

Senate Bill 27

By: Senators Brass of the 28th, Robertson of the 29th, Beach of the 21st, Rahman of the 5th,
Moore of the 53rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 33-6-4 of the Official Code of Georgia Annotated, relating to the
2 enumeration of unfair methods of competition and unfair or deceptive acts or practices and
3 penalty, so as to prohibit a health care insurer from requiring an ophthalmologist or
4 optometrist to extend any discounts on services that are not covered eye care services in
5 order to receive increased payments, better reimbursements, preferential treatment, or any
6 other benefit; to provide for related matters; to provide for an effective date and applicability;
7 to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA**

9 **SECTION 1.**

10 Code Section 33-6-4 of the Official Code of Georgia Annotated, relating to the enumeration
11 of unfair methods of competition and unfair or deceptive acts or practices and penalty, is
12 amended by revising paragraph (14.3) of subsection (b) as follows:

13 "(14.3)(A) As used in this paragraph:

14 (i) 'Covered eye care services' means those health care services and materials related
15 to the care of the eye and related structures and vision care services for which a health
16 care insurer is obligated to pay for or provide to covered persons under an eye care
17 benefit plan, which includes services for which reimbursement is available under such

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18 plan, or for which reimbursement would be available but for the application of
19 contractual limitations such as deductibles, copayments, coinsurance, waiting periods,
20 annual or lifetime maximums, frequency limitations, alternative benefit payments, or
21 any other limitation.

22 (ii) 'Covered person' means any subscriber, enrollee, member, beneficiary, or
23 participant, or his or her dependent, for whom benefits are payable when such person
24 receives eye care services rendered or authorized by an ophthalmologist licensed
25 under Chapter 34 of Title 43 or an optometrist licensed under Chapter 30 of Title 43.

26 (iii) 'Eye care benefit plan' means any individual or group plan, policy contract, or
27 subscription agreement which includes or is for eye care services that is issued,
28 delivered, issued for delivery, or renewed in this state whether by a health care
29 insurer, health maintenance organization, preferred provider organization, accident
30 and sickness insurer, fraternal benefit society, nonprofit hospital service corporation,
31 nonprofit medical or eye care service corporation, health care plan, or any other
32 person, firm, corporation, joint venture, or other similar business entity that pays for,
33 purchases, or furnishes eye care services to patients, insureds, beneficiaries, or
34 covered dependents in this state.

35 (iv) 'Health care insurer' or 'insurer' means an entity, including but not limited to
36 insurance companies, health care corporations, health maintenance organizations, and
37 preferred provider organizations, authorized by the state to offer or provide health
38 benefit plans, eye care benefit plans, programs, policies, subscriber contracts, or any
39 other agreements of a similar nature which compensate or indemnify health care
40 providers for furnishing covered eye care or other health care services.

41 (B) No insurer shall require an ophthalmologist or optometrist to accept as payment an
42 amount set by such insurer for services that are not covered eye care services under the
43 covered person's eye care benefit plan as a condition to join or participate in its provider
44 network.

45 (C) No insurer shall draft, publish, disseminate, or circulate any explanations of benefit
46 forms that include language that directly or indirectly states or implies that an
47 ophthalmologist or optometrist should extend discounts to patients for noncovered eye
48 care services.

49 (D) No insurer shall require an ophthalmologist or optometrist within its provider
50 network to extend any discounts on services that are not covered eye care services, ~~or~~

51 (E) No insurer shall require an ophthalmologist or optometrist to extend any discounts
52 on services that are not covered eye care services in order to receive increased
53 payments, better reimbursements, preferential treatment, or any other benefit; or"

54 **SECTION 2.**

55 This Act shall become effective on July 1, 2023, and shall apply to all policies or contracts
56 issued, delivered, issued for delivery, or renewed in this state on or after such date.

57 **SECTION 3.**

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