Members of the Senate Health and Human Services Committee
2012 Session

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SENATE HEALTH AND HUMAN SERVICES COMMITTEE
Subcommittee Chairs & Members
2012

Health Care Delivery

William Ligon, Jr., 3rd Chair
Greg Goggans, 7th
Johnny Grant, 25th
Miriam Paris, 26th

Pharmacology

Buddy Carter, 1st Chair
Don Balfour, 9th
Steve Henson, 41st
John Wilkinson, 50th

Professional Issues

Fran Millar, 40th Chair
Nan Orrock, 36th
David Shafer, 48th
Tommie Williams, 19th

Technology

Judson Hill, 32nd Chair
Lester Jackson, 2nd
Horacena Tate, 38th

RULES

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

2012

1. Quorum of the Committee shall be eight (8) members.

2. The Chairman shall determine the agenda of the bills and resolutions to be considered and the order in which such are called.

3. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees shall have the authority to make recommendations to the full committee. All actions of any subcommittee shall be approved or disapproved by the standing committee.

4. The Committee shall convene, recess, and adjourn upon the order of the Chairman. Notice of meetings shall conform to Senate Rules.

5. Committee Rules may be amended upon motion duly made and subsequently approved by two-thirds of the members of the Committee.

6. A bill, resolution or other matter shall be considered only after presentation by its principal author or a legislator who he/she designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appears first in the list of authors.

7. Where Rules are silent on specific issues, the Rules of the Senate, as adopted, shall govern.

Minutes of the
Senate Health & Human Services Committee

January 25, 2012

A meeting of the Senate Health & Human Services Committee was held on January 25, 2012 in Room 450 of the Capitol. Vice Chairman Buddy Carter called the meeting to order at 1:08 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Jackson of the 2nd, Ligon, Jr., of the 3rd, Millar of the 40th, Orrock of the 36th, Paris of the 26th, Wilkinson of the 50th and Williams of the 19th.

Ms. Donna Looper and Dr. Nancy Stanley of the Georgia Charitable Care Network (formerly known as GA Free Clinics) spoke to the committee.

NOTE: Chairman Unterman arrived at 1:14 p.m.

Chairman Unterman informed the committee that the Health & Human Services Committee Rules need to be changed to reflect that eight members are needed for a quorum. Senator Orrock moved that the committee rules be adopted, and with a second from Senator Carter, the rules were adopted.

The following subcommittees were announced by Chairman Unterman. All bills will go to subcommittees to be perfected before they come before the full committee for a vote.

Pharmacology
Buddy Carter, 1st Chair
Don Balfour, 9th
Steve Henson, 41st
John Wilkinson, 50th

Health Care Delivery
William Ligon, Jr., 3rd Chair
Greg Goggans, 7th
Johnny Grant, 25th
Miriam Paris, 26th

Professional Issues
Fran Millar, 40th Chair
Nan Orrock, 36th
David Shafer, 48th
Tommie Williams, 19th

Technology
Judson Hill, 32nd Chair
Lester Jackson, 2nd
Horacena Tate, 38th

There being no further business, the meeting was adjourned at 1:27 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 1, 2012

A meeting of the Senate Health & Human Services Committee was held on February 1, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 1:14 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Grant of the 25th, Jackson of the 2nd, Orrock of the 36th, Paris of the 26th, and Wilkinson of the 50th.

The chairman notified the committee that SB 292, SB 312, SB 338, SB 361, and SB 368 will be moved to the Health Care Delivery Subcommittee; and SB 346 and SB 370 will be moved to the Pharmacology Subcommittee for further review and discussion.

Chairman Unterman invited Danah Craft and Bill Bolling to speak to the committee regarding the Georgia Food Bank Association.

HB 675 (Cooper, 41st) ***Nurses; approved nursing education programs; revise definitions***

Representative Cooper presented the bill. Chairman Unterman is the Senate sponsor of the bill. The bill removes the requirement that a non-accredited institution must be a four-year nonprofit institution in order to be accepted as an approved nursing program. This bill will allow the Board of Nursing and the Board of Examiners of Licensed Practical Nurses to accept the educational credentials of applicants for licensure who graduated from an institution with curriculum similar to and not less stringent than other approved nursing programs, regardless of whether or not it was a non-profit or four year institution.

Legislation passed in 2009 removed the Georgia Board of Nursing's ability to decide what an approved nursing education program could be by enacting certain criteria, unintentionally; these criteria left out many nursing programs that previously would have been accepted in Georgia. This problem was not discovered until this past summer. One example of programs that are no longer accepted are military nursing programs, as the armed services stopped paying for regional accreditation. Moreover, it was once the norm for nursing schools to be three year institutions; Rep. Cooper is herself a graduate of such a program.

Chairman Unterman expressed her hope of getting this legislation to a vote before the Senate as soon as possible, as many nurses are being adversely affected by these restrictions.

Senator Goggans moved that **HB 675 DO PASS** and Senator Orrock seconded. The bill passed unanimously.

HB 675 DO PASS

There being no further business, the meeting was adjourned at 1:29 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 8, 2012

A meeting of the Senate Health & Human Services Committee was held on February 8, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 1:08 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Henson of the 41st, Jackson of the 2nd, Ligon, Jr., of the 3rd, Millar of the 40th, Orrock of the 36th, Paris of the 26th, Tate of the 38th, and Williams of the 19th.

The chairman notified the committee that SB 375, SB 376, and SB 386 will be moved to the Health Care Delivery Subcommittee; and SB 378 and SB 380 will be moved to the Pharmacology Subcommittee for further review and discussion.

SB 361 (Miller, 49th) ***Healthcare Facilities; expand provisions; nationally recognized health care accreditation body***

Senator Miller presented the bill. The bill expands provisions related to accreditation of health care facilities to include additional nationally recognized health care accreditation entities. Previously, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) was the only accrediting body authorized to accredit hospitals by the Centers for Medicare and Medicaid Services. Hence, JCAHO is the only accrediting body referenced in several Georgia Code sections related to accreditation. In 2008, however, CMS began to also accept accreditation by DNV Healthcare. Some committee members questioned whether the bill's language that allowed accreditation by "a nationally recognized health care accreditation body" was too broad and suggested the possibility of naming DNV specifically. However, Senator Miller said that he had been advised by Legislative Counsel not to do that; doing so might create problems if either of the named accrediting organizations ever changed their names. Another possibility that was discussed, but not adopted, was to change these provisions to allow accreditation bodies that are recognized by the Centers for Medicare and Medicaid Services. It is possible that this suggestion may be presented in a floor amendment. Deb Bailey of Northeast Georgia Medical Center and the American Heart Association/American Stroke Association spoke in support of the bill.

Senator Orrock moved that **SB 361 DO PASS** and Senator Tate seconded. The bill passed unanimously.

SB 361 DO PASS

NOTE: Senator Henson arrived at 1:18 p.m.

SB 338 **(Goggans, 7th)** ***"Georgia Volunteers in Dentistry and Dental Hygiene Act"; provide for special licenses for dentists and dental hygienists licensed in other jurisdictions***

Senator Goggans presented the bill. The bill allows dentists and dental hygienists who are licensed in another U.S. jurisdiction to receive a special license from the Georgia Board of Dentistry to provide volunteer care to indigent patients. The special license holder may only practice dentistry or dental hygiene while in the uncompensated employ of a public or nonprofit entity that provides services to indigent patients in areas that are underserved by dentists or dental hygienists or critical need population areas of the state. This bill aims to address the lack of dental professionals available to provide indigent care in our state. Senator Unterman asked how long a special license given under this bill would last, and Senator Goggans explained that this would be decided by the Board of Dentistry.

Senator Williams moved that **SB 338 DO PASS** and Senator Millar seconded. The bill passed unanimously.

SB 338 DO PASS

SB 370 **(Carter, 1st)** ***Controlled Substances; Schedule I and V controlled substance; "dangerous drug"; provisions***

Senator Carter presented the bill. This is an annual drug update bill. It revises lists of drugs classified as dangerous drugs or Schedule I or V Controlled Substances, including expanding provisions related to bath salts and synthetic marijuana. Senator Carter worked with the GBI to put together the annual drug update bill. He explained that the provisions relating to the chemical makeup related to synthetic marijuana and bath salts have been revised so as to encompass all chemical forms of these drugs.

Senator Carter moved that **SB 370 DO PASS** and Senator Goggans seconded. The bill passed unanimously.

SB 370 DO PASS

There being no further business, the meeting was adjourned at 1:33 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 15, 2012

A meeting of the Senate Health & Human Services Committee was held on February 15, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 1:20 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Henson of the 41st, Ligon, Jr., of the 3rd, Orrock of the 36th, Paris of the 26th, Tate of the 38th, and Wilkinson of the 50th.

