

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

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 **"ARTICLE 3**

13 33-29A-30.

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

21 33-29A-31.

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

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

27 33-29A-32.

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

37 33-29A-33.

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

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

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

52 33-29A-34.

53 (a) Each written application for a policy sold pursuant to this article shall contain the
54 following language in boldface type at the beginning of the document:
55 'The benefits of this policy may primarily be governed by the laws of a state other than
56 Georgia; therefore, all of the laws applicable to policies filed in this state may not apply
57 to this policy. Any purchase of individual health insurance should be considered

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

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

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

66 33-29A-35.

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

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

72 **SECTION 2.**

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