

Senate Resolution 561

By: Senators Burke of the 11th, Bethel of the 54th, Jones of the 25th, Watson of the 1st and Hufstetler of the 52nd

A RESOLUTION

1 Creating the Senate Study Committee on the Consumer and Provider Protection Act (SB
2 158); and for other purposes.

3 WHEREAS, independent physicians' practices often represent the bedrock of communities
4 throughout Georgia; and

5 WHEREAS, independent physicians are small employers and account for almost 100,000
6 jobs throughout the state, according to a 2012 study by the Carl Vinson Institute; and

7 WHEREAS, independent physicians account for almost \$1 billion in state and local revenue
8 for the state of Georgia, according to a 2012 study by the Carl Vinson Institute; and

9 WHEREAS, the health insurance industry is an essential element in health care that is
10 beneficial to both the patient and physician; and

11 WHEREAS, health insurers often have a greater bargaining position than independent
12 physicians do when it comes to negotiating contracts; and

13 WHEREAS, physicians should be made aware of any new discounts that are presented
14 through a rental network; and

15 WHEREAS, physicians should be able to freely contract with an insurer to accept the types
16 of insurance products that would be most beneficial to their patients and their business
17 model; and

18 WHEREAS, physicians should be able to rely on a negotiated contract with a health insurer
19 without the possibility of the health insurer changing the terms of the contract; and

20 WHEREAS, unilateral revisions to contracts are not prohibited but the proposed revisions
 21 should be presented in a timely manner, giving the other party to the agreement the
 22 opportunity to carefully review and make a determination as to whether they can accept the
 23 newly proposed terms; and

24 WHEREAS, insurance companies often appeal to consumers by stating that their providers
 25 are participants in their networks; and

26 WHEREAS, it is not uncommon that providers are sometimes not participants in a network
 27 and, in some instances, have never been participants in a certain network; and

28 WHEREAS, during the 2015 regular session of the Georgia General Assembly, SB 158 was
 29 introduced to address such issues.

30 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE:

31 (1) **Creation of Senate study committee.** There is created the Senate Study Committee
 32 on the Consumer and Provider Protection Act (SB 158).

33 (2) **Members and officers.** The committee shall be composed of four members of the
 34 Senate to be appointed by the President of the Senate. The President shall also appoint
 35 an additional four nonlegislative members of the committee as follows:

36 (A) One physician representative from the Medical Association of Georgia;

37 (B) One practice administrator who represents at least 500 physicians;

38 (C) One consumer member; and

39 (D) One health insurance industry representative.

40 The President shall designate one of the Senate members of the committee as chairperson
 41 of the committee.

42 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
 43 issues, and problems mentioned above or related thereto and recommend any action or
 44 legislation which the committee deems necessary or appropriate, which shall include, but
 45 not be limited to, a review of the following:

46 (A) Current practices and necessity for the regulation of rental networks;

47 (B) Current practices and necessity of all-products clauses;

48 (C) Incidence and prevalence of unilateral revisions in contracts with health care
 49 providers; and

50 (D) Incidence and prevalence of incorrect data related to network adequacy.

51 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
 52 may conduct such meetings at such places and at such times as it may deem necessary or

53 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
54 accomplish the objectives and purposes of this resolution.

55 **(5) Allowances, expenses, and funding.**

56 (A) The legislative members of the committee shall receive the allowances provided
57 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

58 (B) The nonlegislative members of the committee shall receive a daily expense
59 allowance in an amount the same as that specified in subsection (b) of Code Section
60 45-7-21 of the Official Code of Georgia Annotated, as well as the mileage or
61 transportation allowance authorized for state employees.

62 (C) The allowances authorized by this resolution shall not be received by any member
63 of the committee for more than five days unless additional days are authorized. Funds
64 necessary to carry out the provisions of this resolution shall come from funds
65 appropriated to the Senate.

66 **(6) Report.**

67 (A) In the event the committee adopts any specific findings or recommendations that
68 include suggestions for proposed legislation, the chairperson shall file a report of the
69 same prior to the date of abolishment specified in this resolution, subject to
70 subparagraph (C) of this paragraph.

71 (B) In the event the committee adopts a report that does not include suggestions for
72 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
73 of this paragraph.

74 (C) No report shall be filed unless the same has been approved prior to the date of
75 abolishment specified in this resolution by majority vote of a quorum of the committee.
76 A report so approved shall be signed by the chairperson of the committee and filed with
77 the Secretary of the Senate.

78 (D) In the absence of an approved report, the chairperson may file with the Secretary
79 of the Senate copies of the minutes of the meetings of the committee in lieu thereof.

80 **(7) Abolishment.** The committee shall stand abolished on December 1, 2015.