SB 378 (Carter, 1st) ***Controlled Substances; changes to definition of written prescriptions for dangerous drugs; revise a definition***

Senator Carter presented a committee substitute to the bill. The bill expands the definition of practitioner for purposes of controlled substances laws so as to include veterinarians and health professionals licensed in another state or U.S. territory; expands current requirements for written prescriptions for dangerous drugs to include prescriptions for controlled substances; prohibits the unauthorized possession or sale of a drug marked as a sample, adulterated, or misbranded. The unlawful sale of a drug marked as a sample, adulterated or misbranded or unlawful sale of a counterfeit drug constitutes a felony punishable by five years imprisonment and/or a fine of up to $10,000; under current law, the unlawful sale of a counterfeit drug constitutes a misdemeanor.

Language that expanded the definition of provider to health care professionals licensed in another state was requested by the Attorney General, so as to clarify that Georgia pharmacies can fill prescriptions written by out-of-state providers. The provision on drug samples brings Georgia law up-to-date with federal law.

Senator Goggans moved that **SB 378 DO PASS BY SUBSTITUTE** and Senator Grant seconded. The bill passed unanimously.

SB 378 DO PASS BY SUBSTITUTE

NOTE: Senators Henson & Ligon, Jr. arrived at 1:37 p.m.

SB 346 (Balfour, 9th) ***State Board of Pharmacy; prescription drugs by mail/other common carriers; provisions***

Senator Balfour presented a committee substitute to the bill. The bill allows prescription drugs to be mailed directly to a pharmacy; allows a pharmacy to mail a prescription drug to another pharmacy for a patient to receive the prescription and patient counseling. Under current law, a pharmacy in Georgia may mail drugs only if (A) such drug is either mailed directly to the patient or the patient's guardian, provided that the drug is

prescribed for a complex chronic, terminal, or rare condition; the drug is not carried in the regular inventories of retail pharmacies; and the drug has an annual retail value of more than $10,000, among other requirements, or (B) the pharmacy is operated by a health maintenance organization (HMO) and is sending the drugs to an enrollee in the HMO.

Current law generally prohibits Georgia pharmacies from using the mail to deliver prescription drugs. The two exceptions are for (A) specialty pharmacies and (B) for HMOs such as Kaiser (see above for description of current law). Pharmacies mailing drugs under these two exceptions must adhere to certain rules and regulations. This bill opens up the HMO exception to all pharmacies, so that Georgia pharmacies may mail prescription drugs while adhering to the same rules and regulations that HMOs currently follow. The bill also creates a third exception (subsection (C), that will allow a pharmacy to dispense a prescription and deliver it to another pharmacy for a patient to pick up and receive patient counseling; Senator Balfour explained that this third exception was created for Grady Hospital.

Senator Henson moved that **SB 346 DO PASS BY SUBSTITUTE** and Senator Orrock seconded. The bill passed unanimously.

SB 346 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned at 1:46 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 20, 2012

A meeting of the Senate Health & Human Services Committee was held on February 20, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 2:04 p.m. Members present included Senators Goggans of the 7th, Balfour of the 9th, Henson of the 41st, Hill of the 32nd, Ligon, Jr., of the 3rd, Orrock of the 36th, Paris of the 26th, and Tate of the 38th.

SB 407 (Unterman, 45th) ***Health; repeal creation of the Health Strategies Council, Clinical Laboratory, Blood Bank, and Tissue Bank Committee***

Chairman Unterman presented the bill. The bill repeals the creation of the Health Strategies Council and the Clinical Laboratory, Blood Bank, and Tissue Bank Committee. This was brought to Senator Unterman by the Department of Community Health (DCH). Both of these bodies have been inactive for some time. DCH wants to promulgate rules on blood banks, and this legislation would clear the way for them to do so without having to go through the Clinical Laboratory, Blood Bank, and Tissue Bank Committee.

Senator Henson moved that **SB 407 DO PASS** and Senator Orrock seconded. The bill passed unanimously.

SB 407 DO PASS

NOTE: Senator Hill, 32nd arrived at 2:29 p.m.

Chairman Unterman notified the committee we are having a ***Hearing Only*** on the next two bills: SB 292 (Albers, 56th) and SB 312 (Ligon, 3rd).

SB 292 (Albers, 56th) ***Social Responsibility and Accountability Act; enact; drug test; temporary assistance for needy families/Medicaid benefits; requirements***

Senator Albers presented a committee substitute to the bill. The bill requires most applicants for Temporary Assistance for Needy Families (TANF) to take a drug test as a condition to receiving benefits; TANF applicants not on Medicaid will be responsible for the cost of the test but will be reimbursed for the cost if they test negative, while TANF applicants who are enrolled in Medicaid will pay a $17 fee for the test; Requires DHS to adopt rules related to drug tests, and if possible a swab test is to be used in lieu of urinalysis. All applicants must be drug tested no later than 48 hours after their application has been approved by DHS. TANF assistance may not be delayed because of this requirement, and any TANF payments made prior to a failed drug test are recoverable. A positive test will result in the following periods of ineligibility:

- For a first positive result, the applicant will be ineligible for benefits for one month and until he or she tests negative in a retest;
- For a second positive result, the applicant will be ineligible for benefits for three months and until he or she tests negative in a retest;
- For a third and for each subsequent positive result, the applicant will be ineligible for benefits for one year and until he or she tests negative in a retest. However, if the applicant successfully completes a substance abuse treatment program and passes a drug test, the applicant can reapply for benefits after six months.

For two parent families, only one parent must comply with drug testing requirements. If a parent is deemed ineligible for TANF as a result of failing a drug test, the eligibility of the parent's dependent child will not be affected, and an appropriate protective payee is to be designated. The following persons are exempt from drug testing requirements: Dependent children under the age of 18; anyone who DHS determines to be significantly hindered, because of a physical or mental handicap or developmental disability, from doing so; and any person enrolled in a Medicaid enhanced primary care case management program to serve frail elderly and disabled beneficiaries to improve health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services.

Drug testing results performed pursuant to these provisions are exempt from Georgia's Open Records law. Moreover, such results may not be used in a criminal investigation or prosecution, nor may they be used in a civil action or otherwise disclosed without the express written consent of the person tested or his or her heirs. Records of test results are to be destroyed after five years.

Senator Albers told the committee that the purpose of this bill was to prevent the use of taxpayer money for illegal purposes. Federal law authorizes states to test TANF recipients for drug use. The bill was the subject of a subcommittee hearing and faced criticism from groups representing children, behavioral health, and domestic violence concerns, among others. Many of these critics noted that Florida passed a similar law, and a federal judge issued an injunction because of a holding that the law violated rights under the U.S. Constitution's Fourth Amendment. Senator Albers stated that he had worked with Florida, the Attorney General, and the Heritage Foundation, among others, to address concerns regarding HIPAA and other issues. Advocates representing developmental disabilities and aging asked for exemptions for certain populations and Senator Albers agreed to incorporate these exemptions into his bill. The bill charges $17 for applicants on Medicaid, with the assumption that Medicaid would pay for this cost. When asked about this, Kallarin Richards of the Department of Community Health said that Medicaid would not currently pay for it because it is not medically necessary; we could seek a waiver to allow for Medicaid coverage of this, but 100 percent of the cost would be borne by the state.

Those who spoke in opposition to the bill: Neil Kaltenecker, GA Council on Substance Abuse; Pamela Perkins Carn, Interfaith Children's Movement; Linda Lowe, Families First; Pat Nobbie, Georgia Council on Developmental Disabilities; Dante McKay, Voices for Georgia's Children; Melanie McNeil, State Long-Term Care Ombudsman; Shelly Senterfitt, GA Women for a Change; Nancy Pitra, Senior Citizens Advocacy Project; Kathryn Fowler, Georgia Council on Aging; Ellyn Jeager, Mental Health America of Georgia; Ann Mintz, United Way of Metro Atlanta.

SB 312 (Ligon, Jr., 3rd) ***Public Assistance; applicants for food stamps and temporary assistance; require personal growth activities***

Senator Ligon, Jr., presented the bill. The bill calls for some applicants for food stamps to engage in professional development activities such as advancing their education or taking self-development classes. It requires the Department of Human Services to develop a pilot program to implement these provisions in five counties prior to state-wide implementation.

This bill requires certain applicants for food stamps to engage in "professional development" activities, which may include, but not be limited to working toward a general educational development (GED) diploma, pursuing technical education, attending self-development classes, or enrolling in an adult literacy class. The Department of Human Services (DHS) is to develop rules and regulations to implement this requirement. However, the following food stamp applicants would not be subject to professional development requirements: persons under the age of 16 or over the age of 59; persons who are developmentally disabled; persons who are physically or mentally unfit for employment; caretakers of a dependent child under age six or of an incapacitated adult; persons employed at least 30 hours per week; persons participating in a drug or alcohol treatment program; students enrolled at least half time; and persons receiving unemployment insurance.

