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

AS PASSED SENATE

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:

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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
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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:

"33-1-26.
(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."

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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.