

**SALE OF INDIVIDUAL HEALTH INSURANCE PRODUCTS
APPROVED IN OTHER STATES**

Section

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120-2-99-.01 Authority and Purpose.

Article 3 of Chapter 29A of Title 33 directs the Commissioner to adopt implementing rules and regulations governing the filing, approval, and sale of individual health insurance products that have been approved for issuance in other states. This regulation is issued pursuant to the authority vested in the Commissioner under Chapter 2 of Title 33 and O.C.G.A. Sections O.C.G.A. 33-29A-30 *et seq.*

Authority O.C.G.A. §§ 33-2-9 and 33-29A-30 *et seq.*

120-2-99-.02 Individual Health Insurance Products Approved in Other States.

(1) An insurer authorized to transact insurance in this state may file for approval and issuance in this state an individual health insurance product currently approved for issuance by the insurer or its affiliate in another state, provided that such product meets the requirements of Article 3 of Chapter 29A of Title 33, other applicable provisions of Title 33, and the regulations of the Commissioner.

(2) An insurer authorized to transact insurance in this state may offer an individual health insurance product with benefits equivalent to those in any individual health insurance product approved pursuant to Article 3 of Chapter 29A of Title 33.

(3) Any individual health insurance product offered or sold pursuant to Article 3 of Chapter 29A of Title 33 shall comply with O.C.G.A. § 9-9-2(c)(3) and shall not require the insured or his or her beneficiary to arbitrate disputes arising under the terms of the policy.

Authority O.C.G.A. §§ 33-2-9 and 33-29A-30 *et seq.*

120-2-99-.03 Filing Requirements.

(1) All individual health insurance products offered or sold pursuant to Article 3 of Chapter 29A of Title 33 shall be filed for prior review and approval and subject to the applicable SERFF filing and policy form filing fees.

- (2) Proof of current approval and product line authority in domicile state is required of foreign insurers.
- (3) Proof of current state approval other than Georgia, if different from domicile state should be furnished and referenced in filing.
- (4) Outlines of coverage must be prepared and filed for approval with the policy forms filing.
- (5) Insurer filings shall conform to applicable actuarial standards set forth by the National Association of Insurance Commissioners or regulations promulgated by the Commissioner including, but not limited to:
- (a) Assumptions and rating processes;
 - (b) Presumed loss ratio in the pricing of any such product; and
 - (c) Any other appropriate actuarial standards of practice under comprehensive major medical coverage for medical and surgical benefits, or for high deductible health plans sold under the applicable provisions of Section 223 of the Internal Revenue Code.
- (6) Insurers shall include a cover letter describing the relationship between the insurer making the filing and the affiliate, if any, which currently has approval for the issuance of the individual health insurance product in another state, the original state where the proposed product was approved, and the date of such approval. Any insurer authorized to transact insurance in this state seeking to offer an individual health insurance product with benefits equivalent to those of individual health insurance product already approved pursuant to Article 3 of Chapter 29A of Title 33 shall disclose the name of the insurer, the policy form number of such insurer, and the date approved in this state.
- (7) All policies delivered or issued for delivery in Georgia are subject to Georgia jurisdiction and all legal disputes arising under the policy shall be resolved in accordance with applicable Georgia law, including specifically the requirements of Title 9 and Title 33.

Authority O.C.G.A. §§ 33-2-9 and 33-29A-30 *et seq.*

120-2-99-.04 Required Disclosures.