Prior to implementing any of the provisions statewide, DHS is to first implement a pilot program in five counties to determine the most beneficial manner of implementing these requirements. Moreover, the requirements of this bill are to take effect only if funds are specifically appropriated for the provisions of this legislation.

Those who spoke in opposition to the bill: Danah Craft, Georgia Food Bank; Caira Lester, Atlanta Food Bank; David Pilgrem, AARP.

There being no further business, the meeting was adjourned at 4:25 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 27, 2012

A meeting of the Senate Health & Human Services Committee was held on February 27, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 3:02 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Henson of the 41st, Hill of the 32nd, Jackson of the 2nd, Ligon, Jr., of the 3rd, Millar of the 40th, Orrock of the 36th, Paris of the 26th, Shafer of the 48th, Tate of the 38th, Wilkinson of the 50th, and Williams of the 19th.

SB 470 (Goggans, 7th) ***Patient Self-Referral; revise the definition of "rural area"***

Senator Goggans presented the bill. The bill revises definition of "rural area" in the Patient Self-referral Act; "rural area" in this Act will now mean an area that is not defined under federal regulations as an urban area.

Senator Grant moved that **SB 470 DO PASS** and Senator Ligon, Jr., seconded. The bill passed unanimously.

SB 470 DO PASS

SB 416 (Carter, 1st) ***Insurance, Dept. of; authorize to develop exchange standards regarding electronic prior authorization drug requests with health care providers***

Senator Carter presented the bill. The bill requires the Insurance Commissioner to adopt standards for e-prior authorization requests between pharmacy benefits mangers and health care providers. These standards are to be adopted within 12 months of the adoption of standards by the National Council of Prescription Drug Programs. This bill is not to be interpreted to require a provider to participate in electronic prior authorization.

Senator Carter told the committee that this bill deals with prior authorizations for insurance purposes. As electronic methods of prior authorization become more common, it is important to have a uniform standard, rather than different standards in every state. This bill moves us toward such uniformity.

Senator Jackson, 2nd, moved that **SB 416 DO PASS BY SUBSTITUTE** and Senator Grant seconded. The bill passed unanimously.

SB 416 DO PASS BY SUBSTITUTE

NOTE: Senators Henson, Hill, 32nd, & Williams arrived at 3:18 p.m.

SB 414 (Unterman, 45th) ***Music Therapists; require licensure by the Secretary of State; establishment of Music Therapy Advisory Group***

Chairman Unterman presented the bill. The bill requires music therapists practicing in Georgia to be licensed by the Secretary of State; Establishes criteria for receiving a license as a music therapist, including requirements for education, clinical training, and an examination; creates the Music Therapy Advisory Group. The requirement to be licensed would begin on January 1, 2014. Licenses are renewable every two years, and applicants for renewal must complete 40 hours of continuing education. This bill does not apply to professions such as occupational therapists, audiology specialists, and others who use music therapy in the scope of their practice. The bill authorizes the Secretary of State to fine persons who violate these provisions.

At a subcommittee hearing, two music therapists testified about their work and the role it plays in a variety of therapeutic settings. They said that licensing will make sure others won't infringe on their profession. There are two other states that currently license music therapists, with other states also looking into it. Some committee members questioned whether it was truly necessary to create another licensure category.

The committee received a packet containing several letters of support from music therapists and parents of children who are receiving music therapy, including, but not limited to, Douglas R. Keith, Professor of Music Therapy at Georgia College and Jackie Moore of Talk About Curing Autism.

Senator Goggans moved that **SB 414 DO PASS BY SUBSTITUTE** and Senator Ligon, Jr., seconded. The bill passed unanimously.

SB 414 DO PASS BY SUBSTITUTE

NOTE: Senator Williams left at 3:30 p.m.

SB 386 (Grant, 25th) ***Advanced Practice Registered Nurses; delegation of authority to order radiographic imaging tests; revise provisions***

Senator Grant presented the bill. The bill allows advanced practice registered nurses (APRNs) to order radiographic imaging tests in accordance with a nurse protocol agreement, regardless of whether a situation is or is not life-threatening. Current law allows APRNs to do this only in life-threatening situations.

At this meeting and a subcommittee meeting, Senator Grant noted all other states already allow their APRNs to order radiographic tests. Physician Assistants can already do this in Georgia. Senator Grant also noted that a nurse protocol agreement can still restrict a nurse from doing this if the doctor does not feel comfortable. We have been moving towards giving APRNs more authority in part to address the provider shortage. In rural areas, an APRN may not have ready access to a doctor to sign off on a radiographic imaging test, and the only recourse may be for the patient to go to an emergency room. Lilabet Choake, an APRN; Myra Carmen, a professor of nursing at Georgia State; and Wendi Clifton, representing the Georgia Nurses Association, spoke in favor of giving their profession this ability, and one noted that under Georgia's previous nursing practice law, she could do this. Dr. Mark Barnardy, a radiologist, spoke in opposition to the change in part because of his concerns regarding the overuse of radiological tests. Donald Palmisano of the Medical Association of Georgia also expressed opposition.

Senator Goggans moved that **SB 386 DO PASS** and Senator Orrock seconded. The bill passed 11-1 (nay vote from Senator Hill, 32nd).

SB 386 DO PASS

SB 368 (Carter, 1st) ***Nurses; provide for continuing competency requirements; renewal of licenses***

Senator Carter presented the bill. The bill requires nurses to meet continuing competency requirements as a condition of licensure renewal. Under this bill, in order to renew their nursing licenses, registered professional nurses and licensed practical nurses will need to meet continuing competency requirements as the Board of Nursing or Board of Examiners of Licensed Practical Nurses may require. This requirement will begin with the 2014 license renewal cycle.

In favor were Debbie Hatmaker of the GA Nurses Association and Michael O'Sullivan of the Secretary of State. In opposition to the bill was Barry Cranfill of the GA Board of Nursing.

Senator Carter moved that SB 368 be tabled for further review and Senator Shafer seconded. The motion passed.

SB 368 TABLED

SB 312 (Ligon, Jr., 3rd) ***Public Assistance; applicants for food stamps and temporary assistance; require personal growth activities***

Senator Ligon, Jr., presented the bill. The bill calls for some applicants for food stamps to engage in professional development activities such as advancing their education or taking self-development classes. It requires the Department of Human Services to develop a pilot program to implement these provisions in five counties prior to state-wide implementation.

This bill requires certain applicants for food stamps to engage in "professional development" activities, which may include, but not be limited to working toward a general educational development (GED) diploma, pursuing technical education, attending self-development classes, or enrolling in an adult literacy class. The Department of Human Services (DHS) is to develop rules and regulations to implement this requirement. However, the following food stamp applicants would not be subject to professional development requirements: persons under the age of 16 or over the age of 59; persons who are developmentally disabled; persons who are physically or mentally unfit for employment; caretakers of a dependent child under age six or of an incapacitated adult; persons employed at least 30 hours per week; persons participating in a drug or alcohol treatment program; students enrolled at least half time; and persons receiving unemployment insurance.

Prior to implementing any of the provisions statewide, DHS is to first implement a pilot program in five counties to determine the most beneficial manner of implementing these requirements. Moreover, the requirements of this bill are to take effect only if funds are specifically appropriated for the provisions of this legislation.

Senator Ligon, Jr., moved that SB 312 be tabled for further review and Senator Hill, 32nd, seconded. The motion passed.

SB 312 TABLED

NOTE: Senator Balfour arrived at 4:20 p.m.

SB 288 (Bethel, 54th) ***Physicians; authorize the administration of vaccines by pharmacists/nurses; vaccine protocol agreements with physicians***

Senator Bethel presented the bill. The bill allows pharmacists and nurses to administer other vaccines besides influenza vaccines pursuant to vaccine protocol agreements with physicians. The bill excludes the vaccine from human papillomavirus (HPV) from this provision. Pharmacists and nurses may only give vaccines to persons under the age of 19 pursuant to a prescription from a physician.

Senator Bethel spoke of how this would improve access and affordability for vaccines, and he noted that the numbers of persons getting flu vaccinations have gone up significantly thanks to the change in law that allowed pharmacists to give flu shots. Senator Orrock asked about whether this bill would discourage persons from having a "medical home;" Senator Bethel said it would not, as persons do not visit primary care doctors primarily for vaccines. In a subcommittee hearing on the bill, Rebecca Greener of the Medical Association of Georgia expressed concerns that vaccines can have complications that a pharmacist may not be fully equipped to handle. She also asserted that such a change in the law might decrease insurance coverage of vaccines. The Georgia Pharmacy Association noted that Florida recently approved similar legislation.

There was a point raised about the proper use of the word "child" in the bill. The committee unanimously agreed to change the word to "person." This technical change was incorporated into the committee substitute.

Senator Millar moved that **SB 288 DO PASS BY SUBSTITUTE** and Senator Goggans seconded. The bill passed 12-2 (two nay votes from Senator Hill, 32nd, and Senator Balfour).

