

House Bill 646

By: Representatives Dempsey of the 13<sup>th</sup>, Hatchett of the 150<sup>th</sup>, Newton of the 123<sup>rd</sup>, Cooper of the 43<sup>rd</sup>, and Jones of the 53<sup>rd</sup>

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 reinstate a pilot program to provide coverage for  
3 bariatric surgical procedures for the treatment and management of obesity and related  
4 conditions; to provide for automatic repeal; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department  
9 of Community Health, is amended by revising Code Section 31-2-12, relating to a pilot  
10 program to provide coverage for bariatric surgical procedures for treatment of obesity and  
11 related conditions, definitions, eligibility, requirements, and an evaluation report, 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 Subject to~~  
21 ~~appropriations, the~~ department shall conduct a ~~two-year~~ three-year pilot program beginning  
22 January 1, 2018, to provide coverage for the treatment and management of obesity and  
23 related conditions under a state health insurance plan. The pilot program will provide  
24 benefits for medically necessary bariatric procedures for participants selected for inclusion  
25 in the pilot program.

26 (c) Participation in the pilot program shall be limited to no more than ~~75~~ 100 individuals  
 27 per year, to be selected in a manner determined by the department. Any person who has  
 28 elected coverage under a state health insurance plan shall be eligible to be selected to  
 29 participate in the pilot program in accordance with criteria established by the department  
 30 which shall include, but not be limited to:

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

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

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

- 55 (1) Gastric band;
- 56 (2) Laparoscopic sleeve gastrectomy; and
- 57 (3) ~~Roux-en-Y~~ Roux-en-Y gastric bypass.

58 The participants shall use the department's contracted health insurance carrier to enroll in  
 59 a case management program and to receive prior authorization for a surgical procedure  
 60 provided pursuant to the pilot program. The health insurance carrier shall provide case  
 61 management and patient follow-up services. Benefits for a bariatric surgical procedure

62 under the pilot program shall be provided only when the surgical procedure is performed  
63 at a Center of Excellence within the State of Georgia.

64 (f) All health care services provided pursuant to the pilot program shall be subject to the  
65 health insurance carrier's plan of benefits and policy provisions. Complications that arise  
66 after the discharge date are subject to the health insurance carrier's plan of benefits and  
67 policy provisions.

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

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

- 78 (1) A representative of a state health insurance plan;
- 79 (2) A representative of the state contracted health insurance carrier or carriers providing  
80 coverage under the pilot program; and
- 81 (3) At least two physicians who carry a certification by the American Society for  
82 Metabolic and Bariatric Surgery.

83 (i) The department shall provide a final report by December 15, 2020, ~~of the last year of~~  
84 ~~the pilot program~~ to the chairpersons of the House Committee on Health and Human  
85 Services, the Senate Health and Human Services Committee, the House Committee on  
86 Appropriations, and the Senate Appropriations Committee. The report shall include, at a  
87 minimum:

- 88 (1) Whether patients in the pilot program have experienced:
  - 89 (A) A reduction in body mass index, and if so, the average amount of reduction; or
  - 90 (B) The reduction or elimination of ~~co-morbidities~~ comorbidities, and if so, which  
91 ~~co-morbidities~~ comorbidities were reduced or eliminated;
- 92 (2) The total number of individuals who applied to participate in the pilot program;
- 93 (3) The total number of participants who enrolled in the pilot program;
- 94 (4) The average cost of each procedure conducted under the pilot program, including  
95 gastric band, laparoscopic sleeve gastrectomy, and ~~Rouen-Y~~ Roux-en-Y gastric bypass;
- 96 (5) The total cost of each participant's annual health care costs prior to the surgical  
97 procedure and for each of the subsequent post-procedure years for the three years  
98 following the surgical procedure; and

99 (6) The percentage of participants still employed by the state 12 months following the  
100 surgical procedure and 24 months following the surgical procedure, respectively.  
101 (j) This Code section shall stand repealed ~~42 months after the effective date of such Code~~  
102 ~~section~~ on December 31, 2020."

103 **SECTION 2.**

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