

House Bill 389 (AS PASSED HOUSE AND SENATE)

By: Representatives Taylor of the 173rd, Smith of the 134th, Meadows of the 5th, Shaw of the 176th, Rogers of the 29th, and others

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 sunset requirements to provide conversion and enhanced conversion rights and coverage; to
3 add new provisions allowing for the discontinuance of conversion and enhanced conversion
4 coverage; to sunset certain provisions related to the assignment system; to add new
5 provisions allowing for the discontinuance of assignment system benefit plans; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Health Insurance Enhancement
10 Act of 2013."

11 **SECTION 2.**

12 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
13 revising Code Section 33-24-21.1, relating to group accident and sickness contracts,
14 conversion privilege and continuation right provisions, by adding a new subsection as
15 follows:

16 "(n) Upon the effective date whereupon guaranteed issue coverage is available pursuant
17 to the federal Patient Protection and Affordable Care Act, an insurer shall not be required
18 to offer conversion and enhanced conversion rights and coverage pursuant to this Code
19 section.

20 (1) Each insurer may terminate, cancel, or nonrenew all existing conversion and
21 enhanced conversion coverage as of the date on which guaranteed issue coverage is
22 available pursuant to the federal Patient Protection and Affordable Care Act, provided
23 that the insurer provides at least 90 days' notice prior to the discontinuance of the
24 coverage to policyholders and to the Commissioner.

25 (2) An insurer may not terminate, cancel, or nonrenew any policy under this paragraph
 26 if, at the end of the 90 day cancellation period, the insured would not have at least 90
 27 days of remaining open enrollment to obtain insurance coverage through an exchange
 28 created pursuant to the federal Patient Protection and Affordable Care Act."

29 **SECTION 3.**

30 Said title is further amended by revising Article 1 of Chapter 29A, relating to availability and
 31 assignment system for individual health insurance coverage, by adding a new Code section
 32 to read as follows:

33 "33-29A-9.

34 Upon the effective date whereupon guaranteed issue coverage is available pursuant to the
 35 federal Patient Protection and Affordable Care Act, a health insurer or managed care
 36 organization shall not be required to offer health care policies under the Georgia Health
 37 Insurance Assignment System and Georgia Health Benefits Assignment System.

38 (1) Each health insurer or managed care organization that has offered health care policies
 39 under the Georgia Health Insurance Assignment System and the Georgia Health Benefits
 40 Assignment System may terminate, cancel, or nonrenew such existing policies as of the
 41 date upon which guaranteed issue coverage is available pursuant to the federal Patient
 42 Protection and Affordable Care Act, provided that the health insurer or managed care
 43 organization provides at least 90 days' notice prior to the termination of the coverage to
 44 all policyholders and to the Commissioner.

45 (2) An insurer may not terminate, cancel, or nonrenew any policy under this paragraph
 46 if, at the end of the 90 day cancellation period, the insured would not have at least 90
 47 days of remaining open enrollment to obtain insurance coverage through an exchange
 48 created pursuant to the federal Patient Protection and Affordable Care Act."

49 **SECTION 4.**

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