

Spotlight on State: Georgia

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Georgia has made significant strides in legislative efforts to promote healthcare price transparency in recent sessions. The state enacted legislation in 2020 that lays the groundwork for an all-payer claims database (APCD). The law establishes an APCD advisory committee, funding for the APCD, design criteria, operation, and noncompliance penalties. The legislature also passed legislation prohibiting surprise and balance billing for both emergency and non-emergency services, making it one of the states with the most robust protections against surprise billing. Additionally, the Georgia Right to Shop Act requires insurance companies to create a webpage or toll-free phone number where patients can view the average amount for particular services, estimate out-pocket-costs, and access various quality metrics.

Georgia also recognizes the importance of telehealth as a tool to improve health care access, even before the COVID-19 pandemic. The state passed laws to require coverage parity, reimbursement parity, and cost-sharing parity in telehealth services. However, Georgia has also recently used an ACA waiver to flout federal law and to eliminate the state's health insurance marketplace.

In antitrust regulation, the state has some legislation to prevent anticompetitive practices in healthcare markets. Notably, Georgia law prohibits most-favored nation clauses in contracts between providers and insurers and the use of non-compete provisions in physician contracts. In terms of merger review authority, Georgia law requires transacting entities to notify the attorney general of transactions involving a nonprofit hospital. While explicit approval from the AG is not mandated, the AG must hold a public hearing to solicit public opinions. Under the Certificate of Need (CON) program, healthcare entities must obtain a CON for certain expansions of services.

In 2011, the FTC and Georgia AG challenged [Phoebe Putney Health System's](#) proposed acquisition of rival Palmyra Park Hospital from the Hospital Authority of Albany-Dougherty County (HCA). The case went all the way to the U.S. Supreme Court after the lower courts held that the transaction was immune from antitrust scrutiny under the state-action immunity doctrine. The Supreme Court reversed, finding that Georgia did not meet the two-prong state-action immunity test instated by the Court. The FTC ultimately reached a consent decree with Phoebe Putney concerning the acquisition, imposing various antitrust restrictions.