

The Senate Committee on Rules offered the following
substitute to HB 197:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-46-6 of the Official Code of Georgia Annotated, relating to
2 requirements for certification, utilization of nationally recognized accreditation standards,
3 and website identifying nationally recognized accreditation entities, so as to detail the effort
4 that shall be made by treating health care provider to respond to a private review agent or
5 utility review entity's attempt to reach such provider to discuss the patient's care; to amend
6 Chapter 46 of Title 33 of the Official Code of Georgia Annotated, relating to certification of
7 private review agents, so as to provide for health insurers to implement and maintain a
8 program that allows for the selective application of reductions in prior authorization
9 requirements under certain circumstances; to provide for an annual filing; to provide for the
10 promulgation of rules and regulations; to provide for related matters; to provide for an
11 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 Code Section 33-46-6 of the Official Code of Georgia Annotated, relating to requirements
15 for certification, utilization of nationally recognized accreditation standards, and website

identifying nationally recognized accreditation entities, is amended by revising paragraph (5) of subsection (a) as follows:

"(5) In any instances where the private review agent or utilization review entity is questioning the medical necessity of care, the treating health care provider, or such provider's appropriately qualified designee, shall be able to discuss the plan of treatment with a clinical peer trained in a related specialty and no adverse determination shall be made by the private review agent or utilization review entity until an effort has been made to discuss the patient's care with the patient's treating provider, or such provider's appropriately qualified designee who shall be familiar with the patient's case, during normal working hours. Such effort shall include contacting the treating provider or his or her designee, implementing a callback telecommunications system, or the use of a public website whereby such provider or designee may elect to receive a scheduled communication at a later time in the event that a clinical peer is not available. In the event of an adverse determination, notice to the provider will specify the reasons for the review determination;"

SECTION 2.

Chapter 46 of Title 33 of the Official Code of Georgia Annotated, relating to certification of private review agents, is amended by adding a new Code section to read as follows:

"33-46-20.1.

(a) Each insurer that utilizes prior authorization requirements shall implement and maintain a program that allows for the selective application of reductions in prior authorization requirements based on the stratification of healthcare providers' performance and adherence to evidence based medicine. Such program shall promote quality, affordable healthcare and reduce unnecessary administrative burdens for both the insurer and the healthcare provider.

41 (b) Criteria for participation by healthcare providers and the healthcare services included
42 in the program shall be at the discretion of the insurer; provided, however, that such insurer
43 shall submit to the department a filing concerning such program. Such filing shall include
44 a full narrative description of the program, the criteria for participation in the program, a
45 list of the procedures and services subject to the program, the number of healthcare
46 providers participating in the program, and any other information deemed necessary by the
47 department.

48 (c) No later than July 1, 2026, each insurer that utilizes prior authorization requirements
49 shall make the filing provided for in subsection (b) of this Code section, and such filing
50 shall be submitted annually in a form and manner provided for by rules and regulations
51 promulgated by the Commissioner."

52 **SECTION 3.**

53 This Act shall become effective on January 1, 2026, and shall apply to all policies or
54 contracts issued, delivered, issued for delivery, or renewed in this state on or after such date.

55 **SECTION 4.**

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