

Senate Bill 566

By: Senators Burke of the 11th, Hufstetler of the 52nd, Watson of the 1st, Kirkpatrick of the 32nd, Dugan of the 30th 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 clarify that, under the Surprise Billing Consumer Protection Act, a medical or traumatic
3 condition, sickness, or injury includes a mental health condition or substance use disorder
4 and that emergency medical services include post-stabilization services; to clarify that such
5 Act shall not affect a covered person's financial responsibilities or a nonparticipating
6 facility's rights with respect to nonemergency medical services received from a
7 nonparticipating facility; to clarify that, for preferred provider arrangements under group or
8 blanket accident and sickness insurance, emergency services or emergency care include
9 health care services that are provided for a mental health condition or substance use disorder
10 and include post-stabilization health care services; to provide for related matters; to provide
11 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
15 revising paragraph (5) of subsection (b) of Code Section 33-20E-2, relating to application to
16 insurers and definitions regarding surprise billing, as follows:

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17 "(5) 'Emergency medical services' means medical services rendered ~~after the recent onset~~
18 ~~of~~ for a medical or traumatic condition, sickness, or injury, including a mental health
19 condition or substance use disorder, in which a person is exhibiting acute symptoms of
20 sufficient severity, including, but not limited to, severe pain, that would lead a prudent
21 layperson possessing an average knowledge of medicine and health to believe that his or
22 her condition, sickness, or injury is of such a nature that failure to obtain immediate
23 medical care could result in:

24 (A) Placing the patient's health in serious jeopardy;

25 (B) Serious impairment to bodily functions; or

26 (C) Serious dysfunction of any bodily organ or part,

27 and all medical services rendered after the patient is stabilized and as part of the same
28 hospital visit or admission in which such condition, sickness, or injury was treated."

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SECTION 2.

30 Said title is further amended by adding a new subsection to Code Section 33-20E-5, relating
31 to payment for nonemergency medical services under the Surprise Billing Consumer
32 Protection Act, to read as follows:

33 "(e) Notwithstanding any other law or regulation to the contrary, nothing in this chapter
34 or any other law or regulation shall affect a covered person's financial responsibilities or
35 a nonparticipating facility's rights with respect to nonemergency medical services received
36 from a nonparticipating facility."

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SECTION 3.

38 Said title is further amended by revising paragraph (1) of Code Section 33-30-22, relating
39 to definitions regarding preferred provider arrangements under group or blanket accident and
40 sickness insurance, as follows:

41 "(1) 'Emergency services' or 'emergency care' means those health care services that are
42 provided for a condition of recent onset and, including but not limited to a mental health
43 condition or substance use disorder, in which a person is exhibiting acute symptoms of
44 sufficient severity, including, but not limited to, severe pain, that would lead a prudent
45 layperson, possessing an average knowledge of medicine and health, to believe that his
46 or her condition, sickness, or injury is of such a nature that failure to obtain immediate
47 medical care could result in:

48 (A) Placing the patient's health in serious jeopardy;

49 (B) Serious impairment to bodily functions; or

50 (C) Serious dysfunction of any bodily organ or part,

51 and all health care services provided after the patient is stabilized and as part of the same
52 hospital visit or admission in which such condition, sickness, or injury was treated."

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SECTION 4.

54 This Act shall become effective July 1, 2022, and shall apply to all policies or contracts
55 issued, delivered, issued for delivery, or renewed in this state on or after such date.

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SECTION 5.

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