

House Bill 214

By: Representatives Franklin of the 43<sup>rd</sup>, Ralston of the 7<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Cooper of the 41<sup>st</sup>, Miller of the 106<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to crimes involving theft, so as to define and establish the crime of theft by  
3 conversion of health care benefits; to provide that a person commits such crime when he or  
4 she converts to his or her own use certain health insurance benefits or other similar benefits  
5 in violation of a written assignment of such benefits to a health care provider; to provide for  
6 punishment; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to  
10 crimes involving theft, is amended by adding immediately after Code Section 16-8-4 a new  
11 Code Section 16-8-4.1 to read as follows:

12 "16-8-4.1.

13 (a) Where an insured or a person covered as a dependent of the insured has in writing  
14 assigned health insurance benefits or other similar benefits to a health care provider for the  
15 cost of health care services provided by the health care provider, the insured and his or her  
16 insured dependents shall have the status of fiduciaries with respect to any assigned benefits  
17 received by them.

18 (b) A person commits the offense of theft by conversion of health care benefits when:

19 (1) Such person or a person insured as a dependent of such person has executed a written  
20 assignment of health care benefits in which:

21 (A) Health insurance benefits or other similar benefits payable to such person for the  
22 cost of health care services provided by a health care provider were assigned to the  
23 health care provider;

24 (B) The person executing the assignment agreed to promptly forward to the health care  
25 provider health insurance benefits or other similar benefits received for the cost of the  
26 health care services provided by the health care provider; and

1 (C) There was included a prominently displayed statement in substantially the  
2 following form:

3 I UNDERSTAND THAT I AGREE TO TRANSFER TO (NAME OF HEALTH  
4 CARE PROVIDER) ANY INSURANCE BENEFITS OR OTHER SIMILAR  
5 BENEFITS RECEIVED FOR THE COST OF HEALTH CARE SERVICES  
6 PROVIDED BY (NAME OF HEALTH CARE PROVIDER). I UNDERSTAND  
7 THAT ANY PERSON WHO CONVERTS TO HIS OR HER OWN USE THE  
8 BENEFITS ASSIGNED SHALL BE GUILTY OF A CRIME.'; and

9 (2) Such person knowingly and in violation of the written assignment of health care  
10 benefits converts to his or her own use health insurance benefits or other similar benefits  
11 received by such person for the cost of the health care services provided by the health  
12 care provider.

13 (c) A person who commits the offense of theft by conversion of health care benefits shall  
14 upon conviction be punished as provided in Code Section 16-8-12.

15 (d) No person shall be found guilty of an offense under this Code section if such person  
16 within three days after the receipt of assigned health insurance benefits or other similar  
17 benefits forwarded the assigned benefits to the health care provider and maintained a  
18 reasonable record of the forwarding of the assigned benefits."

19 **SECTION 2.**

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