

House Bill 638 (AS PASSED HOUSE AND SENATE)

By: Representatives Channell of the 77th, Shaw of the 143rd, Parrish of the 102nd, Purcell of the 122nd, Greene of the 134th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to
2 employees' insurance and benefits plans, so as to include employees of federally qualified
3 health centers in the state health insurance plan; to provide for a report on the fiscal condition
4 of the state employees' health insurance plan; to provide that the Board of Community
5 Health is authorized to contract with the community service boards for the inclusion in such
6 plan of any person who retires as an employee of a community service board with at least ten
7 years of actual service and after attaining the age of 60 years, or after 30 years of actual
8 service to a community service board regardless of age; to provide for employer and
9 employee contributions; to include public employees of critical access hospital authorities
10 and of federally qualified health centers in certain state benefits plans; to provide for related
11 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees'
15 insurance and benefits plans, is amended by striking Code Section 45-18-7.7, relating to
16 employees and dependents of critical access hospitals in health plans, and inserting in its
17 place the following:

18 "45-18-7.7.

19 The board is authorized to contract with any public or nonprofit critical access hospital or
20 federally qualified health center that meets such requirements as the department may
21 establish for the inclusion of the employees and dependents of such critical access hospitals
22 or federally qualified health centers in any health plan established under this article. It shall
23 be the duty of such critical access hospital or federally qualified health center to deduct
24 from the salary or other remuneration or otherwise collect such payment from its qualified
25 employees as may be required under the board's regulations. In addition, it shall be the

1 duty of such critical access hospital or federally qualified health center to make the
2 employer contributions required for the operation of such plan."

3 **SECTION 1A.**

4 Said chapter is further amended by inserting immediately following Code Section 45-18-7.7,
5 relating to employees and dependents of critical access hospitals in health plans, a new Code
6 section to read as follows:

7 "45-18-7.8.

8 The board is authorized to contract for the continuation of coverage in any health insurance
9 plan established under this article for their employees and their eligible dependents with
10 the community service boards created by Chapter 2 of Title 37 for the inclusion of
11 employees who retire on or after July 1, 2003, with at least ten years of actual service to
12 a community service board after having attained the age of 60 years, or after 30 years of
13 actual service to a community service board regardless of age, and the spouses and
14 dependent children of such employees, as defined by the regulations of the board, in any
15 health insurance plan or plans established under this article. It shall be the duty of each
16 community service board to collect such payment from its qualified retired employees or
17 dependents as may be required under the board's regulations. In addition, it shall be the
18 duty of each community service board to make the employer contributions required for the
19 operation of such plan or plans; provided, however, that each community service board
20 shall be liable for the entire amount due without regard to whether it has received the
21 employee's share."

22 **SECTION 1B.**

23 Said chapter is further amended by adding following Code Section 45-18-19, relating to
24 confidentiality of claim forms and records, a new Code section to read as follows:

25 "45-18-20.

26 The commissioner shall provide to the Governor, the Lieutenant Governor, the Speaker of
27 the House of Representatives, and the chairpersons of the appropriations committees of the
28 Senate and the House of Representatives by February 1 of each year a status report on the
29 fiscal condition of the state employees' health insurance plan, and by March 1 of each year,
30 the proposed schedule of premiums, deductibles, and employee cost sharing for the next
31 open enrollment period."

1 Point Inspection Service; the Georgia Firefighters' Pension Fund; any person who works
 2 full time for any critical access hospital authority or federally qualified health center; a
 3 member of any local board of education; and public ~~schoolteachers~~ school teachers and
 4 public school employees as defined in Code Sections 20-2-880 and 20-2-910, exclusive
 5 of the members, employees, and officials of the Board of Regents of the University
 6 System of Georgia."

7 SECTION 4.

8 Said chapter is further amended by striking subsection (a) of Code Section 45-18-52, relating
 9 to establishment of flexible employee benefit plans, and inserting in its place the following:

10 "(a) The council is authorized to establish a flexible employee benefit plan for employees
 11 of the state, ~~and public schoolteachers~~ school teachers, ~~and public school employees,~~ and
 12 public employees of any critical access hospital authority or federally qualified health
 13 center and to promulgate rules and regulations for its administration, subject to the
 14 limitations contained in this article and in Articles 1 and 2 of this chapter. The flexible
 15 employee benefit plan may provide for deductions or salary reductions for group life
 16 insurance, group property and casualty insurance, disability insurance, supplemental health
 17 and accident insurance, health care or dependent care spending accounts as authorized
 18 under Section 125 of the United States Internal Revenue Code of 1986, other types of
 19 employee welfare benefits, or for salary reductions for health premiums under Article 1 of
 20 this chapter and Code Sections 20-2-880 and 20-2-910. The council may establish rating
 21 categories for disability insurance based on eligibility for coverage by the disability
 22 program of the Social Security Administration. At the council's discretion, any of the
 23 insurance or other type of employee welfare benefits authorized by this Code section may
 24 be operated as a self-insured plan in whole or in part or by contract with any company
 25 authorized to transact such business in this state. Except as provided in Code Section
 26 45-18-30, Code Sections 20-2-880 and 20-2-910, and as implemented prior to January 1,
 27 1986, the council is authorized to establish the plan or plans in connection with plans
 28 authorized by the United States Internal Revenue Code for the purpose of income tax
 29 advantage."

30 SECTION 5.

31 This Act shall become effective upon its approval by the Governor or upon its becoming law
 32 without such approval.

33 SECTION 6.

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