

The Senate Insurance and Labor Committee offered the following substitute to HB 1257:

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 revise certain definitions; to change certain provisions  
3 relating to evaluation of a person with an emergency condition and initiation of intervention  
4 without prospective authorization; to amend Title 33 of the Official Code of Georgia  
5 Annotated, relating to insurance, so as to change certain provisions relating to emergency  
6 services requirements; to change certain provisions relating to payments to nonparticipating  
7 and nonpreferred providers of health care services; to change certain provisions relating to  
8 health benefit plans providing incentives to use services of preferred providers; to exempt  
9 certain change of address filings by agents, subagents, counselors, and adjusters from a fee;  
10 to provide for certain qualifications for a counselor's license; to provide for the maintenance  
11 by the Commissioner of Insurance of the address of the place of business of agents,  
12 subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting  
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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 the following:  
18

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

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

**SECTION 2.**

1 Said chapter is further amended in Code Section 31-11-82, relating to evaluation of a person  
 2 with an emergency condition and initiation of intervention without prospective authorization,  
 3 by striking subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

4 "(b) If in the opinion of the attending physician or licensed ambulance service personnel  
 5 acting under the medical direction of an ambulance service medical director as defined in  
 6 Code Section 31-11-60.1 the evaluation provided under subsection (a) of this Code section  
 7 warrants, he or she may initiate appropriate intervention to stabilize the condition of the  
 8 patient without seeking or receiving prospective authorization by an insurer, a health  
 9 maintenance organization, or a private health benefit plan. No insurer, health maintenance  
 10 organization, or private health benefit plan may subsequently deny payment for an  
 11 evaluation, diagnostic testing, or treatment provided as part of such intervention for an  
 12 emergency condition."

### 13 SECTION 3.

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

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

### 28 SECTION 4.

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

32 "(a) Notwithstanding any provisions of Code Sections 33-1-3, 33-1-5, and 33-24-17 and  
 33 Chapter 20 of this title or any other provisions of this title which might be construed to the  
 34 contrary, whenever an accident and sickness insurance policy, subscriber contract, or  
 35 self-insured health benefit plan, by whatever name called, which is issued or administered

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 9, 11, 30, 34, 35, or 39 of Title 43 or of Chapter 11 of  
 4 Title 31 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 adding to the end of Code Section 33-30-24, relating to  
 16 health benefit plans providing certain incentives, the following:

17 "For purposes of this Code section, when a request for emergency care is made through the  
 18 emergency 9-1-1 system on behalf of a covered person and the ambulance service licensed  
 19 under Chapter 11 of Title 31 that was dispatched in response to the request is not a  
 20 preferred provider, for purposes of payment under paragraph (1) of this Code section, it  
 21 shall be presumed that the covered person could not reasonably reach a preferred provider."

22 **SECTION 6.**

23 Said title is further amended by striking subparagraph (AA) of paragraph (6) of Code Section  
 24 33-8-1, relating to fees and charges generally, and inserting in lieu thereof a new  
 25 subparagraph (AA) to read as follows:

26 "(AA) Amendment of filings ..... 25.00

27 Provided, however, that the Commissioner, in his or her discretion, may  
 28 exempt from such fee change of address filings done off line by agents,  
 29 subagents, counselors, and adjusters.

30 (AA.1) Change of address filings done on line by agents, subagents,  
 31 counselors, and adjusters ..... No charge"

**SECTION 7.**

Said title is further amended by striking paragraph (6) of subsection (a) of Code Section 33-23-5, relating to qualifications and requirements for license, and inserting in lieu thereof a new paragraph (6) to read as follows:

"(6) If applying for a license as counselor, the applicant must show that he or she either has had five years' experience ~~acting as either~~ as an agent, subagent, or adjuster or in some other phase of the insurance business or has sufficient teaching or educational qualifications or experience which, in the opinion of the Commissioner, has qualified the applicant to act as such counselor; and the applicant shall pass such examination as shall be required by the Commissioner unless the applicant is exempted by the Commissioner, based on the applicant's experience and qualifications and pursuant to a regulation adopted by the Commissioner;".

**SECTION 8.**

Said title is further amended by striking Code Section 33-23-25, relating to place of business, and inserting a new Code Section 33-23-25 to read as follows:

"33-23-25.

Every licensed agent, subagent, counselor, and adjuster shall have and maintain in this state or, if a nonresident licensee, in the state of domicile, a place of business accessible to the public. The place of business shall be that wherein the licensee principally conducts transactions pursuant to the license. The address of the place of business shall ~~appear on all licenses of the resident licensee~~ be maintained by the Commissioner. All resident and nonresident licensees shall promptly notify the Commissioner in writing within 30 days of any change in the business address."

**SECTION 9.**

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