

The Senate Committee on Insurance and Labor offered the following substitute to HB 63:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 33-30-13.1 of the Official Code of Georgia Annotated, relating to  
2 furnishing claims experience to policyholders, so as to require insurers providing policies for  
3 groups of 20 or more to timely furnish claims experience at the request of a group  
4 policyholder; to allow such insurers that use other methods to apply to the Commissioner for  
5 approval of the use of an alternative form of claims experience reporting; to provide for  
6 related matters; to provide for an effective date and applicability; to repeal conflicting laws;  
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 33-30-13.1 of the Official Code of Georgia Annotated, relating to furnishing  
11 claims experience to policyholders, is amended by revising subsection (b) as follows:

12 "(b)(1) All insurers shall furnish, regardless of the rating methodology used, claims  
13 experience to group policyholders within 30 days of any policyholder's request unless  
14 such information has been furnished to the group policyholder within the preceding six  
15 months. Such claims experience shall be furnished for all groups of ~~5~~ 20 or more

16 covered employees, members, or enrollees, not including dependents, and shall include,  
17 but shall not be limited to:

18 (A) Earned premiums separated by policy year for at least the last two policy years, if  
19 applicable;

20 (B) Total paid claims and total incurred claims, inclusive of any high amount or pooled  
21 claims, including both capitated and noncapitated expenses set forth in the same manner  
22 as premiums; and

23 (C) Any amounts in excess of the individual pooling or stop-loss point applicable to  
24 the group.

25 (2) Insurers that utilize provider contracting methods including financial devices such  
26 as global fee arrangements to cover all medical expenses or other methods used to  
27 calculate premiums may make application to the Commissioner for approval of the use  
28 of an alternative form of claims experience reporting. The insurer must still provide  
29 Georgia experience on a group-specific basis or on such other reasonable basis as the  
30 Commissioner may approve for such insurer, in advance, based upon a submission of an  
31 explanation and supporting documentation. Any insurer that received approval for an  
32 alternative form of group claims experience reporting to policyholders shall be required  
33 to seek the Commissioner's advance approval of a proposed response letter to group  
34 policyholders who request experience reporting. Such letter should describe the insurer's  
35 reasons for seeking an alternative reporting process and describe the alternative form of  
36 reporting approved by the Commissioner.

37 (3) Insurers may charge a reasonable fee for providing this information to group  
38 policyholders. The schedule or amount of fees to be charged group policyholders for  
39 providing this information shall be filed by each insurer with the Commissioner.

40 (4) In providing claims experience to group policyholders under this Code section,  
41 insurers shall adhere to all state and federal laws regarding disclosure of protected health  
42 or personal information."

43 **SECTION 2.**

44 This Act shall become effective on July 1, 2024, and shall apply to all policies or contracts  
45 issued, delivered, issued for delivery, or renewed in this state on or after such date.

46 **SECTION 3.**

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