

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

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

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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

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

25 (B) Serious impairment to bodily functions; or

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

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

32 SECTION 2.

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

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

40 **SECTION 3.**

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

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

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

52 (B) Serious impairment to bodily functions; or

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

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

59 **SECTION 4.**

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

62 **SECTION 5.**

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