Senate Bill 106
By: Senators Tillery of the 19th, Strickland of the 17th, Miller of the 49th, Dugan of the 30th, Kennedy of the 18th and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 4 of Title 49 and Title 33 of the Official Code of Georgia Annotated, relating to medical assistance and insurance, respectively, so as to authorize the Department of Community Health to submit a Section 1115 waiver request to the United States Department of Health and Human Services Centers for Medicare and Medicaid Services; to authorize the Governor to submit a Section 1332 innovation waiver proposal to the United States Secretaries of Health and Human Services and the Treasury; to provide for implementation of approved Section 1332 waivers; to provide for expiration of authority; to provide for legislative findings; to provide for related matters; to provide for a short title; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

This Act shall be known and may be cited as the "Patients First Act."

PART II

SECTION 2-1.

Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by adding a new Code section to read as follows:

"49-4-142.3.  
The department shall be authorized to submit a waiver request, on or before June 30, 2020, to the United States Department of Health and Human Services Centers for Medicare and Medicaid Services pursuant to Section 1115 of the federal Social Security Act, which may include an increase in the income threshold up to a maximum of 100 percent of the federal poverty level. Further, upon approval of the waiver, the department shall be authorized to
take all necessary steps to implement the terms and conditions of the waiver without any
further legislative action.”

PART III
SECTION 3-1.

The General Assembly finds that:

(1) For Georgians in recent years, private sector health insurance choices have decreased
and the costs of insurance coverage have increased;
(2) Through the granting of Section 1332 innovation waivers, the federal government
allows states to pursue innovative strategies for providing their residents with access to
high quality, comprehensive, and affordable health insurance while retaining the basic
protections for consumers; and
(3) Such waivers may be narrowly tailored to address specific problems and may
address, among other things, the creation of state reinsurance programs, high-risk health
conditions, changes to premium tax credits and cost-sharing arrangements,
consumer-driven health care accounts, the creation of new health insurance products, the
implementation of health care delivery systems, or the redefinition of essential health
benefits.

SECTION 3-2.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
Chapter 1, relating to general provisions, by adding a new Code section to read as follows:

(a) The Governor is hereby authorized to submit one or more applications to the United
States Secretaries of Health and Human Services and the Treasury for waiver of applicable
provisions of the federal Patient Protection and Affordable Care Act (P. L. 111-148) under
Section 1332 with respect to health insurance coverage or health insurance products. Any
such submission to obtain a state innovation waiver may include multiple waiver
submissions. On or after January 1, 2020, upon approval of one or more waivers, the state
is authorized to implement such waiver or waivers as provided under Section 1332 of such
federal act in a manner consistent with state and federal law.
(b) The authority granted to the Governor in subsection (a) of this Code section to submit
one or more applications shall expire on December 31, 2021.”
PART IV

SECTION 4-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4-2.

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