Senate Bill 566

By: Senators Burke of the 11th, Hufstetler of the 52nd, Watson of the 1st, Kirkpatrick of the 32nd, Dugan of the 30th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to clarify that, under the "Surprise Billing Consumer Protection Act," a medical or traumatic condition, sickness, or injury includes a mental health condition or substance use disorder and that emergency medical services include post-stabilization services; to preserve a covered person's financial responsibilities and a nonparticipating facility's rights with respect to nonemergency medical services received from a nonparticipating facility; to clarify that, for preferred provider arrangements under group or blanket accident and sickness insurance, emergency services or emergency care includes health care services that are provided for a mental health condition or substance use disorder and includes post-stabilization health care services; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising paragraph (5) of subsection (b) of Code Section 33-20E-2, relating to application to insurers and definitions regarding surprise billing, as follows:

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'Emergency medical services' means medical services rendered after the recent onset of a medical or traumatic condition, sickness, or injury, including a mental health condition or substance use disorder, in which a person is exhibiting acute symptoms of sufficient severity, including, but not limited to, severe pain, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that his or her condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(A) Placing the patient's health in serious jeopardy;
(B) Serious impairment to bodily functions; or
(C) Serious dysfunction of any bodily organ or part.

'Emergency medical services' includes medical services rendered after such person is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which such services are furnished, unless each of the conditions of subdivision (a)(3)(C)(ii)(II) of the federal Public Health Service Act, 42 U.S.C. Section 300gg-111 are met."

SECTION 2.

Said title is further amended by adding a new subsection to Code Section 33-20E-5, relating to payment for nonemergency medical services under the "Surprise Billing Consumer Protection Act," to read as follows:

"(e) Notwithstanding any other law or regulation to the contrary, nothing in this Code section shall affect a covered person's financial responsibilities or a nonparticipating facility's rights with respect to nonemergency medical services received from a nonparticipating facility."
SECTION 3.

Said title is further amended by revising paragraph (1) of Code Section 33-30-22, relating to definitions regarding preferred provider arrangements under group or blanket accident and sickness insurance, as follows:

“(1) 'Emergency services' or 'emergency care' means those health care services that are provided for a condition of recent onset and, including but not limited to a mental health condition or substance use disorder, in which a person is exhibiting acute symptoms of sufficient severity, including, but not limited to, severe pain, that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that his or her condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(A) Placing the patient's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of any bodily organ or part.

'Emergency services' or 'emergency care' includes medical services rendered after such person is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which such services are furnished, unless each of the conditions of subdivision (a)(3)(C)(ii)(II) of the federal Public Health Service Act, 42 U.S.C. Section 300gg-111 are met.”

SECTION 4.

This Act shall become effective July 1, 2022, and shall apply to all policies or contracts issued, delivered, issued for delivery, or renewed in this state on or after such date.

SECTION 5.

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