SB 288 DO PASS BY SUBSTITUTE

SB 292 (Albers, 56th) ***Social Responsibility and Accountability Act; enact; drug test; temporary assistance for needy families/Medicaid benefits; requirements***

Senator Albers presented a committee substitute to the bill. The bill requires most applicants for Temporary Assistance for Needy Families (TANF) to take a drug test as a condition to receiving benefits; TANF applicants not on Medicaid will be responsible for the cost of the test but will be reimbursed for the cost if they test negative, while TANF applicants who are enrolled in Medicaid will pay a $17 fee for the test; Requires DHS to adopt rules related to drug tests, and if possible a swab test is to be used in lieu of urinalysis. All applicants must be drug tested no later than 48 hours after their application has been approved by DHS. TANF assistance may not be delayed because of this requirement, and any TANF payments made prior to a failed drug test are recoverable. A positive test will result in the following periods of ineligibility:

- For a first positive result, the applicant will be ineligible for benefits for one month and until he or she tests negative in a retest;
- For a second positive result, the applicant will be ineligible for benefits for three months and until he or she tests negative in a retest;
- For a third and for each subsequent positive result, the applicant will be ineligible for benefits for one year and until he or she tests negative in a retest. However, if the applicant successfully completes a substance abuse treatment program and passes a drug test, the applicant can reapply for benefits after six months.

NOTE: Senator Hill, 32nd, left at 4:33 p.m.

For two parent families, only one parent must comply with drug testing requirements. If a parent is deemed ineligible for TANF as a result of failing a drug test, the eligibility of the parent's dependent child will not be affected, and an appropriate protective payee is to be designated. The following persons are exempt from drug testing requirements: Dependent children under the age of 18; anyone who DHS determines to be significantly hindered, because of a physical or mental handicap or developmental disability, from doing so; and any person enrolled in a Medicaid enhanced primary care case management program to serve frail elderly and disabled beneficiaries to improve health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services.

NOTE: Senators Tate & Williams arrived at 4:40 p.m.

Drug testing results performed pursuant to these provisions are exempt from Georgia's Open Records law. Moreover, such results may not be used in a criminal investigation or prosecution, nor may they be used in a civil action or otherwise disclosed without the express written consent of the person tested or his or her heirs. Records of test results are to be destroyed after five years.

Senator Albers told the committee that the purpose of this bill was to prevent the use of taxpayer money for illegal purposes. Federal law authorizes states to test TANF recipients for drug use. The bill was the subject of a subcommittee hearing and faced criticism from groups representing children, behavioral health, and domestic violence concerns, among others. Many of these critics noted that Florida passed a similar law, and a federal judge issued an injunction because of a holding that the law violated rights under the U.S. Constitution's Fourth Amendment. Senator Albers stated that he had worked with Florida, the Attorney General, and the Heritage Foundation, among others, to address concerns regarding HIPAA and other issues. Advocates representing developmental disabilities and aging asked for exemptions for certain populations and Senator Albers agreed to incorporate these exemptions into his bill. The bill charges $17 for applicants on Medicaid, with the assumption that Medicaid would pay for this cost. When asked about this, Kallarin Richards of the Department of Community Health said that Medicaid would not currently pay for it because it is not medically necessary; we could seek a waiver to allow for Medicaid coverage of this, but 100 percent of the cost would be borne by the state.

Those who spoke in opposition to the bill: Neil Kaltenecker, GA Council on Substance Abuse; Pamela Perkins Carn, Interfaith Children's Movement; Linda Lowe, Families First; Pat Nobbie, Georgia Council on Developmental Disabilities; Dante McKay, Voices for Georgia's Children; Melanie McNeil, State Long-Term Care Ombudsman; Shelly Senterfitt, GA Women for a Change; Nancy Pitra, Senior Citizens Advocacy Project; Kathryn Fowler, Georgia Council on Aging; Ellyn Jeager, Mental Health America of Georgia; Ann Mintz, United Way of Metro Atlanta.

Senator Carter moved that **SB 292 DO PASS BY SUBSTITUTE** and Senator Ligon, Jr., seconded. The bill passed 9-5 (five nay votes from Senators Henson, Lester Jackson, Orrock, Paris, and Tate).

SB 292 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned at 4:44 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

February 29, 2012

A meeting of the Senate Health & Human Services Committee was held on February 29, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 9:09 a.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Hill of the 32nd, Jackson of the 2nd, Ligon, Jr., of the 3rd, Orrock of the 36th, Tate of the 38th, Wilkinson of the 50th, and Williams of the 19th.

SB 312 (Ligon, Jr., 3rd) ***Public Assistance; applicants for food stamps and temporary assistance; require personal growth activities***

Senator Ligon, Jr., presented the bill. The bill calls for some applicants for food stamps to engage in professional development activities such as advancing their education or taking self-development classes; requires the Department of Human Services to develop a pilot program to implement these provisions in five counties prior to statewide implementation. The following food stamp applicants would not be subject to professional development requirements: persons under the age of 16 or over the age of 59; persons who are developmentally disabled; persons who are physically or mentally unfit for employment; caretakers of a dependent child under age six or of an incapacitated adult; persons employed at least 30 hours per week; persons participating in a drug or alcohol treatment program; students enrolled at least half time; and persons receiving unemployment insurance. Moreover, the requirements of this bill are to take effect only if funds are specifically appropriated for the provisions of this legislation.

Senator Ligon, Jr., explained that there are federal funds available for this program as a SNAP Employment and Training Program; 100 percent of the administrative costs would be covered by federal funds, and 50 percent of other costs would be covered by federal funds as well. The bill originally covered TANF recipients, but Senator Ligon, Jr., agreed to take these provisions after it was pointed out that TANF recipients already have work activity requirements. Senator Orrock and others questioned the expense of the program. The fiscal note, which was for a version with TANF provisions, stated a cost of $11 million to the state. Senator Ligon, Jr., said that there is already a lot of infrastructure in place for this program, and that the program will in any event only go forward if there is an appropriation for it. Many of the minority party members of the committee expressed concern that this would stigmatize the poor. Senator Orrock brought up the example of a professional who has lost his or her job and unemployment benefits have run out; why, she asked, should such a person be expected to do these activities when they are already well educated? Senator Ligon, Jr., said that it may be prudent for persons who have been unemployed for an extensive amount of time to look into retraining, and that this program would help persons bring themselves out of poverty. Only 37 percent of adults on food stamps have a high school diploma or GED, and there

is ample evidence that this is a barrier to finding better work. It was noted that many food stamp recipients already work; Senator Ligon, Jr., noted that this program may help them to find a better paying job.

Senator Carter moved that **SB 312 DO PASS BY SUBSTITUTE** and Senator Ligon, Jr., seconded. The bill passed 8-3 (three nay votes from Senators Lester Jackson, Orrock, and Tate).

SB 312 DO PASS BY SUBSTITUTE

SB 489 (Mullis, 53rd) ***Georgia Trauma Care Network Commission; report annually; House/Senate Committees on Health and Human Services; outcomes***

Senator Mullis presented the bill. The bill requires the Georgia Trauma Care Network Commission to make annual reports to the House and Senate Health and Human Services Committees on the funds distributed from the Georgia Trauma Trust Fund to health care providers; reports are to include information on clear and precise improvements in patient outcomes as a result of the distributions. This bill will simply enable better legislative oversight of the use of Georgia Trauma Trust Funds.

Senator Lester Jackson moved that **SB 489 DO PASS** and Senator Judson Hill seconded. The bill passed unanimously.

SB 489 DO PASS

NOTE: Senators Judson Hill & Williams left at 9:32 a.m.

SB 484 (McKoon, 29th) ***Torts; limit liability for a governing authority of a school that enters into a recreational joint-use agreement with a public/private entity***

Senator McKoon presented the bill. The bill limits the civil liability of a school's governing authority for claims arising on or after July 1, 2012, from the use of a school's facility by a public or private entity for recreational purposes pursuant to a recreational joint-use agreement; establishes requirements for such a joint-use agreement.

In many areas, especially rural areas, the only facilities available for nonprofits to conduct physical activities for children are schools. In light of our obesity problem in Georgia, such activities are vital for the health of our children. Although state law already allows schools to permit outside groups to conduct activities in their facilities, liability concerns can be a barrier. Two other states have recently passed similar legislation. Senator Grant and others asked about the scope of the bill; does "recreational" cover girl scouts or a chess club? Senator McKoon explained that the bill does seem to cover such activities, although the intent of the bill was primarily to encourage physical activities. Jason Rooks of the Georgia Trial Lawyers Association spoke to say that they had consulted with the author on this legislation and had no problems with the bill.

To clarify the scope of the bill, an amendment was made to cover recreational "or physical" activities. This change was unanimously agreed to and incorporated in the substitute.

