

Georgia Legislative Update — Telehealth and Other Health Care Developments

During the recently concluded 2021 legislative session, the Georgia General Assembly passed a number of health care-related bills that will affect providers across the state. Below is a summary of the updated Telehealth Act along with additional relevant legislation.

[Georgia Telehealth Act](#)

The Georgia Telehealth Act (the Act) was created in 2019 to widen the availability of telehealth services to Georgia residents. In light of the ongoing shift to telehealth services as a result of the COVID-19 pandemic, the Georgia General Assembly has amended the Act as follows:

- Authorize health care providers to provide telehealth services from home;
- Authorize patients to receive these services from home, work, or school;
- Approve audio-only care in certain circumstances (e.g., cellphone visits for non-emergency consultations with a provider);
- Prohibit the need for in-person consultation before receiving telehealth services;
- Eliminate the requirement that a specific platform be must be used for telehealth; and
- Ban separate deductibles for telehealth services.

As you can see, these changes further remove the barriers to receiving telehealth in Georgia and demonstrate an understanding by the Georgia Assembly that the push for telehealth will continue to grow as time progresses. To this end, we would not be surprised to see additional expansions to the Act in future legislative sessions.

In addition to the new telehealth update, the bills below are some other recent legislation pertaining to the health care industry.

[H.B. 454: Changes to in-network health care providers](#)

H.B. 454 requires health insurance plans to cover services as if they are in-network, even if the provider moves out-of-network after the health plan year has begun for the consumer. Depending on which comes first, this lasts either 180 days or at the end of a plan year.

[H.B. 46: Expanding vaccine administration](#)

H.B. 46 allows EMTs and cardiac technicians to administer vaccines during public health emergencies. This only applies to the administration of vaccines for an illness of which the public health emergency has been declared.

[H.B. 112: COVID-19 liability protection](#)

H.B. 112 extends the COVID-19 Recovery Act that Governor Bryan Kemp signed into law on August 17, 2020. This bill will extend the COVID-19 liability protection for an additional year.

S.B. 43: The Noncovered Eye Care Services Act

S.B. 43 prevents insurers from requiring optometrists or ophthalmologists to accept a certain amount for services not covered by a patient's eye care plan as a condition to join or participate in its provider network. This is designed to prevent unfair methods of competition and trade practices.

S.B. 4: Patient brokering in rehabilitation facilities

S.B. 4 is intended to outlaw patient brokering. Patient brokering is a method used by some rehabilitation facilities in which they pay a third party to secure patients for them. This bill also prohibits high-tech drug testing, which results in grossly overcharging patients for drug tests.

S.B. 271: Medical Board background checks

S.B. 271 allows the Georgia Composite Medical Board to conduct criminal background checks and fingerprinting on applicants.

H.B. 34: Speech-language pathologist's licensure

H.B. 34 created a licensure and telemedicine compact for audiologists and speech-language pathologists in Georgia.

S.B. 5: Sedation procedure protections

S.B. 5 will provide further regulation and patient protection for patients who undergo procedures involving sedation in dental offices or medispas.

H.B. 509: Changes in provisions relative to group or blanket accident and sickness insurance

H.B. 509 will require certain insurers in Georgia to make at least one reasonably priced comprehensive medical insurance policy available if the federal Patient Protection and Affordable Care Act is repealed or invalidated.

S.B. 80: Prior authorization process

S.B. 80 will improve the prior authorization process by making insurers and pharmacy benefit managers (PBMs) more transparent. This will include requiring that insurers make any requirements or restrictions for prior authorizations available on its website to the general public. In addition, the bill sets expedited time tables and guidelines for prior authorization that will ease the timing burdens on patients and providers.

H.B. 93: Licensure requires for clinical laboratories

H.B. 93 will relax the laws surrounding licensure and regulation of clinical laboratories. This includes eliminating state inspections and eliminating duplicative state licensure and regulation of clinical laboratories.

Our Chambliss team continues to monitor health care developments and other legal impacts of the COVID-19 pandemic. Please contact [Doug Griswold](#) or your relationship attorney if you have any questions or need additional information.