

The Senate Insurance and Labor Committee offered the following substitute to SB 153:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to  
2 provide for the development of consumer driven health insurance plans by the Commissioner  
3 of Insurance; to allow such plans to include wellness and health promotion programs; to  
4 provide that such programs shall not be considered unfair trade practices; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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8 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
9 striking Chapter 51 in its entirety and inserting in lieu thereof a new Chapter 51 to read as  
10 follows:

11 "Chapter 51

12 33-51-1.

13 This chapter shall be known and may be cited as the 'Georgia Consumer Driven Health  
14 Insurance Plan.'

15 33-51-2.

16 It is the intent of this chapter to authorize the Commissioner of Insurance to establish  
17 guidelines for plan designs for the development of health insurance products which will be  
18 affordable to Georgians and to increase the availability of health insurance coverage by  
19 encouraging the promotion of these types of plans by accident and sickness insurers  
20 licensed to transact such insurance in this state. It is the intent of this chapter that plan  
21 designs include high deductible health insurance plans as required under the rules of the  
22 federal Internal Revenue Service related to the establishment of health savings accounts.

## 1 33-51-3.

2 The Commissioner shall develop guidelines for consumer driven health insurance plans  
3 which are designed to qualify under federal and state requirements as high deductible  
4 health insurance plans for use with health savings accounts and which shall include, but  
5 shall not be limited to, nominal copayment provisions, reasonable lifetime benefit  
6 maximums, and choices of deductible amounts and other policy provisions and limits  
7 which comply with federal requirements under the applicable provisions of the federal  
8 Internal Revenue Code for high deductible health insurance plans sold in connection with  
9 health savings accounts. Insurance plans under this title shall comply with Code Sections  
10 33-24-56.2, 33-24-56.3, 33-24-59.1, 33-24-59.2, 33-24-72, 33-29-3.2, and 33-30-4.2.

## 11 33-51-4.

12 (a) The Commissioner shall be authorized to request information and data from any  
13 available source and to request the assistance of accident and sickness insurers and  
14 providers of health care services in order to develop guidelines for consumer driven health  
15 insurance plans.

16 (b) The Commissioner shall be authorized to encourage and promote the marketing of  
17 consumer driven health insurance plans by accident and sickness insurers in this state.

18 (c) The Commissioner shall be authorized to promulgate such rules and regulations as he  
19 or she deems necessary and appropriate for the design, promotion, and regulation of these  
20 products, including rules and regulations for the expedited review of standardized policies  
21 and rates by insurers, advertisements and solicitations, and other matters deemed relevant  
22 by the Commissioner.

## 23 33-51-5.

24 Policies sold under this chapter may be designed with out of network differentials that  
25 exceed the normal maximum differential allowed under paragraph (3) of subsection (b) of  
26 Code Section 33-30-23 or the coinsurance limitation applicable to nonpreferred providers  
27 under paragraph (4) of subsection (b) of Code Section 33-30-23 so long as the percentage  
28 reimbursement for nonpreferred providers for out of network benefits is at least 50 percent.

## 29 33-51-6.

30 (a) Insurers are allowed to include wellness and health promotion programs in policies  
31 designed and sold under this chapter in keeping with federal requirements under high  
32 deductible health insurance plans, provided that such programs are approved by the  
33 Commissioner of Insurance.

1 (b) Insurers which include and operate wellness and health promotion programs in their  
2 high deductible health insurance policies in keeping with federal requirements shall not be  
3 considered to be engaging in unfair trade practices under Code Section 33-6-4 with respect  
4 to references to the practices of illegal inducements, unfair discrimination, or rebating."

5 **SECTION 2.**

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