

WITHDRAWN

1 Senator Seabaugh of the 28th offered the following amendment:

2 Amend the Senate Insurance and Labor Committee substitute to HB 1100 by inserting after
3 "definitions;" in line 3 on page 1 the following:

4 "to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as
5 to enact the 'Georgia Consumer Choice of Benefits Health Insurance Plan Act'; to provide
6 a short title; to provide for legislative intent; to provide definitions; to provide that Georgia
7 Consumer Choice of Benefits Health Insurance Plan policies or contracts not subject to
8 state mandated health benefits may be offered by insurers to group or individual
9 policyholders; to provide exceptions;".

10 By redesignating Section 2 as Section 3 and inserting after line 6 on page 2 the following:

11 **"SECTION 2.**

12 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
13 adding a new Chapter 59 to read as follows:

14 **'CHAPTER 59**

15 33-59-1.

16 This chapter may be known and may be cited as the "Georgia Consumer Choice of Benefits
17 Health Insurance Plan Act."

18 33-59-2.

19 The General Assembly recognizes the need for employers and individuals in this state to
20 have the opportunity to choose group and individual health insurance plans that are more
21 affordable and flexible than standard market policies of accident and sickness insurance
22 and the need to increase the availability of health insurance coverage by authorizing the
23 transaction of this type of plan or policy by accident and sickness insurers licensed to
24 transact business in this state. This chapter shall in no way prevent insurers from offering
25 any coverages that are offered or mandated under this title; provided, however, that, on and
26 after July 1, 2002, it is explicitly intended that employers or individuals may choose
27 pursuant to this chapter new health insurance plans offered by insurers that may exclude
28 in whole or in part state mandated health benefits.

1 33-59-3.

2 As used in this chapter, the term:

3 (1) "Group" means any employer group of 100 employees or less.

4 (2) "Health benefits plan" means the Georgia Consumer Choice of Benefits Health
5 Insurance Plan.

6 (3) "Insurer" means any insurer or nonprofit organization authorized to sell accident and
7 sickness policies, subscriber contracts, certificates, or agreements of any form under
8 Chapters 15, 18, 19, 20, 21, 29, and 30 of this title.

9 (4)(A) "State mandated health benefits" means coverages for health care services or
10 benefits, required by state law or state regulations, requiring the reimbursement or
11 utilization related to specific health illnesses, injuries, or conditions of the covered
12 person, or inclusion of a specific category of licensed health care practitioner to be
13 provided to the covered person in an individual, blanket, or group policy or contract for
14 a health related condition of a covered person.

15 (B) "State mandated health benefits" does not mean standard provisions or rights
16 required to be present in an individual, blanket, or group policy or contract for accident
17 and sickness insurance pursuant to state law or regulations unrelated to specific health
18 illnesses, injuries, or conditions of the insured, including, but not limited to, those
19 related to continuation of coverage in Code Section 33-24-21.1, Code Section
20 33-24-21.2, paragraph (4) of Code Section 33-30-4, and paragraph (8) of subsection (b)
21 of Code Section 33-30-6; entitlement to conversion privileges in Code Section
22 33-24-21.1; termination of coverage in Code Sections 33-24-21 and 33-24-28; or
23 coverage of newly born or adopted children in Code Section 33-24-22.

24 33-59-4.

25 Notwithstanding any other provision of this title and from and after July 1, 2002:

26 (1) Any insurer authorized to transact business in this state shall be authorized to offer
27 through a licensed agent or agency, as an option, one or more group health benefit plans
28 which, either in whole or in part, do not provide state mandated health benefits; and

29 (2) Any insurer authorized to transact business in this state shall be authorized to offer
30 through a licensed agent or agency, as an option, one or more individual health benefit
31 plans which, either in whole or in part, do not provide state mandated health benefits.

32 33-59-5.

33 In each sale of accident and sickness policies or contracts in which the proposed group or
34 individual policyholder has chosen a health benefits plan which, either in whole or in part,
35 does not provide state mandated health benefits, the insurer shall:

1 (1) Provide to the proposed group or individual policyholder a written notice at the
2 beginning of the written application for the health benefits plan the following language
3 in bold type:

4 "You have the option to choose this Consumer Choice of Benefits Health Insurance
5 Plan which, either in whole or in part, does not provide state mandated health benefits
6 normally required in accident and sickness insurance policies in Georgia. This health
7 benefits plan may provide a more affordable health insurance policy for you, although,
8 at the same time, it may provide you with fewer health benefits than those normally
9 included as state mandated health benefits in policies in Georgia. If you choose this
10 option, please consult with your insurance agent to discover which state mandated
11 health benefits are excluded in this policy.";

12 (2) Provide a form to be signed by the proposed group or individual policyholder
13 acknowledging that the health benefits plan being purchased by the group or individual
14 policyholder does not provide the state mandated health benefits listed on the form; and

15 (3) Maintain the signed acknowledgment forms to provide information as may be needed
16 by the Commissioner of Insurance.

17 33-59-6.

18 The Commissioner of Insurance may promulgate rules and regulations as necessary to
19 implement the provisions of this chapter."