

House Bill 747

By: Representatives Watson of the 91st, Maxwell of the 17th, Tumlin of the 38th, and Manning of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
2 emergency medical services, so as to include providers of emergency prehospital health care
3 and emergency medical transportation within the definition of emergency medical providers;
4 to include the services of such providers within the definition of emergency services; to
5 amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to
6 include providers of emergency prehospital health care and emergency medical
7 transportation within the definition of emergency medical providers; to prevent insurers from
8 penalizing covered persons for using certain ambulance services; to include licensed
9 ambulance services within the list of nonparticipating and nonpreferred providers of health
10 care services who are entitled to receive payment of assigned benefits directly from an
11 insurer; to provide for related matters; to provide an effective date; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency
16 medical services, is amended by striking paragraphs (2) and (3) of Code Section 31-11-81,
17 relating to definitions, and inserting in lieu thereof new paragraphs (2) and (3) to read as
18 follows:

19 "(2) 'Emergency medical provider' means any provider of emergency prehospital health
20 care or emergency medical transportation licensed or permitted by the Georgia
21 Department of Human Resources, hospital licensed or permitted by the Georgia
22 Department of Human Resources, hospital based service, or physician licensed by the
23 Composite State Board of Medical Examiners who provides emergency services.

24 (3) 'Emergency services' means emergency prehospital health care, emergency medical
25 transportation, or health care services provided in a hospital emergency facility to
26 evaluate and treat any emergency condition."

1 by a person licensed under this title provides that any of its benefits are payable to a
 2 participating or preferred provider of health care services licensed under the provisions of
 3 Chapter 4 of Title 26, or of Chapter 11 of Title 31, or of Chapter 9, 11, 30, 34, 35, or 39 of
 4 Title 43 for services rendered, the person licensed under this title shall be required to pay
 5 such benefits either directly to any similarly licensed nonparticipating or nonpreferred
 6 provider who has rendered such services, has a written assignment of benefits, and has
 7 caused written notice of such assignment to be given to the person licensed under this title
 8 or jointly to such nonparticipating or nonpreferred provider and to the insured, subscriber,
 9 or other covered person; provided, however, that in either case the person licensed under
 10 this title shall be required to send such benefit payments directly to the provider who has
 11 the written assignment. When payment is made directly to a provider of health care
 12 services as authorized by this Code section, the person licensed under this title shall give
 13 written notice of such payment to the insured, subscriber, or other covered person."

14 SECTION 5.

15 Said title is further amended by striking Code Section 33-30-24, relating to health benefit
 16 plans providing incentives to use services of preferred providers, and inserting in lieu thereof
 17 a new Code Section 33-30-24 to read as follows:

18 "33-30-24.

19 Health care insurers may issue health benefit plans which provide for incentives for
 20 covered persons to use the health care services of preferred providers. Such policies or
 21 subscriber certificates shall contain at least the following provisions:

22 (1) A provision that if a covered person receives emergency care for services specified
 23 in the preferred provider arrangement and cannot reasonably reach a preferred provider,
 24 that emergency care rendered during the course of the emergency will be paid for in
 25 accordance with the terms of the health benefit plan, at benefit levels at least equal to
 26 those applicable to treatment by preferred providers for emergency care in an amount
 27 based on the usual, customary, and reasonable charges in the area where the treatment is
 28 provided; and

29 (2) A provision which clearly identifies the differences in benefit levels for health care
 30 services of preferred providers and benefit levels for health care services of nonpreferred
 31 providers.

32 For the purposes of this Code section, when a request for emergency care is made through
 33 the emergency '911' communications system on behalf of a covered person and the
 34 ambulance service licensed under Chapter 11 of Title 31 that was dispatched in response
 35 to the request is not a preferred provider, for the purposes of payment under the provisions

1 of paragraph (1) of this Code section, it shall be presumed that the covered person could
2 not reasonably reach a preferred provider."

3 **SECTION 6.**

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

6 **SECTION 7.**

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