

House Bill 511 (COMMITTEE SUBSTITUTE)

By: Representatives Dempsey of the 13<sup>th</sup>, Watson of the 166<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Sims of the 123<sup>rd</sup>, Clark of the 101<sup>st</sup>, 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 provide for a contingent  
7 effective date; to repeal conflicting laws; and 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 six months after the effective date of this Code section, the department shall  
15 conduct a two-year pilot program to provide coverage for the treatment and management  
16 of obesity and related conditions under the health insurance plan for state employees  
17 established under this article. The pilot program will provide benefits for medically  
18 necessary bariatric procedures for participants 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) Non-tobacco user;
- 35 (6) No other primary group health coverage or primary coverage with Medicare; and
- 36 (7) Must have been covered under the state employees' health insurance plan for two  
37 years immediately prior to the pilot program and must express an intent to continue  
38 coverage under the state employees' health insurance plan for two years following the  
39 approved surgical procedure date.
- 40 (c) Eligible individuals must apply to participate in the pilot program. The individual and  
41 his or her physician shall complete and submit an obesity treatment program application  
42 to the department no later than February 1 for each year of the pilot program. The health  
43 insurance carrier shall review the criteria contained in subsection (b) of this Code section  
44 to determine qualified applicants for the pilot program.
- 45 (d) The selected participants shall be eligible to receive a multi-disciplinary health  
46 evaluation at a facility located within the State of Georgia which is designated by the  
47 American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of  
48 Excellence. The bariatric surgical procedures covered in the pilot program are:
- 49 (1) Gastric band;
- 50 (2) Laparoscopic sleeve gastrectomy; and
- 51 (3) Rouen-Y gastric bypass.
- 52 The participants shall use the department's contracted health insurance carrier to enroll in  
53 a case management program and to receive prior authorization for a surgical procedure  
54 provided pursuant to the pilot program. The health insurance carrier shall provide case  
55 management and patient follow-up services. Benefits for a bariatric surgical procedure  
56 under the pilot program shall be provided only when the surgical procedure is performed  
57 at a Center of Excellence within the State of Georgia.
- 58 (e) All health care services provided pursuant to the pilot program shall be subject to the  
59 health insurance carrier's plan of benefits and policy provisions. Complications that arise  
60 after the discharge date are subject to the health insurance carrier's plan of benefits and  
61 policy provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (i) This Code section shall stand repealed 42 months after the effective date of such Code  
96 section."

97

**SECTION 2.**

98 This Act shall become effective only if funds are specifically appropriated for the purposes  
99 of this Act in an Appropriations Act enacted by the General Assembly. If funds are so  
100 appropriated, then this Act shall become effective on the later of the date on which such  
101 Appropriations Act becomes effective or the beginning date of the fiscal year for which such  
102 appropriations are made.

103

**SECTION 3.**

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