

House Bill 511 (AS PASSED HOUSE AND SENATE)

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 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Community Health, so as to provide for a pilot program to provide coverage
3 for bariatric surgical procedures for the treatment and management of obesity and related
4 conditions; to provide a definition; 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 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department
11 of Community Health, is amended by adding a new Code section to read as follows:

12 "31-2-12.

13 (a) As used in this Code section, the term 'state health insurance plan' means:

14 (1) The state employees' health insurance plan established pursuant to Article 1 of
15 Chapter 18 of Title 45;

16 (2) The health insurance plan for public school teachers established pursuant to Subpart
17 2 of Part 6 of Article 17 of Chapter 2 of Title 20; and

18 (3) The health insurance plan for public school employees established pursuant to
19 Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20.

20 (b) Beginning six months after the effective date of this Code section, the department shall
21 conduct a two-year pilot program to provide coverage for the treatment and management
22 of obesity and related conditions under a state health insurance plan. The pilot program
23 will provide benefits for medically necessary bariatric procedures for participants selected
24 for inclusion in the pilot program.

25 (c) Participation in the pilot program shall be limited to no more than 75 individuals per
26 year, to be selected in a manner determined by the department. Any person who has

27 elected coverage under a state health insurance plan shall be eligible to be selected to
28 participate in the pilot program in accordance with criteria established by the department
29 which shall include, but not be limited to:

- 30 (1) Participation in a state health insurance plan for at least 12 months;
31 (2) Completion of a health risk assessment through a state health insurance plan;
32 (3) A body mass index of:
33 (A) Greater than 40; or
34 (B) Greater than 35 with one or more co-morbidities such as diabetes, hypertension,
35 gastro-esophageal reflux disease, sleep apnea, or asthma;
36 (4) Consent to provide personal and medical information to a state health insurance plan;
37 (5) Non-tobacco user;
38 (6) No other primary group health coverage or primary coverage with Medicare; and
39 (7) Must have been covered under a state health insurance plan for two years
40 immediately prior to the pilot program and must express an intent to continue coverage
41 under such state health insurance plan for two years following the approved surgical
42 procedure date.

43 (d) Eligible individuals must apply to participate in the pilot program. The individual and
44 his or her physician shall complete and submit an obesity treatment program application
45 to the department no later than February 1 for each year of the pilot program. The
46 department's contracted health insurance carrier shall review the criteria contained in
47 subsection (c) of this Code section to determine qualified applicants for the pilot program.

48 (e) The selected participants shall be eligible to receive a multi-disciplinary health
49 evaluation at a facility located within the State of Georgia which is designated by the
50 American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of
51 Excellence. The bariatric surgical procedures covered in the pilot program are:

- 52 (1) Gastric band;
53 (2) Laparoscopic sleeve gastrectomy; and
54 (3) Rouen-Y gastric bypass.

55 The participants shall use the department's contracted health insurance carrier to enroll in
56 a case management program and to receive prior authorization for a surgical procedure
57 provided pursuant to the pilot program. The health insurance carrier shall provide case
58 management and patient follow-up services. Benefits for a bariatric surgical procedure
59 under the pilot program shall be provided only when the surgical procedure is performed
60 at a Center of Excellence within the State of Georgia.

61 (f) All health care services provided pursuant to the pilot program shall be subject to the
62 health insurance carrier's plan of benefits and policy provisions. Complications that arise

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

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

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

75 (1) A representative of a state health insurance plan;

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

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

80 (i) The department shall provide a final report by December 15 of the last year of the pilot
81 program to the chairpersons of the House Committee on Health and Human Services, the
82 Senate Health and Human Services Committee, the House Committee on Appropriations,
83 and the Senate Appropriations Committee. The report shall include, 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 participants still employed by the state 12 months following the
96 surgical procedure and 24 months following the surgical procedure, respectively.

97 (j) This Code section shall stand repealed 42 months after the effective date of such Code
98 section."

99

SECTION 2.

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

105

SECTION 3.

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