Senator Tate moved that **SB 484 DO PASS BY SUBSTITUTE** and Senator Lester Jackson seconded. The bill passed unanimously.

SB 484 DO PASS BY SUBSTITUTE

NOTE: Senator Orrock left at 9:49 a.m.

Senator Carter moved that SB 368 be removed from the table and Senator Goggans seconded. The motion passed.

SB 368 (Carter, 1st) ***Nurses; provide for continuing competency requirements; renewal of licenses***

Senator Carter presented the bill. The bill requires nurses to meet continuing competency requirements as a condition of licensure renewal, beginning with the 2015 license renewal cycle. To renew their license, RNs must meet one of the following requirements: (1) complete 30 continuing education hours by a provider approved by the Board of Nursing ("the Board"); (2) maintain certification or recertification by a national certifying body recognized by the Board; (3) complete an accredited academic program of study in nursing or a related field recognized by the Board; (4) verification of competency and at least 500 hours of nursing practice as evidenced by a Board-approved employer certification form; OR (5) other activities as approved by the Board that show competency in the nursing field. The Board has the discretion to waive or modify the continuing competency requirement in cases of hardship, disability, illness, or other circumstances the Board deems appropriate.

Nursing is one of only two allied health professions that do not have any continuing competency requirements. Senator Carter worked with the Board of Nursing and others to craft appropriate requirements for nurses.

Senator Grant wanted to add language to clarify that the continuing competency requirements must have been completed in the previous two years (the renewal period). This change was unanimously agreed to and incorporated into the substitute.

Senator Ligon, Jr., moved that **SB 368 DO PASS BY SUBSTITUTE** and Senator Tate seconded. The bill passed unanimously.

SB 368 DO PASS BY SUBSTITUTE

SB 376 (Carter, 1st) ***Nurses; add mandatory reporting provisions***

Senator Carter presented the bill. The bill requires nurses and health care entities to report suspected professional violations to the Board of Nursing or the Board of Examiners of Licensed Practical Nurses; Provides exceptions to the reporting requirements and reporting alternatives in cases involving chemical dependency or mental illness; and Provides immunity for parties reporting or acting on information in good faith.

This bill was requested by the Secretary of State. Michael O'Sullivan of the Secretary of State explained that they received lots of input from stakeholders in crafting this bill, including the Board of Nursing, the Georgia Nurses Association, and health care providers.

Senator Ligon, Jr., moved that **SB 376 DO PASS BY SUBSTITUTE** and Senator Grant seconded. The bill passed unanimously.

SB 376 DO PASS BY SUBSTITUTE

SB 380 (Carter, 1st) ***Pharmacist and Pharmacies; change definition of security paper; State Board of Pharmacy; revisions***

Senator Carter presented the bill. The bill revises requirements for security paper for prescription drug orders so that any paper approved by the Centers for Medicare and Medicaid Services (CMS) will be valid; authorizes the Board of Pharmacy to register out-of-state pharmacies that mail prescriptions into Georgia; Authorizes the Georgia Drugs and Narcotics Agency to accept donations or grants of funds or property, including funds from the disposition of forfeited property; clarifies that pharmacists in Georgia may fill prescriptions written by out-of-state health care professionals.

Senator Carter explained that the registration of out-of-state pharmacies provision was necessary to implement the state's prescription drug monitoring program. Senator Balfour expressed concern about this power, and wondered whether this would mean that the Board of Pharmacy could refuse to register a pharmacy and thus control who can do mail-order prescription business in Georgia. Senator Carter said that this provision is not intended to restrict mail order prescriptions, and Rick Allen of the Georgia Drugs and Narcotics Agency said that the Board could only refuse to register a business if it had legal grounds to do so. There was some discussion about a possible floor amendment to clarify the registration issue.

Senator Grant moved that **SB 380 DO PASS BY SUBSTITUTE** and Senator Ligon, Jr., seconded. The bill passed with 7-1 (one nay vote from Senator Balfour).

SB 380 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned at 10:14 a.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

March 13, 2012

A meeting of the Senate Health & Human Services Committee was held on March 13, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 1:14 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Henson of the 41st, Hill of the 32nd, Jackson of the 2nd, Ligon, Jr., of the 3rd, Millar of the 40th, Orrock of the 36th, Paris of the 26th, Shafer of the 48th, Tate of the 38th, and Wilkinson of the 50th.

HR 1151 (Brockway, 101st) ***Joint Human Trafficking Study Commission; create***

Rep. Brockway presented the resolution and Senator Unterman will be the Senate sponsor. The resolution creates the Joint Human Trafficking Study Commission. The Commission is to be composed of 13 members, including three Senators (one of whom is to be a member of the minority party); three Representatives (one of whom is to be a member of the minority party); one local police chief appointed by the Georgia Association of Chiefs of Police; one district attorney appointed by the Prosecuting Attorneys' Council of the State of Georgia; one juvenile court judge appointed by the Council of Juvenile Court Judges; one superior court judge appointed by the Council of Superior Court Judges of Georgia; one public defender appointed by the Georgia Public Defender Standards Council; and two individuals appointed by the Governor's Office for Children and Families, one of whom has expertise in advocacy for child victims of sexual exploitation and the other of whom has expertise in advocacy for adult victims of human trafficking.

The commission will be looking at best practices from other states and hear testimony from experts on human trafficking. Senator Unterman requested that the person designated in the bill to appoint Senate members to the commission be changed from the Committee on Assignments to the President of the Senate. This change was unanimously agreed to and incorporated in a committee substitute.

Melanie McNeil, the State Long-Term Care Ombudsman, spoke in favor of the resolution.

Senator Millar moved that **HR 1151 DO PASS BY SUBSTITUTE** and Senator Carter seconded. The resolution passed unanimously.

HR 1151 DO PASS BY SUBSTITUTE

NOTE: Senator Orrock arrived 1:18 p.m.

HB 434 (Dempsey, 13th) ***Social workers; requirements for licensure; revise provisions***

Rep. Dempsey presented the bill and Senator Unterman will be the Senate sponsor. The bill revises language in a definition and in the description of the scope of practice of social workers. Licensed social workers are authorized under current Georgia law to provide psychological evaluation and analyses to "determine the nature of an individual's…problems or conditions." This bill replaces the word "determine" with "diagnose" and makes a similar change in the definition of social work.

Social workers have been diagnosing patients since their scope of practice act was passed in 1984, and private insurance typically recognizes such diagnoses. However, the Department of Community Health recently interpreted current law to mean that social workers could not diagnose. This bill clarifies that they can. Stephanie Barnhart, GA Society for Clinical Social Work, spoke in favor of the bill.

Senator Carter moved that **HB 434 DO PASS** and Senator Orrock seconded. The bill passed unanimously.

HB 434 DO PASS

NOTE: Senator Henson arrived at 1:23 p.m.

HB 850 (Harrell, 106th) ***Guardian and ward; criminal background checks for persons seeking to become a guardian; provide***

Rep. Harrell presented the bill and Senator Unterman will be the Senate sponsor. The bill provides immunity for persons acting in good faith in accordance with a Physician Order for Life-sustaining Treatment; Allows courts to require criminal background checks for persons seeking to become a guardian or conservator.

Rep. Harrell told the committee that persons such as EMTs are not protected from liability under Georgia law when following a physician's orders, such as a Do Not Resuscitate Order. He emphasized that this immunity only applies when a person is carrying out a physician's orders. Regarding the provision of the bill on guardians and conservators, Georgia probate courts already have access to criminal records in Georgia, but we have been seeing an increase in persons coming out of state to be appointed as a guardian or conservator. This bill will allow probate courts to run a comprehensive criminal background check to protect wards.

NOTE: Senator Ligon, Jr., left at 1:26 p.m.

Sheila Humberstone from the Alzheimers Association spoke in favor of the bill.

Senator Orrock moved that **HB 850 DO PASS** and Senator Henson seconded. The bill passed unanimously.

HB 850 DO PASS

HB 879 (Ramsey, 72nd) ***Elementary and secondary education; care of students with diabetes in school; provide***

Rep. Ramsey presented the bill and Senator Chance will be the Senate sponsor. The bill requires the Department of Education to develop guidelines on the training of school employees in the care needed for students with diabetes; Requires at least two employees at all public schools attended by a diabetic student to undergo training on the care needed for students with diabetes; Requires a parent or guardian of a diabetic student who seeks diabetes care while at school to submit to the school a diabetes medical management plan. In accordance with a student's diabetes medical management plan, the school nurse, or in the absence of a school nurse, trained diabetes personnel are to perform functions related to monitoring the student's blood glucose levels, administering insulin, and providing diabetes medications, among other functions related to diabetes care. A school nurse or at least one trained diabetes personnel must be on site at school and available during school hours. A student's school choice may not be restricted because the student has diabetes. If authorized by the student's diabetes medical management plan, a diabetic student may perform activities related to the monitoring and treatment of his or her diabetes in any area of the school or school grounds and at any school related activity. The diabetic student must be permitted to possess on his or her person necessary supplies and equipment to perform such monitoring and treatment functions. The bill provides immunity from civil damages or from professional disciplinary action to health care providers, school employees, local school systems, and state chartered special schools who carry out these provisions with reasonable prudence. A private school that complies with these provisions will also have such limited liability.

