

House Bill 454 (AS PASSED HOUSE AND SENATE)

By: Representatives Newton of the 123rd, Hatchett of the 150th, Cooper of the 43rd, Gaines of the 117th, and Hawkins of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-20C-2 of the Official Code of Georgia Annotated, relating to
2 online provider directories, so as to provide for certain coverage requirements concerning
3 providers that become out-of-network during a plan year; to provide for exceptions and
4 applicability; to amend Code Section 33-24-59.27 of the Official Code of Georgia Annotated,
5 relating to the right to shop for insurance coverage, so as to revise the effective date; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 33-20C-2 of the Official Code of Georgia Annotated, relating to online
10 provider directories, is amended by adding a new subsection to read as follows:

11 “(g)(1) When an insurer's provider directory accessed through the insurer's website
12 includes a provider as a participating provider for a network plan at such time as a
13 prospective covered person selects his or her health benefit plan during the designated
14 open enrollment time frame, and subsequent to open enrollment in the succeeding plan
15 year, the provider is no longer in-network for the covered person's benefit plan, such
16 insurer shall, subject to the coverage terms of the health benefit plan, reimburse the

17 provider at its most recent contracted in-network rates for a period ending 180 days after
18 the date upon which the provider contract terminates or ending on the last day of the
19 covered person's coverage, whichever occurs sooner. The provider shall accept the
20 insurer's payment in full. Any amount paid to the provider by the insurer pursuant to this
21 subsection shall not be required to include any amount of coinsurance, copayment, or
22 deductible owed by the covered person or already paid by such covered person.

23 (2) In the event of a public health emergency, including but not limited to a public health
24 emergency as defined in Code Section 31-12-1.1, an insurer shall, for a period
25 commencing on the effective date of the public health emergency and ending 150 days
26 after the expiration of such public health emergency:

27 (A) Be prohibited from terminating a provider from the insurer's network; and

28 (B) Reimburse a provider at its most recent contracted in-network rates.

29 (3) This subsection (g)(and with respect to (D) below, only subsection now (g)(1)) shall
30 not apply if the:

31 (A) Provider becomes out-of-network due to suspension, expiration, or revocation of
32 such provider's license;

33 (B) Provider unilaterally terminates participation in the insurer's network plan without
34 cause;

35 (C) Insurer terminates the provider for cause for fraud, misrepresentation, or other
36 actions constituting a termination for cause under such provider's contract; or

37 (D) Insurer's provider directory accessed through the insurer's website accurately
38 displayed any future date on which such provider would become out of network, 15
39 days prior to the beginning of , and all during, the designated open enrollment time
40 frame.

41 (4) The provisions of subsection (d) of Code Section 33-20C-3 shall not apply to the
42 circumstances described in paragraph (1) of this subsection."

43

SECTION 1A.

44 Code Section 33-24-59.27 of the Official Code of Georgia Annotated, relating to the right
45 to shop for insurance coverage, is amended by adding a new subsection to read follows:

46 "(i) This Code section shall become effective on January 1, 2022."

47

SECTION 2.

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