- (1) Each policy application for a product offered or sold pursuant to Article 3 of Chapter 29A of Title 33 shall contain the following language in boldface type at the beginning of the document:
- “The benefits of this policy may primarily be governed by the laws of a state other than Georgia; therefore, all of the laws applicable to policies filed in this state may not apply to this policy. Any purchase of individual health insurance should be considered carefully since future medical conditions may make it impossible to qualify for another individual health insurance policy.”**
- (2) Each delivered policy must contain the following language in boldface type at the beginning of the document:
- “The benefits of this policy providing your coverage may be governed primarily by the laws of a state other than Georgia. The benefits covered may be different from other**

(b)

[INSURER NAME, ADDRESS]

Standard Form for Disclosure of

Benefits Definition Differences (O.C.G.A Section 33-29A-35)

**Georgia Benefits Definitions vs. This Non-Georgia based Product
Definitions**

Georgia Mandated Benefit	Georgia Citation	Mandate or Mandated Offer or Qualifications	[Non-Georgia Product] Does This Individual Policy Cover this benefit? (reference page and section in policy)
Asthma; Prescription Inhalers	33-24-59.8	Mandated behavior in RX plans	
Autism; non-discrimination in products covering neurological disorders	33-24-59.10	Mandate (subject to policy benefits, limitations consistent with other neurological disorders)	
Bone Marrow Transplants for treatment of breast cancer, Hodgkins Disease	33-29-3.3	Mandated Offer in Major Medical Plans	
Bone Mass Measurement	31-15A	Mandated Offer (availability)	
Breast Cancer Patient Care; Mastectomies	33-24-70-72	Mandate for policies covering surgery, mastectomies	
Child Cancer Clinical Trials	33-24-59.1	Mandate	

Georgia Mandated Benefit	Georgia Citation	Mandate or Mandated Offer or Qualifications	[Non-Georgia Product] Does This Individual Policy Cover this benefit? (reference page and section in policy)
Child Deliveries (48 / 96 hour hospital stay)	33-24-58.2	Mandated Benefit for policies covering maternity benefits; Notice requirement on insurers 30 days after insurer learns covered person is pregnant, added in 2002.	
Child Wellness to age 5	33-29-3.4	Mandate	
Chlamydia Screening to certain females, ages	31-14-4.1	Mandate	
Colorectal Cancer Screening Colorectal Cancer Screening (continued)	33-24-56.3	Mandates coverage for Colorectal Cancer Screening, exams, lab tests, along guidelines of American Cancer Society, American College of Gastroenterology & American College of Radiology. Exceptions are limited policies.	
Dental; General Anesthesia	33-24-28.4	Mandate	
Dermatologist Direct Access	33-24-56	Mandates Access (subject to policy benefits)	
Diabetes Outpatient Self Management Training, Equipment	33-24-59.2	Mandate for Major Medical Policies, Managed, Capitated plans	

Georgia Mandated Benefit	Georgia Citation	Mandate or Mandated Offer or Qualifications	[Non-Georgia Product] Does This Individual Policy Cover this benefit? (reference page and section in policy)
Human Heart Transplants	33-29-3.1	Mandated Offer (make available on major med plans)	
Mammograms, PAP Smears, PSA Test	33-29-3.2	Mandate	
Mental Disorders	33-24-28.1	Mandated Offer (make available)	
Morbid Obesity	33-24-59.7	Mandated Offer (Georgia policy “may” cover)	
OB / GYN Direct Access	33-24-59	Mandates Access (subject to policy benefits)	
Off-Label Prescription Drugs for insureds with life- threatening or chronic and disabling conditions	33-24-59.11	Mandate (subject to certain conditions and prior authorization of insurer)	
Ovarian Cancer; Surveillance Tests for women at risk	33-24-56.2	Mandates Coverage for certain women over age 35 (subject to same deductibles, coinsurance as other benefits)	
Pregnancy, Complications of	33-24-24	Mandate for Major Medical	

Georgia Mandated Benefit	Georgia Citation	Mandate or Mandated Offer or Qualifications	[Non-Georgia Product] Does This Individual Policy Cover this benefit? (reference page and section in policy)
Prescription Contraceptives	33-24-59.6	Mandate for RX plans	
TMJ	33-29-20	Mandate	

Authority O.C.G.A. §§ 33-2-9 and 33-29A-30 *et seq.*

120-2-99-.05 Severability.

If any provision of these sections or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these sections which can be given effect without the invalid provisions or application. To this end all provisions of these sections are declared to be severable.

Authority O.C.G.A. § 33-2-9.