Rep. Ramsey, who has a daughter with Type 1 Diabetes, explained that even in the best of circumstances, students with diabetes often miss class due to caring for their disease. This bill follows the lead of other states and helps provide uniform training to school personnel statewide. The training programs will not cost the state anything, as the American Diabetes Association offers classes at no cost. The training is not particularly time-consuming. Senator Millar asked about the tort immunity provision of the bill and whether it would protect schools for failure to provide the trained personnel. Rep. Ramsey said it would not, nor is it designed to provide such protection, and pointed out that the Americans with Disabilities Act already requires schools to provide accommodations.

The bill originally required that at least one school nurse or trained diabetes personnel be available during field trips to provide care to students with diabetes. Senator Millar expressed concern that this was impractical and may lead schools to discontinue field trips altogether. Over the objection of Rep. Ramsey, the committee approved an amendment to remove this requirement by an 8 to 1 vote (Senator Carter voted no). This change was incorporated into the committee substitute.

Senator Henson moved that **HB 879 DO PASS BY SUBSTITUTE** and Senator Paris seconded. The bill passed unanimously.

HB 879 DO PASS BY SUBSTITUTE

NOTE: Senators Balfour, Carter, Goggans, Henson & Millar left at 1:59 p.m.

HB 1146 (McCall, 30th) ***Georgia Vocational Rehabilitation Services Board; create***

Rep. McCall presented the bill and Senator Miller will be the Senate sponsor. The bill establishes the Georgia Vocational Rehabilitation Agency and the Georgia Vocational Rehabilitation Services Board; Transfers the Division of Rehabilitation Services from the Department of Labor to the Georgia Vocational Rehabilitation Agency.

NOTE: Senators Lester Jackson, Shafer, & Tate arrived at 2:05 p.m.

Rep. McCall told the committee that there have already been three lengthy hearings on this issue in the House. Rep. McCall brought this legislation in response to many stakeholders who had expressed concerns over how rehabilitation services have been handled in the Department of Labor, including concerns that federal money was being left on the table. When asked if there was a fiscal note, Rep. McCall replied no because he had been informed that the cost of the transition was so minimal as to not need one. The transition will have an estimated one time cost of $300,000. Department of Labor Commissioner Mark Butler opposed the bill, expressing concerns over whether the move would jeopardize services and questioning whether it was feasible to make the transition by July 1st. Commissioner Butler also questioned why a new board needed to be created to oversee Rehabilitation Services when an entity already exists that would be appropriate for such oversight, the State Rehabilitation Council. Several persons with disabilities and with the State Rehabilitation Council expressed support for a freestanding agency but felt such an agency should still be under the Department of Labor. Several of the speakers with disabilities stated that services have been improving under Commissioner Butler. Moreover, many who spoke testified that there should have been more public hearings and more input from the disabled community before making such a change.

NOTE: Senators Carter & Grant arrived at 2:26 p.m.

In opposition to the bill were the Department of Labor Commissioner Mark Butler; Linda Shepherd and Joe Tedesco with the State Rehabilitation Council; Alice Ritchhart; Mark Johnson; Gary Scott; Betsey Grenovich; Drew Phenton.

Senator Carter moved that **HB 1146 DO PASS** and Senator Grant seconded. The bill passed 7-3 (nay votes from Senators Lester Jackson, Paris and Tate).

HB 1146 DO PASS

There being no further business, the meeting was adjourned at 2:54 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Minutes of the
Senate Health & Human Services Committee

March 19, 2012

A meeting of the Senate Health & Human Services Committee was held on March 19, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 4:13 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Henson of the 41st, Hill of the 32nd, Jackson of the 2nd, Ligon, Jr., of the 3rd, Millar of the 40th, Orrock of the 36th, Paris of the 26th, Shafer of the 48th, Tate of the 38th, Wilkinson of the 50th, and Williams of the 19th.

HB 954 (McKillip, 115th) ***Abortion; criminal abortion; change certain provisions***

Rep. McKillip presented the bill and Senator Williams will be the Senate sponsor. The bill makes legislative findings regarding the stage in development by which an unborn child is likely to experience pain; Prohibits abortions in cases in which the probable gestational age of the unborn child is found to be 20 weeks or more, except in limited circumstances; Requires physicians to make a determination of probable gestational age before performing abortions in most cases and to report this information to the Department of Community Health.

A woman can only have an abortion on or after the 20th week for one of the following reasons: (1) to avert the death of the pregnant woman or to avert serious risk of substantial and irreversible physical impairment to a major bodily function of the pregnant woman; OR (2) to preserve the life of an unborn child.

In opposition to the bill, the following spoke to the committee: Lynn Hogue (GSU Law professor); John Walraven, Infertility & Perinatalogist Consortium of GA (IPCGA); Dr. Andy Dott, Periantologist in Atlanta; Mrs. Betsy Lurey, retired nurse; Dr. Ann Critz, Periantologist Doctor in Atlanta; Shelley Senterfitt, Georgia Women for Change; Rebecca Greener, Medical Association of Georgia.

For the record, the following persons signed up in opposition to the bill: Helen Williams, Steven Woodall, Ann Suich, Dr. Linda Bell, Dr. Charlene Ball, Alice Domby, Kathy Vaughn, Lee Slaughter, Ron Shy, Stacy Hopkins, Ashley Howe, Bridget Spence, Debbie Karvey, Jane Catimo, Roberto Moraes, Ruth Levy, Chad Brock, Donna Robertson, Melita Eastes, Sharon Blackwood, Stacey Hopkins, Elizabeth Barnard, Rachel Harris, Mary Riddle, Dr. Yvonne Singh, Cathy Willis Spraetz, Stephanie Davis, Morna Gerrard, Maria Azuri, Andrew Dent, Michael Doherty, Janelle Yamarick, Anna Thornhill, Pete Maloney, Alicek Michaelson, Rev. Patrice Templemon, Nancy Rogers, Paris Hatcher, Bianca Campbell, Katie Case, Charles Smith, Julia Wolff, Robin Collins, Laura Bordeaux, Anna Foote, Caroline Dott, Jan Hackney, Julia Ryland, Betsey Sydney

Boozer, and Sallie Carpetier. This group represents doctors, students, nurses, educators, anthropologists, priests, concerned citizens, mothers, and daughters.

> **<u>NOTE:</u> The committee suspended for Rules at 5 p.m. & reconvened at 5:30 p.m. when Senators Carter, Goggans, Grant, Henson, Judson Hill, Lester Jackson, Ligon, Jr., Millar, Orrock, Paris, Shafer, Tate, Unterman, Wilkinson, and Williams returned.**

In favor of the bill, the following spoke to the committee: Dr. Kathleen Raviele, OB/GYN in Tucker; Suzanne Ward, OB/GYN Suwanee; Dan Becker, Georgia Right to Life; Mary Boyert, Archdiocese of Atlanta (Duluth); Mary Ann McNeil, Post Abortion Treatment & Healing (PATH) Dunwoody; Ann Heroman, PATH DeKalb County.

<u>NOTE:</u> Senator Paris left at 6:51 p.m.

Amendment #1 offered by Senator Orrock and seconded by Senator Tate – There is no exception that would allow an abortion in the case of an unborn child that is determined to be unviable. The proposed amendment would have added an exception for an unborn child that is not viable. In a roll call vote, **Amendment #1 failed 6-7**. Two Republicans, Senators Grant and Millar voted in favor of the exception, along with Democratic Senators Henson, Lester Jackson, Orrock, and Tate. Nay votes were from Senators Carter, Goggans, Judson Hill, Ligon, Jr., Shafer, Wilkinson, and Williams.

Amendment #2 offered by Senator Henson and seconded by Senator Orrock – The bill has no rape or incest exception. The proposed amendment would have added such an exception. **Amendment #2 failed 5-8**. Senators Grant, Henson, Lester Jackson, Orrock, and Tate were in favor of the exception. Nay votes were from Senators Carter, Goggans, Judson Hill, Ligon, Jr., Millar, Shafer, Wilkinson, and Williams.

<u>NOTE:</u> Senator Balfour arrived at 7:38 p.m.

Amendment #3 offered by Senator Tate and seconded by Senator Orrock – The proposed amendment would have deleted "to save the life of a child." **Amendment #3 failed 4-10**. Senators Henson, Lester Jackson, Orrock, and Tate were in favor of the amendment. Nay votes were from Senators Carter, Goggans, Balfour, Grant, Judson Hill, Ligon, Jr., Millar, Shafer, Wilkinson, and Williams.

