

House Bill 646 (COMMITTEE SUBSTITUTE)

By: Representatives Dempsey of the 13th, Hatchett of the 150th, Newton of the 123rd, Cooper of the 43rd, and Jones of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Community Health, so as to reinstate a pilot program to provide coverage for
3 bariatric surgical procedures for the treatment and management of obesity and related
4 conditions; to provide for automatic repeal; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department
9 of Community Health, is amended by revising Code Section 31-2-12, relating to a pilot
10 program to provide coverage for bariatric surgical procedures for treatment of obesity and
11 related conditions, definitions, eligibility, requirements, and an evaluation report, as follows:

12 "31-2-12.

13 (a) As used in this Code section, the term 'state health insurance plan' means:

14 (1) The state employees' health insurance plan established pursuant to Article 1 of
15 Chapter 18 of Title 45;

16 (2) The health insurance plan for public school teachers established pursuant to Subpart
17 2 of Part 6 of Article 17 of Chapter 2 of Title 20; and

18 (3) The health insurance plan for public school employees established pursuant to
19 Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20.

20 (b) ~~Beginning January 1, 2016, the~~ The department shall conduct a ~~two-year~~ three-year
21 pilot program beginning January 1, 2019, to provide coverage for the treatment and
22 management of obesity and related conditions under a state health insurance plan. The
23 department shall be authorized to enter into an agreement with a postsecondary institution
24 in this state for pilot program management, data collection, patient engagement, and other
25 activities related to the pilot program. The pilot program will provide benefits for

26 medically necessary bariatric procedures for participants selected for inclusion in the pilot
27 program.

28 (c) Participation in the pilot program shall be limited to no more than ~~75~~ 100 individuals
29 per year, to be selected in a manner determined by the department. Any person who has
30 elected coverage under a state health insurance plan shall be eligible to be selected to
31 participate in the pilot program in accordance with criteria established by the department
32 which shall include, but not be limited to:

- 33 (1) Participation in a state health insurance plan for at least 12 months;
- 34 (2) Completion of a health risk assessment through a state health insurance plan;
- 35 (3) A body mass index of:
 - 36 (A) Greater than 40; or
 - 37 (B) Greater than 35 with one or more ~~co-morbidities~~ comorbidities such as diabetes,
38 hypertension, ~~gastro-esophageal~~ gastroesophageal reflux disease, sleep apnea, or
39 asthma;
- 40 (4) Consent to provide personal and medical information to a state health insurance plan;
- 41 (5) Non-tobacco user;
- 42 (6) No other primary group health coverage or primary coverage with Medicare; and
- 43 (7) Must have been covered under a state health insurance plan for two years
44 immediately prior to the pilot program and must express an intent to continue coverage
45 under such state health insurance plan for two years following the approved surgical
46 procedure date.

47 (d) Eligible individuals must apply to participate in the pilot program. The individual and
48 his or her physician shall complete and submit an obesity treatment program application
49 to the department no later than February 1 for each year of the pilot program. The
50 department's contracted health insurance carrier shall review the criteria contained in
51 subsection (c) of this Code section to determine qualified applicants for the pilot program.

52 (e) The selected participants shall be eligible to receive a ~~multi-disciplinary~~
53 multidisciplinary health evaluation at a facility located within the State of Georgia which
54 is designated by the American Society for Metabolic and Bariatric Surgery as a Bariatric
55 Surgery Center of Excellence. The bariatric surgical procedures covered in the pilot
56 program are:

- 57 (1) Gastric band;
- 58 (2) Laparoscopic sleeve gastrectomy; and
- 59 (3) ~~Roux-en-Y~~ Roux-en-Y gastric bypass.

60 The participants shall use the department's contracted health insurance carrier to enroll in
61 a case management program and to receive prior authorization for a surgical procedure
62 provided pursuant to the pilot program. The health insurance carrier shall provide case

63 management and patient follow-up services. Benefits for a bariatric surgical procedure
 64 under the pilot program shall be provided only when the surgical procedure is performed
 65 at a Center of Excellence within the State of Georgia.

66 (f) All health care services provided pursuant to the pilot program shall be subject to the
 67 health insurance carrier's plan of benefits and policy provisions. Complications that arise
 68 after the discharge date are subject to the health insurance carrier's plan of benefits and
 69 policy provisions.

70 (g) Participants must agree to comply with any and all terms and conditions of the pilot
 71 program including, but not limited to, participation and reporting requirements.
 72 Participation requirements shall include a 12 month postsurgery case management
 73 program. Each participant must also agree to comply with any and all requests by the
 74 department for postsurgical medical and productivity information, and such agreement
 75 shall survive his or her participation in a state health insurance plan.

76 (h) A panel shall review the results and outcomes of the pilot program beginning six
 77 months after program initiation and shall conduct subsequent reviews every six months for
 78 the remainder of the pilot program. The panel shall be composed of the following
 79 members, appointed by the Governor:

- 80 (1) A representative of a state health insurance plan;
- 81 (2) A representative of the state contracted health insurance carrier or carriers providing
 82 coverage under the pilot program; and
- 83 (3) At least two physicians who carry a certification by the American Society for
 84 Metabolic and Bariatric Surgery.

85 (i) The department shall provide a final report by ~~December 15 of the last year of the pilot~~
 86 ~~program~~ June 30, 2022, to the chairpersons of the House Committee on Health and Human
 87 Services, the Senate Health and Human Services Committee, the House Committee on
 88 Appropriations, and the Senate Appropriations Committee. The report shall include, at a
 89 minimum:

- 90 (1) Whether patients in the pilot program have experienced:
 - 91 (A) A reduction in body mass index, and if so, the average amount of reduction; or
 - 92 (B) The reduction or elimination of ~~co-morbidities~~ comorbidities, and if so, which
 93 ~~co-morbidities~~ comorbidities were reduced or eliminated;
- 94 (2) The total number of individuals who applied to participate in the pilot program;
- 95 (3) The total number of participants who enrolled in the pilot program;
- 96 (4) The average cost of each procedure conducted under the pilot program, including
 97 gastric band, laparoscopic sleeve gastrectomy, and ~~Roux-en-Y~~ Roux-en-Y gastric bypass;

- 98 (5) The total cost of each participant's annual health care costs prior to the surgical
99 procedure and for each of the subsequent post-procedure years for the three years
100 following the surgical procedure; and
- 101 (6) The percentage of participants still employed by the state 12 months following the
102 surgical procedure and 24 months following the surgical procedure, ~~respectively~~.
- 103 (j) This Code section shall stand repealed on ~~December 31, 2018~~ June 30, 2022."

104

SECTION 2.

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