

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

**AS PASSED SENATE**

**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, except in instances when all the requirements of subdivision (a)(3)(C)(ii)(II) of the  
28 federal Public Health Service Act, 42 U.S.C. Section 300gg-111 are met, all medical  
29 services rendered after the patient is stabilized and as part of outpatient observation or an  
30 inpatient or outpatient stay with respect to the visit during which the same condition,  
31 sickness, or injury was treated."

## 32 SECTION 2.

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

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

40 **SECTION 3.**

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

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

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

52 (B) Serious impairment to bodily functions; or

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

54 and, except in instances when all the requirements of subdivision (a)(3)(C)(ii)(II) of the  
55 federal Public Health Service Act, 42 U.S.C. Section 300gg-111 are met, all health care  
56 services provided after the patient is stabilized and as part of outpatient observation or an  
57 inpatient or outpatient stay with respect to the visit during which the same condition,  
58 sickness, or injury was treated."

59 **SECTION 4.**

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

62 **SECTION 5.**

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