

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

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.

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SECTION 4-2.

60 All laws and parts of laws in conflict with this Act are repealed.