

House Bill 830

By: Representatives Beckles of the 96th, Flournoy of the 74th, Frye of the 122nd, Williams of the 168th, Dawson of the 65th, 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 establish the State Oversight Board within the office of the Commissioner of Insurance; to
3 provide for the membership, duties, and powers of such board; to provide for rules and
4 regulations; to provide for insurer liability for certain delays or denials in healthcare
5 coverage; to provide for a private cause of action; to provide for related matters; to provide
6 for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
10 Chapter 2, relating to department and Commissioner, by adding a new Code section to read
11 as follows:

12 "33-2-35.

13 (a) There is established within the office of the Commissioner the State Oversight Board.

14 The board shall be composed of nine members, as follows:

15 (1) Three healthcare professionals, including physicians and nurses, to be appointed by
16 the Speaker of the House of Representatives;

17 (2) Three hospital administration officials, to be appointed by the President of the
18 Senate;

19 (3) Two members with experience in the public sector, to be appointed by the Governor;
20 and

21 (4) One member representing the office of the Commissioner as designated by the
22 Commissioner; provided that such member shall not be the Commissioner.

23 (b) Appointed members shall serve for a period of three years. The members shall elect
24 a chairperson and vice chairperson from among their membership whose duties shall be
25 established by the board.

26 (c) The board shall fix a time and place for regular meetings, provided that the board shall
27 meet at least quarterly.

28 (d) Board members shall receive no compensation for their services but shall be allowed
29 actual and necessary expenses in the performance of their duties. Any legislative members
30 of the board shall receive the allowances provided for in Code Section 28-1-8. Citizen
31 members shall receive a daily expense allowance in the amount specified in subsection (b)
32 of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for
33 state employees. If any members selected to serve on the board are state officials, other
34 than legislative members, or are state employees, they shall receive no compensation for
35 their services on the board but shall be reimbursed for expenses incurred in the
36 performance of their duties as members of the board in the same manner as reimbursements
37 are made in their capacity as state officials or state employees. The funds necessary for the
38 reimbursement of the expenses of state officials, other than legislative members, and state
39 employees shall come from funds appropriated to or otherwise available to their respective
40 departments.

41 (e) The board shall advise the office of the Commissioner on matters related to health
42 insurers' denials and delays in healthcare coverage in this state. The board shall:

- 43 (1) Develop and promulgate rules and regulations to govern health insurance practices
44 within this state;
- 45 (2) Have access to any and all information, including, but not limited to, documents,
46 materials, forms, rate filings, and data, submitted by health insurers to the office of the
47 Commissioner; provided, however, that confidential treatment of such submissions shall
48 be preserved;
- 49 (3) Review data and identify any trends, issues, and concerns regarding health insurance
50 premiums, healthcare coverage, prior authorization practices, and patient access to
51 healthcare services;
- 52 (4) Investigate health insurer denials or delays in healthcare coverage, compensation to
53 healthcare providers, and patient access to healthcare services; and
- 54 (5) Take action, including imposing fines or other penalties, against health insurers that
55 violate federal or state law, state regulations, or otherwise commit practices that are
56 harmful to consumers.
- 57 (f) The board, no later than June 30, 2026, and annually thereafter, shall submit to the
58 Commissioner a report of its activities and recommendations for further action by the
59 Commissioner.
- 60 (g) Every health insurer shall submit to the board such data as required and requested by
61 the board so that the board can perform its duties as provided in subsection (e) of this Code
62 section.
- 63 (h) Any meetings held by the board shall be open to the public and subject to Chapter 14
64 of Title 50, relating to open meetings. Any rules and regulations shall be adopted,
65 established, promulgated, amended, repealed, filed, and published by the board in
66 accordance with the applicable provisions and procedures set forth in Chapter 13 of Title
67 50, the 'Georgia Administrative Procedure Act.'
- 68 (i) The Commissioner shall promulgate any rules and regulations necessary to implement
69 the provisions of this Code section."

70 **SECTION 2.**

71 Said title is further amended in Article 2 of Chapter 46, relating to prior authorizations, by
72 adding a new Code section to read as follows:

73 "33-46-29.1.

74 (a) An insurer shall be liable for harm caused to a covered person for the unnecessary
75 delay in or wrongful denial of healthcare coverage caused by the act or inaction of the
76 insurer or the insurer's private review agent or utilization review entity.

77 (b) Any covered person who suffers harm as provided in subsection (a) of this Code
78 section may bring an action against the insurer and may recover or obtain against such
79 insurer:

80 (1) Actual damages;

81 (2) Equitable relief;

82 (3) Punitive damages;

83 (4) Reasonable attorney fees and costs; and

84 (5) Any other relief that the court deems proper.

85 (c) An insurer shall notify the office of the Commissioner and the State Oversight Board
86 of any actions filed against it pursuant to this Code section."

87 **SECTION 3.**

88 This Act shall become effective on July 1, 2025.

89 **SECTION 4.**

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