

House Bill 330

By: Representatives Gardner of the 57<sup>th</sup>, Harbin of the 118<sup>th</sup>, Morgan of the 39<sup>th</sup>, Drenner of the 86<sup>th</sup>, Hugley of the 133<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 insurance generally, so as to provide for definitions; to provide for the establishment of a task  
3 force to study the consumer protection provisions in the Georgia Insurance Code; to provide  
4 for the study of the impact of health insurance mandates; to provide for the membership and  
5 appointment of members of such task force; to provide for reports and recommendations  
6 from such task force; to provide for the dissolution of the task force; to require that any new  
7 mandated health care benefits be studied by the task force prior to being acted upon by the  
8 General Assembly; to provide for applicability; to provide for related matters; to provide an  
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance  
13 generally, is amended by adding a new Article 5 to read as follows:

14 style="text-align:center">"ARTICLE 5

15 33-24-110.

16 (a) As used in this Code section, the term:

17 (1) 'Health insurance issuer' means any entity that provides health insurance coverage in  
18 this state.

19 (2) 'Mandated health benefit' means a benefit or coverage that is required by law to be  
20 offered or provided by a health insurance issuer and includes coverage for specific health  
21 care services, treatments, or practices; the offering of specific health care services,  
22 treatments, or practices; or the process by which a benefit for coverage must be offered  
23 or provided.

- 1 (b) There is established the Task Force to Study Consumer Protection Provisions in the  
2 Georgia Insurance Code. The task force shall consist of 17 members as follows:
- 3 (1) The Commissioner of Insurance or his or her designee, who shall act as the  
4 chairperson of the task force;
- 5 (2) The chairperson of the Senate Insurance and Labor Committee or his or her designee  
6 from such committee;
- 7 (3) The chairperson of the House Committee on Insurance or his or her designee from  
8 such committee;
- 9 (4) The chairperson of the Senate Health and Human Services Committee or his or her  
10 designee from such committee;
- 11 (5) The chairperson of the House Committee on Health and Human Services or his or her  
12 designee from such committee;
- 13 (6) The commissioner of community health or his or her designee;
- 14 (7) Two members to be appointed by the Governor, one of whom must be a  
15 representative of a company that employs ten or fewer employees and one of whom must  
16 be a member of the general public who is not associated with health care providers;
- 17 (8) Four members who shall be consumer advocate members, two of whom shall be  
18 appointed by the Speaker of the House of Representatives and two of whom shall be  
19 appointed by the Senate Committee on Assignments; and
- 20 (9) Five members appointed as follows:
- 21 (A) One member shall be a representative of the Georgia Association of Health Plans;
- 22 (B) One member shall be a representative of the National Federation of Independent  
23 Business;
- 24 (C) One member shall be a representative of the Georgia Hospital Association;
- 25 (D) One member shall be a representative of the Medical Association of Georgia; and
- 26 (E) One member shall be an appointee of the Georgia State University Center on  
27 Health Policy.
- 28 (c) Vacancies in the task force shall be filled by appointment in the manner of the original  
29 appointment.
- 30 (d) No business other than that necessary to establish the task force may be conducted until  
31 all 17 members have been appointed. The chairperson shall convene the first meeting of  
32 the task force within 30 days after the effective date of this Code section.
- 33 (e) The task force may hold public hearings, conduct research, receive the testimony of  
34 experts, review for purposes of comparison the mandated health benefits upon health  
35 insurance issuers in other states and jurisdictions and the effects of such mandates, and take  
36 such other actions the task force determines appropriate for the completion of its assigned

1 task. At a minimum, the task force shall inquire into and make recommendations with  
2 respect to:

3 (1) Each and every state mandated health benefit placed upon health insurance issuers in  
4 Georgia since 1990; and

5 (2) The impact of each such mandated health benefit on the premiums for health  
6 insurance coverage in Georgia and the ability of all Georgians to continue to afford health  
7 care coverage.

8 (f) The task force shall make a final report with recommendations to the General Assembly  
9 no later than January 1, 2007. Upon submission of such final report and recommendations,  
10 the task force shall be dissolved by operation of law. Until such time as the task force  
11 makes its final report, mandated health benefits beyond those required as of January 1,  
12 2005, may be imposed on a health insurance issuer doing business in this state only after  
13 at least a six-month review by the task force, submission of a written report to the members  
14 of the General Assembly, and subsequent passage by the General Assembly and enactment  
15 into law. Nothing in this Code section shall be construed to prohibit any health insurance  
16 issuer from voluntarily expanding coverage or to prohibit any individual or employer from  
17 electing to expand coverage on any health maintenance organization contract or individual  
18 or group health insurance policy or contract covering the individual, the employer, or  
19 employees of the employer as applicable."

20 **SECTION 2.**

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

23 **SECTION 3.**

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