

House Bill 320 (AS PASSED HOUSE AND SENATE)

By: Representatives Forster of the 3rd, Knox of the 24th, Meadows of the 5th, Dodson of the 75th, Watson of the 91st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to
2 individual health insurance coverage availability and assignment systems, so as to create the
3 Commission on the Georgia Health Insurance Risk Pool; to provide for its membership,
4 duties, and functions; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual
9 health insurance coverage availability and assignment systems, is amended by designating
10 the existing text as Article 1 and adding a new Article 2 to read as follows:

11 "ARTICLE 2

12 33-29A-20.

13 (a) As used in this article, the term:

- 14 (1) 'Commission' means the Commission on the Georgia Health Insurance Risk Pool.
15 (2) 'Commissioner' means the Commissioner of Insurance.
16 (3) 'Eligible individual' has the same meaning as specified in Sections 2701 and 2741 of
17 the federal Public Health Service Act, 42 U.S.C.A. Sections 300gg and 300gg-41.
18 (4) 'Dependent' means a spouse or unmarried child under 18 years of age residing with
19 the eligible individual or a child who is a full-time student according to paragraph (3) of
20 subsection (a) of Code Section 33-29-2 or paragraph (4) of Code Section 33-30-4.
21 (5) 'Insured' means a resident who is eligible to receive benefits from the pool.
22 (6) 'Insurer' means any entity authorized to write health insurance in this state.
23 (7) 'Pool' means the Georgia Health Insurance Risk Pool.

1 (8) 'Resident' means an individual who has legally domiciled in Georgia for a minimum
2 of 90 days; who is legally domiciled in Georgia and eligible for enrollment in the pool
3 as a result of the federal Health Insurance Portability and Accountability Act of 1996, P.
4 L. 104-191; or is eligible for federal Health Coverage Tax Credits.

5 (b) Any other term which is used in this article and which is also defined in Section 2791
6 of the federal Public Health Service Act, 42 U.S.C.A. Section 300gg-92, and not otherwise
7 defined in this article shall have the same meaning specified in said Section 2791.

8 33-29A-21.

9 (a) There is created the Commission on the Georgia Health Insurance Risk Pool, consisting
10 of seven members appointed as provided in this Code section, to conduct a feasibility study
11 and provide recommendations for establishment of the Georgia Health Insurance Risk Pool
12 as an acceptable alternative mechanism, as contemplated by Section 2741 of the federal
13 Public Health Service Act, 42 U.S.C.A. Section 300gg-41, for coverage for uninsurable
14 individuals and persons eligible for federal Health Coverage Tax Credits. The commission
15 shall exist for such time as needed to carry out its duties and powers, but not beyond
16 June 30, 2006.

17 (b) The Governor shall appoint one citizen of this state who is familiar with health
18 insurance matters to serve as chairperson who shall not vote except to break a tie. The
19 chairperson shall serve at the pleasure of the Governor.

20 (c) The Senate Committee on Assignments shall appoint two members of the Senate and
21 one citizen of this state who is familiar with health insurance matters to the commission.

22 (d) The Speaker of the House of Representatives shall appoint two members of the House
23 of Representatives and one citizen of this state who is familiar with health insurance
24 matters to the commission.

25 (e) The commission shall hold meetings at the call of the chairperson. A quorum shall be
26 a majority of the members of the commission.

27 (f) Any legislative members of the commission shall receive the allowances provided for
28 in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
29 amount specified in subsection (b) of Code Section 45-7-21 and the same mileage or
30 transportation allowance as authorized for state employees. Any members of the
31 commission who are state officials, other than legislative members, or state employees
32 shall receive no compensation for their services on the commission, but shall be reimbursed
33 for expenses incurred in the performance of their duties as members of the commission in
34 the same manner as they are reimbursed for expenses in their capacities as state officials
35 or employees. Funds necessary for reimbursement of expenses of state officials, other than

1 legislative members, and state employees shall come from funds appropriated to or
2 otherwise available to their respective agencies or departments.

3 33-29A-22.

4 (a) On or before December 15, 2005, the commission shall report to the Governor, the
5 President of the Senate, and the Speaker of the House of Representatives on any
6 recommendations for legislation and the results of an actuarial and feasibility study
7 conducted by the commission to determine, without limitation, the following:

8 (1) The impact that the creation of the pool will have on the small and large group
9 insurance markets and the individual market, on premiums paid by insureds, including
10 an estimate of total anticipated savings for all purchasers of health insurance in this state;

11 (2) The number of individuals and dependents the pool could reasonably cover at various
12 premium levels, along with cost estimates for such coverage;

13 (3) An analysis of various sources of funding and a recommendation as to the best source
14 of funding for the future anticipated deficits of the pool; and

15 (4) The impact that eligibility of persons qualifying for federal health coverage tax
16 credits will have on the pool.

17 (b) The commission is authorized to:

18 (1) Enter into contracts to carry out its powers and duties under this article;

19 (2) Appoint appropriate legal, actuarial, and other committees that are necessary to
20 provide technical assistance in carrying out the purposes of the commission;

21 (3) Evaluate cost containment measures and risk reduction practices, along with
22 opportunities for delivery of cost-effective health care services through the pool; and

23 (4) Evaluate the feasibility of a list of medical conditions for which a person shall be
24 eligible for pool coverage without applying for health insurance.

25 (c) The commission shall have authority to evaluate and apply for grants and resources,
26 public and private, for which it may qualify for executing its powers and duties under this
27 article, including, but not limited to, start-up funds for state high risk pools under the
28 federal Trade Act of 2002 or related legislation to extend such funding and funds as they
29 are available for expansion of coverage to persons eligible for federal Health Coverage Tax
30 Credits.

31 (d) Not later than June 30, 2006, the commission shall make a final report to the Governor,
32 the General Assembly, and the Commissioner with all of its findings and
33 recommendations."

34 **SECTION 2.**

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