (a) Beginning January 1, 2014, the department shall conduct a two-year pilot program to
15 provide coverage for the treatment and management of obesity and related conditions under
16 the health insurance plan for state employees established under this article. The pilot
17 program will provide benefits for medically necessary bariatric procedures for participants
18 selected for inclusion in the pilot program.

19 (b) Participation in the pilot program shall be limited to no more than 75 individuals per
20 year, to be selected in a manner determined by the department. Any person who has
21 elected coverage under the state employees' health insurance plan established pursuant to
22 this article shall be eligible to be selected to participate in the pilot program in accordance
23 with criteria established by the department which shall include, but not be limited to:

24 (1) Participation in the state employees' health insurance plan's wellness program for at
25 least 12 months;

- 26 (2) Completion of a health risk assessment through the state employees' health insurance
27 plan's wellness program;
- 28 (3) A body mass index of:
- 29 (A) Greater than 40; or
- 30 (B) Greater than 35 with one or more co-morbidities such as diabetes, hypertension,
31 gastro-esophageal reflux disease, sleep apnea, or asthma;
- 32 (4) Consent to provide personal and medical information to the state employees' health
33 insurance plan;
- 34 (5) Age 21 to 55 years old;
- 35 (6) Non-tobacco user;
- 36 (7) No other primary group health coverage or primary coverage with Medicare; and
- 37 (8) Must have been covered under the state employees' health insurance plan for two
38 years immediately prior to the pilot program and must express an intent to continue
39 coverage under the state employees' health insurance plan for two years following the
40 approved surgical procedure date.
- 41 (c) Eligible individuals must apply to participate in the pilot program. The individual and
42 his or her physician shall complete and submit an obesity treatment program application
43 to the department no later than February 1, 2014, and February 1, 2015, respectively for
44 each year of the pilot program. The health insurance carrier shall review the criteria
45 contained in subsection (b) of this Code section to determine qualified applicants for the
46 pilot program.
- 47 (d) The selected participants shall be eligible to receive a multi-disciplinary health
48 evaluation at a facility located within the State of Georgia which is designated by the
49 American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of
50 Excellence. The bariatric surgical procedures covered in the pilot program are:
- 51 (1) Gastric band;
- 52 (2) Laparoscopic sleeve gastrectomy; and
- 53 (3) Rouen-Y gastric bypass.
- 54 The participants shall use the department's contracted health insurance carrier to enroll in
55 a case management program and to receive prior authorization for a surgical procedure
56 provided pursuant to the pilot program. The health insurance carrier shall provide case
57 management and patient follow-up services. Benefits for a bariatric surgical procedure
58 under the pilot program shall be provided only when the surgical procedure is performed
59 at a Center of Excellence within the State of Georgia.
- 60 (e) All health care services provided pursuant to the pilot program shall be subject to the
61 health insurance carrier's plan of benefits and policy provisions. Complications that arise

62 after the discharge date are subject to the health insurance carrier's plan of benefits and
 63 policy provisions.

64 (f) Participants must agree to comply with any and all terms and conditions of the pilot
 65 program including, but not limited to, participation and reporting requirements.
 66 Participation requirements shall include a 12 month postsurgery case management
 67 program. Each participant must also agree to comply with any and all requests by the
 68 department for postsurgical medical and productivity information, and such agreement
 69 shall survive his or her participation in the state employees' health insurance plan.

70 (g) A panel shall review the results and outcomes of the pilot program beginning three
 71 months after program initiation and shall conduct subsequent reviews every three months
 72 for the remainder of the pilot program. The panel shall be composed of the following
 73 members, appointed by the Governor:

74 (1) A representative of the state health benefit plan;

75 (2) A representative of the state health insurance carrier or carriers providing coverage
 76 under the pilot program; and

77 (3) At least two physicians who carry a certification by the American Society for
 78 Metabolic and Bariatric Surgery.

79 (h) The department shall provide an annual report by December 15 of each year and a final
 80 report by December 15, 2016, to the chairpersons of the House Committee on Health and
 81 Human Services, the Senate Health and Human Services Committee, the House Committee
 82 on Appropriations, and the Senate Appropriations Committee. The report shall include,
 83 at a minimum:

84 (1) Whether patients in the pilot have experienced:

85 (A) A reduction in body mass index, and if so, the average amount of reduction; or

86 (B) The reduction or elimination of co-morbidities, and if so, which co-morbidities
 87 were reduced or eliminated;

88 (2) The total number of individuals who applied to participate in the pilot program;

89 (3) The total number of participants who enrolled in the pilot program;

90 (4) The average cost of each procedure conducted under the pilot program, including
 91 gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass;

92 (5) The total cost of each participant's annual health care costs prior to the surgical
 93 procedure and for each of the subsequent post-procedure years for the three years
 94 following the surgical procedure; and

95 (6) The percentage of employees still employed by the state 12 months following the
 96 surgical procedure and 24 months following the surgical procedure, respectively.

97 (i) This Code section shall stand repealed on December 31, 2016."

98

SECTION 2.

99 All laws and parts of laws in conflict with this Act are repealed.