

The House Committee on Insurance offers the following substitute to SB 109:

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, so as to reauthorize the Commission on the Georgia
3 Health Insurance Risk Pool; to provide for its membership, duties, and functions; to provide
4 for related matters; to provide for an effective date; 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, is amended by revising Article 2 as follows:

10 "ARTICLE 2

11 33-29A-20.

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

13 (1) 'Commission' means the Commission on the Georgia Health Insurance Risk Pool.

14 (2) 'Commissioner' means the Commissioner of Insurance.

15 (3) 'Dependent' means a spouse or unmarried child under 18 years of age residing with
16 the eligible individual or a child who is a full-time student according to paragraph (3) of
17 subsection (a) of Code Section 33-29-2 or paragraph (4) of Code Section 33-30-4.

18 (4) 'Eligible individual' has the same meaning as specified in Sections 2701 and 2741 of
19 the federal Public Health Service Act, 42 U.S.C.A. Sections 300gg and 300gg-41.

20 (5) 'Insured' means a resident who is eligible to receive benefits from the pool.

21 (6) 'Insurer' means any entity authorized to write health insurance in this state.

22 (7) 'Pool' means the Georgia Health Insurance Risk Pool or the Georgia Health Insurance
23 Assignment 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~~ reauthorized the Commission on the Georgia Health Insurance Risk
 10 Pool, consisting of seven members appointed as provided in this Code section, to conduct
 11 a feasibility study, apply before the deadline for submission of a grant request for federal
 12 grant funding for states without high-risk pools as authorized by the Deficit Reduction Act
 13 of 2005 (P.L. 109-171) and the State High Risk Pool Funding Extension Act of 2006 (P.L.
 14 109-172), and provide recommendations for establishment of ~~the~~ a Georgia Health
 15 Insurance Risk Pool or Georgia Health Insurance Assignment Pool as an acceptable
 16 alternative mechanism, as contemplated by Section 2741 of the federal Public Health
 17 Service Act, 42 U.S.C.A. Section 300gg-41, for coverage for uninsurable individuals and
 18 persons eligible for federal Health Coverage Tax Credits. The commission shall exist for
 19 such time as needed to carry out its duties and powers, but not beyond ~~June 30, 2006~~
 20 December 31, 2008.

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

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

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

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

32 (f) Any legislative members of the commission shall receive the allowances provided for
 33 in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
 34 amount specified in subsection (b) of Code Section 45-7-21 and the same mileage or
 35 transportation allowance as authorized for state employees. Any members of the
 36 commission who are state officials, other than legislative members, or state employees

1 shall receive no compensation for their services on the commission, but shall be reimbursed
 2 for expenses incurred in the performance of their duties as members of the commission in
 3 the same manner as they are reimbursed for expenses in their capacities as state officials
 4 or employees. Funds necessary for reimbursement of expenses of state officials, other than
 5 legislative members, and state employees shall come from funds appropriated to or
 6 otherwise available to their respective agencies or departments.

7 33-29A-22.

8 (a) On or before December 15, ~~2005~~ 2007, the commission shall report to the Governor,
 9 the President of the Senate, and the Speaker of the House of Representatives on any
 10 recommendations for legislation in the 2008 session of the General Assembly and the
 11 results of an actuarial and feasibility study conducted by the commission to determine,
 12 without limitation, the following:

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

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

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

20 (4) An analysis of the impact of varying rates of provider reimbursements on the costs
 21 of operating a pool; and

22 (5) The impact that eligibility of persons qualifying for federal health coverage tax
 23 credits will have on ~~the~~ a pool.

24 (b) The commission is authorized to:

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

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

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

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

32 (c) The commission shall have authority to evaluate and apply for grants and resources,
 33 public and private, for which it may qualify for executing its powers and duties under this
 34 article, including, but not limited to, start-up funds for state high risk pools ~~under the~~
 35 federal Trade Act of 2002 authorized by the Deficit Reduction Act of 2005 (P.L. 109-171)
 36 and the State High Risk Pool Funding Extension Act of 2006 (P.L. 109-172) or related

1 legislation to extend such funding and funds as they are available for expansion of
2 coverage to persons eligible for federal Health Coverage Tax Credits.

3 (d) Not later than ~~June 30, 2006~~ December 31, 2008, the commission shall make a final
4 report to the Governor, the General Assembly, and the Commissioner with all of its
5 findings and recommendations."

6 **SECTION 2.**

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

9 **SECTION 3.**

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