Amendment #4 offered by Senator Orrock and seconded by Senator Lester Jackson. – The proposed amendment would change definitions to protect the life of the mother over the child. **Amendment #4 failed 4-10.** Senators Henson, Lester Jackson, Orrock, and Tate were in favor of the amendment. Nay votes were from Senators Carter, Goggans, Balfour, Grant, Judson Hill, Ligon, Jr., Millar, Shafer, Wilkinson, and Williams.

Amendment #5 offered by Senator Orrock and seconded by Senator Tate. – The proposed amendment would change it to allow abortions at 22 weeks instead of 20 weeks. **Amendment #5 failed 6-8.** Senators Grant, Henson, Lester Jackson, Millar, Orrock, and Tate were in favor of the amendment. Nay votes were from Senators Carter, Goggans, Balfour, Judson Hill, Ligon, Jr., Shafer, Wilkinson, and Williams.

> **NOTE:** Senator Lester Jackson moved that HB 954 be tabled, and Senator Nan Orrock seconded. The motion was not entertained by Chairman Unterman.

Senator Judson Hill moved that **HB 954 DO PASS BY SUBSTITUTE** and Senator Carter seconded. **The bill passed 9-5**. Senators Carter, Goggans, Balfour, Grant, Judson Hill, Ligon, Jr., Shafer, Wilkinson, and Williams were in favor of the bill. Nay votes were from Senators Henson, Lester Jackson, Millar, Orrock, and Tate.

HB 954 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Senator Tommie Williams
District 19
321 State Capitol
Atlanta, GA 30334

Committees:
Appropriations
Education and Youth
Health and Human Services
Reapportionment and Redistricting
Rules

The State Senate
Atlanta, Georgia 30334
PRESIDENT PRO TEMPORE

March 21, 2012

Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with Senate Rules, the Committee on Assignments has appointed Senator Cecil Staton to serve as an Ex-Officio Member for the Senate Health and Human Services Committee. This appointment shall expire upon the adjournment of the committee meeting. Please feel free to contact me if you have any questions or concerns on this matter.

Sincerely,

/s/ Tommie Williams
Senate President Pro Tempore

Minutes of the
Senate Health & Human Services Committee

March 21, 2012

A meeting of the Senate Health & Human Services Committee was held on March 21, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 2:19 p.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Grant of the 25th, Hill of the 32nd, Jackson of the 2nd, Ligon, Jr., of the 3rd, Orrock of the 36th, Shafer of the 48th, Tate of the 38th, Wilkinson of the 50th, and Williams of the 19th. Senator Staton of the 18th was appointed Ex-Officio for the day.

HB 1110 (Cooper, 41st) Health; penalties relative to owning or operating of unlicensed personal care homes; revise provisions

Chairman Cooper presented the bill and Senator Unterman will be the Senate sponsor. This legislation would give the Department of Community Health the authority to search for additional crimes in doing background checks of personal care home owners and employees. This legislation also authorized the Georgia Bureau of Investigation to investigate cases of elder abuse and abuse against disabled adults and revised provisions related to penalties for operating a personal care home without a license and other provisions of Georgia law related to elder and disabled adults. Many of this bill's provisions were at the request of the Department of Community Health. Often times, personal care homes operating without a license just disappeared after being caught, going largely unpunished. This bill strengthened the enforcement capabilities of the Department of Community Health in going after such entities.

Testimony in support of the legislation was given by Jesse Weathington from the Department of Community Health, and Melanie McNeil and Ann Williams from the Georgia Council on Aging. There was no opposing testimony.

Senator Williams moved that **HB 1110 DO PASS** and Senator Orrock seconded. The bill passed unanimously.

HB 1110 DO PASS

NOTE: Senator Lester Jackson left at 2:25 p.m.

HB 247 (Neal, 1st) Community Health, Dept. of; fingerprint and investigate emergency medical services personnel; require

Representative Neal presented the bill and Senator Mullis will be the Senate sponsor. This legislation would require a certified firefighter's certification to be revoked if the firefighter was convicted of a felony, and would revise criminal background check requirements for emergency medical services personnel. Representative Neal stated that he and Senator Jeff Mullis had been approached by a constituent regarding background checks for firefighters. Right now, local law enforcement does not have the authority to do background checks. The language in this bill would allow firefighters to get the same low cost background checks that the local EMS is able to get through law enforcement.

Senator Carter moved that **HB 247 DO PASS BY SUBSTITUTE** and Senator Judson Hill seconded. The bill passed unanimously.

HB 247 DO PASS BY SUBSTITUTE

NOTE: Senators Judson Hill & Williams left at 2:33 p.m.

HB 745 (Welch, 110th) Public Health, Dept. of; study pulse oximetry screening for newborns to detect congenital heart defects; require

Representative Welch presented the bill and Senator Jeffares will be the Senate sponsor. This legislation required the Department of Public Health to study whether pulse oximetry screening should be implemented as a standard test for newborns to detect congenital heart defects. The department would be required to submit the report of this study to the Senate and House Health and Human Services Committees. The committee discussed the fact that congenital heart disease was the leading cause of newborn deaths, and that this bill called for a study. This legislation does not mandate any new tests. Dr. Cyrus Samai, a pediatric cardiologist at Children's Healthcare of Atlanta, explained that pulse oximetry is a very simple test to administer; he calculated the cost to be $4 per infant screening after factoring in costs associated with follow-up testing. Senator Unterman requested that language be added to amend the legislation that would require the report be delivered to the Speaker and the Lieutenant Governor. This was unanimously agreed to by the committee and incorporated into a committee substitute. Testimony in support of the legislation was also given by Jessica Hatcher and Melissa Harvey, both mothers of children with congenital heart defects. There was no opposing testimony.

NOTE: Senators Grant, Lester Jackson, Tate, & Wilkinson arrived at 2:45 p.m.

Senator Orrock moved that **HB 745 DO PASS BY SUBSTITUTE** and Senator Grant seconded. The bill passed unanimously.

HB 745 DO PASS BY SUBSTITUTE

NOTE: Senators Balfour & Lester Jackson left at 2:58 p.m.

HB 822 (Lindsey, 54th) Georgia Taxpayer Protection False Claims Act; enact

Representative Lindsey presented the bill and Senator Ligon, Jr., will be the Senate sponsor. Michael Sullivan of Finch McCranie, LLP spoke in favor of the bill. This legislation established civil penalties for fraud against a state and local government, and would allow private persons to bring a civil action with the consent of the Attorney General against a person or entity for government fraud. This legislation would give the Attorney General the authority to intervene in such an action, and investigate alleged government fraud to bring a civil action. The Attorney General would also have the discretion to delegate the authority to investigate and to bring a civil action to a local government that had sustained damages because of such fraud. This bill also updates the State False Medicaid Claims Act. The committee discussed the fact that false claims laws have existed since the time of the Civil War and have been highly successful in recovering money fraudulently taken from the government. In 2008, Georgia passed the State False Medicaid Claims Act, which has been very successful. The state has spent $4 million to investigate and prosecute Medicaid fraud and has recouped $16 million. This bill applies similar provisions to battle fraud in other government programs and contracts. The damages provisions were consistent with other provisions of law.

Senator Goggans moved that **HB 822 DO PASS BY SUBSTITUTE** and Senator Carter seconded. The bill passed unanimously.

HB 822 DO PASS BY SUBSTITUTE

HB 972 (Weldon, 3rd) Georgia Pain Management Clinic Act; enact

Representative Weldon presented the bill and Senator Carter will be the Senate sponsor. This bill would require pain management clinics to be licensed by the Georgia Composite Medical Board, and provide certain requirements for the operation and ownership of pain management clinics. All pain management clinics would be required to be wholly owned by physicians licensed to practice in Georgia, and no person convicted of a felony would be allowed to have any ownership interest in a pain management clinic. Pain management clinics in existence on June 30, 2012, that are jointly owned by one or more physician assistants or advanced practice practical registered nurses and one or more physicians or clinics in existence as of December 1, 2012 that are not wholly owned by physicians would be exempt from the ownership requirements but subject to all other provisions related to pain management clinics. The board could establish minimum standards for continuing medical education for all physicians owning and all licensed health care professionals practicing in a pain management clinic, as well as minimum standards for licensed health care professionals employed in clinics and for clinic facilities. Any person who operates a pain management clinic in Georgia without a license would be guilty of a felony. In addition to the authority to license and regulate pain management clinics, this bill would give the board the authority to establish minimum standards for prescribing controlled substances for pain management and to accept funds, including funds from the disposition of forfeited property. The committee

discussed that a similar bill to this one had previously passed the Senate Regulated Industries Committee (SB 453), but HB 972 had a few minor differences which include the requirement that law enforcement pass on information to the Board about investigations into suspected pain clinic-related death and the bill's grandfather clauses. The grandfather clauses have been the subject of controversy. Under this bill, all clinics, except for those that were grandfathered in, would have to be entirely physician owned. Representative Weldon said this was necessary because unlicensed people owning such clinics can make enforcing the laws very difficult. An amendment was suggested that excluded skilled nursing facilities from the definition of pain management clinic. This amendment was unanimously agreed to and incorporated into a committee substitute.

