

Senate Bill 330

By: Senators Thomas of the 54th, Shafer of the 48th, Unterman of the 45th, Hudgens of the 47th and Mullis of the 53rd

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 provider';
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 health care provider'; to include licensed
8 ambulance services in the list of nonparticipating and nonpreferred providers of health care
9 services who are entitled to receive payment of assigned benefits directly from the insurer;
10 to prevent insurers from penalizing covered persons for using the licensed ambulance service
11 dispatched through the emergency '911' system; to provide for an effective date; to repeal
12 conflicting laws; 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, in their entirety and inserting in lieu thereof new paragraphs (2) and
18 (3) to read as 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, any hospital licensed or permitted by the Georgia
22 Department of Human Resources, any hospital based service, or any physician licensed
23 by the 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."

SECTION 2.

Said chapter is further amended in Code Section 31-11-82, relating to evaluation of person with emergency condition, initiation of intervention without prospective authorization, and insurer prohibited from denying payment after prospective authorization given, by striking subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

"(b) If in the opinion of the attending physician or emergency medical provider the evaluation provided under subsection (a) of this Code section warrants, he or she may initiate appropriate intervention to stabilize the condition of the patient without seeking or receiving prospective authorization by an insurer, a health maintenance organization, or a private health benefit plan. No insurer, health maintenance organization, or private health benefit plan may subsequently deny payment for an evaluation, diagnostic testing, or treatment provided as part of such intervention for an emergency condition."

SECTION 3.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking subparagraph (A) of paragraph (1) of Code Section 33-20A-9, relating to emergency services requirements, in its entirety and inserting in lieu thereof a new subparagraph (A) to read as follows:

"(1)(A) In the event that a patient seeks emergency services and if necessary in the opinion of the emergency health care provider responsible for the patient's emergency care and treatment and warranted by his or her evaluation, such emergency provider may initiate necessary intervention to stabilize the condition of the patient without seeking or receiving prospective authorization by the managed care entity or managed care plan. No managed care entity or private health benefit plan may subsequently deny payment for an evaluation, diagnostic testing, or treatment provided as part of such intervention for an emergency condition. For purposes of this Code section, the term 'emergency health care provider' includes without limitation an emergency services provider and a licensed or permitted provider of emergency prehospital health care or emergency medical transportation."

SECTION 4.

Said title is further amended by striking subsection (a) of Code Section 33-24-54, relating to payments to nonparticipating or nonpreferred providers of health care services, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Notwithstanding any provisions of Code Sections 33-1-3, 33-1-5, and 33-24-17 and Chapter 20 of this title or any other provisions of this title which might be construed to the contrary, whenever an accident and sickness insurance policy, subscriber contract, or

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

15 SECTION 5.

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

19 "33-30-24.

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

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

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

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

1 preferred provider, for purposes of payment under paragraph (1) of this Code section, it
2 shall be presumed that the covered person could 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.