

House Bill 47 (AS PASSED HOUSE AND SENATE)

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 Georgia to issue individual accident
20 and sickness policies in Georgia that is currently approved for issuance in another state.

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. The term 'individual
27 accident and sickness insurance policy' shall also include comprehensive major medical
28 coverage for medical and surgical benefits, and also includes 'High Deductible Health
29 Plans' sold or maintained under the applicable provisions of Section 223 of the Internal
30 Revenue Code.

31 33-29A-32.

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

42 33-29A-33.

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

50 (b) The Commissioner shall have the authority to determine whether an insurer satisfies
51 the standards required by this Code section and may not approve a plan that he or she finds
52 lacks compliance with this Code section. The Commissioner shall have the authority to
53 determine whether the plan sold pursuant to this article continues to satisfy the
54 requirements set forth in this Code section in the same manner as he or she does with an
55 individual accident and sickness insurance policy approved pursuant to another applicable
56 chapter in this title.

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

60 33-29A-34.

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

63 'The benefits of this policy may primarily be governed by the laws of a state other than
 64 Georgia; therefore, all of the laws applicable to policies filed in this state may not apply
 65 to this policy. Any purchase of individual health insurance should be considered
 66 carefully since future medical conditions may make it impossible to qualify for another
 67 individual health insurance policy.'

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

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

74 (c) Each individual accident and sickness policy sold pursuant to this article shall contain
 75 a side-by-side chart that compares the definitions of each benefit covered by the policy that
 76 has been sold in the other state with the definitions of the benefits covered under current
 77 Georgia laws and regulations where the specified benefit is similarly termed but defined
 78 differently.

79 33-29A-35.

80 (a) The Commissioner shall adopt rules and regulations necessary to implement this
 81 article, which shall include, but shall not be limited to, standard forms for the disclosure
 82 of benefits, and preserve the intent and effect of Code Sections 33-24-27.1, 33-24-27,
 83 31-24-59.12, and 33-29-6(c).

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

86 **SECTION 2.**

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