Senator Carter moved that **HB 972 DO PASS BY SUBSTITUTE** and Senator Goggans seconded. The bill passed unanimously.

HB 972 DO PASS BY SUBSTITUTE

NOTE: Senators Ligon, Jr., & Williams arrived at 3:31 p.m. Senator Grant left at 3:31 p.m.

HB 1069 (Weldon, 3rd) Pharmacists and pharmacies; revise definition of security paper

Representative Weldon presented the bill and Senator Carter will be the Senate sponsor. This bill would provide that prescription pads or papers approved by the Centers for Medicare and Medicaid Services would qualify as security paper for purposes of Georgia law, and would authorize the Board of Pharmacy to register out-of-state pharmacies that mailed prescriptions into Georgia. This legislation also authorizes the Georgia Drug and Narcotics Agency to accept donations or grants of funds or property, including funds from the disposition of forfeited property, and clarified that pharmacists in Georgia could fill prescriptions written by out-of-state health care professionals. Rep. Weldon's original bill only addressed security paper, which were provisions meant to fix a problem raised by legislation passed last year. Senator Carter proposed an amendment that included the provisions of SB 380 which was passed by the Senate Health Committee and by the Senate as a whole earlier this Session. This amendment was unanimously agreed to and incorporated into a committee substitute. Senator Carter also wanted to add the language of Senator Bethel's vaccine bill, SB 288, which was stuck in House committee. However, Legislative Counsel ruled that the vaccine provisions would be a separate subject matter, and the Committee proceeded without that language added.

Senator Carter moved that **HB 1069 DO PASS BY SUBSTITUTE** and Senator Shafer seconded. The bill passed unanimously.

HB 1069 DO PASS BY SUBSTITUTE

NOTE: Senators Carter, Tate & Orrock left at 3:41 p.m.

HB 861 (Hardin, 28th) Law enforcement officers; report drug related arrests to Department of Human Services; require

Representative Harden presented the bill and Senator Albers will be the Senate sponsor. This bill requires most applicants for Temporary Assistance for Needy Families (TANF) to take a drug test as a condition to receiving benefits; TANF applicants not on Medicaid will be responsible for cost of the test but will be reimbursed for the cost if they test negative, while TANF applicants who are enrolled in Medicaid will pay a $17 fee for the test; Requires DHS to adopt rules related to drug tests, and if possible a swab test is to be used in lieu of urinalysis. All applicants must be drug tested no later than 48 hours after their application has been approved by DHS. TANF assistance may not be delayed because of this requirement, and any TANF payments made prior to a failed drug test are recoverable. A positive test will result in the following periods of ineligibility:

- For a first positive result, the applicant will be ineligible for benefits for one month and until he or she tests negative in a retest;
- For a second positive result, the applicant will be ineligible for benefits for three months and until he or she tests negative in a retest;
- For a third and for each subsequent positive result, the applicant will be ineligible for benefits for one year and until he or she tests negative in a retest. However, if the applicant successfully completes a substance abuse treatment program and passes a drug test, the applicant can reapply for benefits after six months.

NOTE: Senators Judson Hill & Staton arrived at 3:45 p.m.

For two parent families, only one parent must comply with drug testing requirements. If a parent is deemed ineligible for TANF as a result of failing a drug test, the eligibility of the parent's dependent child will not be affected, and an appropriate protective payee is to be designated. The following persons are exempt from drug testing requirements: Dependent children under the age of 18; anyone who DHS determines to be significantly hindered, because of a physical or mental handicap or developmental disability, from doing so; and any person enrolled in a Medicaid enhanced primary care case management program to serve frail elderly and disabled beneficiaries to improve health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services.

Drug testing results performed pursuant to these provisions are exempt from Georgia's Open Records law. Moreover, such results may not be used in a criminal investigation or prosecution, nor may they be used in a civil action or otherwise disclosed without the express written consent of the person tested or his or her heirs. Records of test results are to be destroyed after five years.

The Committee voted to replace all of the language of this bill with the language of Senator Albers' SB 292. Both bills deal with drug testing for TANF applicants, but Senator Albers' bill includes exemptions for certain populations and more leeway for applicants who fail a drug test but subsequently get clean, among other differences.

Senator Williams moved that **HB 861 DO PASS BY SUBSTITUTE** and Senator Judson Hill seconded. The bill passed unanimously.

HB 861 DO PASS BY SUBSTITUTE

There being no further business, the meeting was adjourned at 3:53 p.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

Senator Tommie Williams
District 19
321 State Capitol
Atlanta, GA 30334

Committees:
Appropriations
Education and Youth
Health and Human Services
Reapportionment and Redistricting
Rules

The State Senate
Atlanta, Georgia 30334
PRESIDENT PRO TEMPORE

March 26, 2012

Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Bob:

In accordance with Senate Rules, the Committee on Assignments has appointed Senator Chip Rogers to serve as an Ex-Officio Member for the Senate Health and Human Services Committee. This appointment shall expire upon the adjournment of the committee meeting. Please feel free to contact me if you have any questions or concerns on this matter.

Sincerely,

/s/ Tommie Williams
Senate President Pro Tempore

Minutes of the
Senate Health & Human Services Committee

March 26, 2012

A meeting of the Senate Health & Human Services Committee was held on March 26, 2012 in Room 450 of the Capitol. Chairman Unterman called the meeting to order at 9:58 a.m. Members present included Senators Carter of the 1st, Goggans of the 7th, Balfour of the 9th, Henson of the 41st, Millar of the 40th, and Williams of the 19th. Senator Rogers of the 21st was named Ex-Officio for the day.

SR 104 (Henson, 41st) ***Senate Crematoria Study Committee; create***

Sen. Henson presented the resolution. The resolution creates the Senate Crematoria Study Committee, to be composed of three Senators appointed by the President of the Senate. The committee is to study issues related to the increased demand for crematoriums, including the building of crematoriums outside of traditional funeral home settings, zoning and land use issues, and health and safety concerns.

Senator Millar moved that **SR 104 DO PASS BY SUBSTITUTE** and Senator Carter seconded. The resolution passed unanimously.

SR 104 DO PASS BY SUBSTITUTE

SR 828 (McKoon, 29th) ***Affordable Care Act; recognizing and condemning the effect on the American Catholic Church***

Chairman Unterman presented the resolution. The resolution recognizes and condemns the effect the Affordable Care Act will have on the American Catholic Church. The Affordable Care Act requires all health insurance plans to provide coverage for preventative services, and the U.S. Department of Health and Human Services has announced such mandatory preventative coverage will include all FDA-approved forms of contraception. Moreover, the Obama Administration has announced that the requirement to cover contraception will be enforced against religious employers, including services and schools run by the Catholic Church.

Senator Millar moved that **SR 828 DO PASS** and Senator Carter seconded. The resolution passed 7-1 (one nay vote from Senator Henson).

SR 828 DO PASS

SR 834 **(James, 35th)** ***Health and Wellness Initiatives; urge to raise public awareness on constituency health and wellness issues***

Chairman Unterman presented the resolution. The resolution urges health and wellness initiatives around this state to raise public awareness on constituency health and wellness issues.

Senator Millar moved that **SR 834 DO PASS** and Senator Carter seconded. The resolution passed unanimously.

SR 834 DO PASS

SR 979 **(Unterman, 45th)** ***Senate Aging Study Committee; create***

Chairman Unterman presented the resolution. The resolution creates the Senate Aging Study Committee, which will consist of five senators appointed by the President of the Senate. The committee will study issues related to Georgia's growing older adult population, including an examination of the work and funding of the Division of Aging Services and of the state's plans to meet the growing needs of this population.

Senator Millar moved that **SR 979 DO PASS** and Senator Carter seconded. The resolution passed unanimously.

SR 979 DO PASS

There being no further business, the meeting was adjourned at 10:02 a.m.

Respectfully submitted,

/s/ Senator Greg Goggans 7th, Secretary

/s/ Debra Charnote, Recording Secretary

April 11, 2012

Honorable Bob Ewing
Secretary of the Senate
State Capitol
Room 353
Atlanta, GA 30334

Dear Mr. Ewing:

Along with the minutes of the **Senate Health & Human Services Committee**, I am returning the following Bills and Resolutions:

SB 20	SB 111	SB 375	SB 504	SR 231
SB 22	SB 180	SB 417	SB 517	SR 524
SB 23	SB 196	SB 425	SB 540	HB 470
SB 24	SB 215	SB 455	SR 19	
SB 25	SB 282	SB 467	SR 54	

Respectfully submitted,

/s/ Debra Charnote
Recording Secretary
Senate Health & Human Services Committee