

House Bill 47

By: Representatives Ramsey of the 72nd, Meadows of the 5th, Maxwell of the 17th, Sheldon of the 105th, Peake of the 137th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual health insurance coverage, so as to authorize insurers to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states; to provide for legislative findings; to provide for a definition; to provide for minimum standards for such policies; to provide for certain notices; to authorize the Commissioner of Insurance to adopt rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual health insurance coverage, is amended by adding a new article to read as follows:

"ARTICLE 3

33-29A-30.

The General Assembly recognizes the high level of uninsured individuals in this state and the need for individuals or other purchasers of health insurance coverage in this state to have the opportunity to choose health insurance plans that are more affordable and flexible than existing market policies offering accident and sickness insurance coverage. Therefore, the General Assembly seeks to increase the availability of health insurance coverage by allowing insurers authorized to transact insurance in other states to issue individual accident and sickness policies in Georgia.

33-29A-31.

For purposes of this article, the term 'individual accident and sickness insurance policy' means any policy insuring against loss resulting from sickness or from bodily injury or

death by accident, or both, or any contract to furnish ambulance service in the future but does not include limited benefit insurance policies exempted from the definition of the term 'health benefit policy' in paragraph (1.1) of Code Section 33-1-2.

33-29A-32.

The Commissioner shall approve for sale in Georgia any individual accident and sickness insurance policy that has been approved for issuance in another state where the insurer is authorized to transact insurance so long as the insurer's affiliate or subsidiary is also authorized to transact insurance in this state pursuant to Chapter 3 of this title and provided that any such policy meets the requirements set forth in this article. Additionally, any insurer authorized to transact insurance in this state can offer an individual accident and sickness insurance policy with benefits equivalent to those in any policy approved for sale in Georgia under this article, provided that any such offered policy meets the requirements set forth in this article.

33-29A-33.

(a) Any insurer selling an insurance policy pursuant to this article, and any policy approved pursuant to this article, shall satisfy actuarial standards set forth by the National Association of Insurance Commissioners (NAIC) and any regulation promulgated by the Commissioner that is not inconsistent with such NAIC standards. Any insurer selling an insurance policy pursuant to this article, and any policy approved pursuant to this article, shall, except as otherwise provided in this article, comply with the requirements of this title and the regulations promulgated by the Commissioner.

(b) The Commissioner shall have the authority to determine whether any policy sold pursuant to this article satisfies the requirements set forth in this Code section in the same manner as he or she does with an individual accident and sickness insurance policy approved pursuant to another applicable chapter in this title.

(c) Any policy sold pursuant to this article shall comply with paragraph (3) of subsection (c) of Code Section 9-9-2 and shall not require the insured or his or her beneficiary to arbitrate disputes arising under the policy.

33-29A-34.

(a) Each written application for a policy sold pursuant to this article shall contain the following language in boldface type at the beginning of the document:

'The benefits of this policy may primarily be governed by the laws of a state other than Georgia; therefore, all of the laws applicable to policies filed in this state may not apply to this policy. Any purchase of individual health insurance should be considered

carefully since future medical conditions may make it impossible to qualify for another individual health insurance policy.'

(b) Each policy sold pursuant to this article shall contain the following language in boldface type at the beginning of the document:

'The benefits of this policy providing your coverage may be governed primarily by the laws of a state other than Georgia. The benefits covered may be different from other policies you can purchase. Please consult your insurance agent or insurer to determine which health benefits are covered under this policy.'

33-29A-35.

(a) The Commissioner shall adopt rules and regulations necessary to implement this article, which shall include, but shall not be limited to, standard forms for the disclosure of benefits.

(b) Any dispute resolution mechanism or provision for notice and hearing in this title shall apply to insurers issuing and delivering policies pursuant to this article."

SECTION 2.

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