UNFAIR TRADE AND CLAIMS SETTLEMENT PRACTICES

Section

120-2-20-.03 **Unlawful Agreements between Insurers and Providers.**
120-2-20-.04 **Severability.**

120-2-20-.03 Unlawful Agreements between Insurers and Providers.

(1) An agreement between an insurer and a provider shall not:
(a) Prohibit, or grant the insurer an option to prohibit, a provider from contracting with another party to provide health care services at a lower rate than the payment or reimbursement rate specified in the contract;
(b) Require, or grant the insurer an option to require, a provider to accept a lower payment or reimbursement rate if the provider agrees to provide health care services to another party at a lower rate than the payment or reimbursement rate specified in the contract;
(c) Require, or grant a contracting insurer an option to terminate or renegotiate an existing contract in the event the provider agrees to provide health care services to any other party at a lower rate; or
(d) Require a provider to disclose, to the insurer or its designee, the provider's contractual payment or reimbursement rates with other parties.
(2) The Commissioner shall follow the procedure set forth in O.C.G.A. § 33-6-13(d) whenever there is a violation of this regulation.
(3) For the purposes of this regulation, "provider" means any physician, hospital, or other person who is licensed or otherwise authorized in this state to furnish health care services.
(4) For the purposes of this regulation, "health care services" means any services included in the furnishing to any individual of medical or dental care or hospitalization or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

Authority O.C.G.A. Secs. 33-2-9, 33-6-13.

120-2-20-.04 Severability.

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

Authority O.C.G.A. Secs. 33-2-9, 33-6-36, 33-32-1, 33-34-8, 50-13-3, 50-13-4, 50-13-21.