

House Bill 160

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

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 under the state health insurance plan; to provide for definitions; to provide for
5 eligibility, requirements, and evaluation report for the four-year pilot program; to provide for
6 automatic repeal; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department
11 of Community Health, is amended by adding a new Code section to read 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) The department shall conduct a four-year pilot program beginning January 1, 2020, to
21 provide coverage for the treatment and management of obesity and related conditions under
22 a state health insurance plan. The department shall be authorized to enter into an
23 agreement with a postsecondary institution in this state for pilot program management, data
24 collection, patient engagement, and other activities related to the pilot program. The pilot
25 program will provide benefits for medically necessary bariatric procedures for participants
26 selected for inclusion in the pilot program.

27 (c) Participation in the pilot program shall be limited to no more than 250 individuals per
28 year, to be selected in a manner determined by the department. Any person who has
29 elected coverage under a state health insurance plan shall be eligible to be selected to
30 participate in the pilot program in accordance with criteria established by the department
31 which shall include, but not be limited to:

- 32 (1) Participating in a state health insurance plan for at least 12 months;
33 (2) Completing a health risk assessment through a state health insurance plan;
34 (3) Having a body mass index of:
35 (A) Greater than 40; or
36 (B) Greater than 35 with one or more comorbidities such as diabetes, hypertension,
37 gastroesophageal reflux disease, sleep apnea, or asthma;
38 (4) Consenting to provide personal and medical information to a state health insurance
39 plan;
40 (5) Being a non-tobacco user;
41 (6) Having no other primary group health coverage or primary coverage with Medicare;
42 and
43 (7) Having been covered under a state health insurance plan for two years immediately
44 prior to the pilot program and expressing an intent to continue coverage under such
45 insurance plan for two years following the approved surgical procedure date.

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

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

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

58 The participants shall use the department's contracted health insurance carrier to enroll in
59 a case management program and to receive prior authorization for a surgical procedure
60 provided pursuant to the pilot program. The health insurance carrier shall provide case
61 management and patient follow-up services. Benefits for a bariatric surgical procedure
62 under the pilot program shall be provided only when the surgical procedure is performed
63 at a Center of Excellence within the State of Georgia.

- 64 (f) All health care services provided pursuant to the pilot program shall be subject to the
65 health insurance carrier's plan of benefits and policy provisions. Complications that arise
66 after the discharge date are subject to the health insurance carrier's plan of benefits and
67 policy provisions.
- 68 (g) Participants must agree to comply with any and all terms and conditions of the pilot
69 program including, but not limited to, participation and reporting requirements.
70 Participation requirements shall include a 12 month postsurgery case management
71 program. Each participant must also agree to comply with any and all requests by the
72 department for postsurgical medical and productivity information, and such agreement
73 shall survive his or her participation in a state health insurance plan.
- 74 (h) A panel shall review the results and outcomes of the pilot program beginning six
75 months after program initiation and shall conduct subsequent reviews every six months for
76 the remainder of the pilot program. The panel shall be composed of the following
77 members, appointed by the Governor:
- 78 (1) A representative of a state health insurance plan;
79 (2) A representative of the state contracted health insurance carrier or carriers providing
80 coverage under the pilot program; and
- 81 (3) At least two physicians who carry a certification by the American Society for
82 Metabolic and Bariatric Surgery.
- 83 (i) The department shall provide a final report by June 30, 2024, to the chairpersons of the
84 House Committee on Health and Human Services, the Senate Health and Human Services
85 Committee, the House Committee on Appropriations, and the Senate Appropriations
86 Committee. The report shall include, at a minimum:
- 87 (1) Whether patients in the pilot program have experienced:
88 (A) A reduction in body mass index, and if so, the average amount of reduction; or
89 (B) The reduction or elimination of comorbidities, and if so, which comorbidities were
90 reduced or eliminated;
- 91 (2) The total number of individuals who applied to participate in the pilot program;
92 (3) The total number of participants who enrolled in the pilot program;
93 (4) The average cost of each procedure conducted under the pilot program, including
94 gastric band, laparoscopic sleeve gastrectomy, and Roux-en-Y gastric bypass;
95 (5) The total cost of each participant's annual health care costs prior to the surgical
96 procedure and for each of the subsequent post-procedure years for the three years
97 following the surgical procedure; and
- 98 (6) The percentage of participants still employed by the state 12 months following the
99 surgical procedure and 24 months following the surgical procedure.
- 100 (j) This Code section shall stand repealed on June 30, 2024."

101

SECTION 2.

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