

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

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 PART I  
12 SECTION 1-1.

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

14 PART II  
15 SECTION 2-1.

16 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
17 medical assistance generally, is amended by adding a new Code section to read as follows:  
18 "49-4-142.3.  
19 The department shall be authorized to submit a waiver request, on or before June 30, 2020,  
20 to the United States Department of Health and Human Services Centers for Medicare and  
21 Medicaid Services pursuant to Section 1115 of the federal Social Security Act, which may  
22 include an increase in the income threshold up to a maximum of 100 percent of the federal  
23 poverty level. Further, upon approval of the waiver, the department shall be authorized to

24 take all necessary steps to implement the terms and conditions of the waiver without any  
 25 further legislative action."

26 **PART III**

27 **SECTION 3-1.**

28 The General Assembly finds that:

29 (1) For Georgians in recent years, private sector health insurance choices have decreased  
 30 and the costs of insurance coverage have increased;

31 (2) Through the granting of Section 1332 innovation waivers, the federal government  
 32 allows states to pursue innovative strategies for providing their residents with access to  
 33 high quality, comprehensive, and affordable health insurance while retaining the basic  
 34 protections for consumers; and

35 (3) Such waivers may be narrowly tailored to address specific problems and may  
 36 address, among other things, the creation of state reinsurance programs, high-risk health  
 37 conditions, changes to premium tax credits and cost-sharing arrangements,  
 38 consumer-driven health care accounts, the creation of new health insurance products, the  
 39 implementation of health care delivery systems, or the redefinition of essential health  
 40 benefits.

41 **SECTION 3-2.**

42 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
 43 Chapter 1, relating to general provisions, by adding a new Code section to read as follows:  
 44 "33-1-26.

45 (a) The Governor is hereby authorized to submit one or more applications to the United  
 46 States Secretaries of Health and Human Services and the Treasury for waiver of applicable  
 47 provisions of the federal Patient Protection and Affordable Care Act (P. L. 111-148) under  
 48 Section 1332 with respect to health insurance coverage or health insurance products. Any  
 49 such submission to obtain a state innovation waiver may include multiple waiver  
 50 submissions. On or after January 1, 2020, upon approval of one or more waivers, the state  
 51 is authorized to implement such waiver or waivers as provided under Section 1332 of such  
 52 federal act in a manner consistent with state and federal law.

53 (b) The authority granted to the Governor in subsection (a) of this Code section to submit  
 54 one or more applications shall expire on December 31, 2021."

55

**PART IV**

56

**SECTION 4-1.**

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

59

**SECTION 4-2.**

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