

**RULES AND REGULATIONS OF  
THE INSURANCE COMMISSIONER**

**CHAPTER 120-2-1-112  
RULES OF GEORGIA ACCESS**

**SUBJECT – GENERAL PROVISIONS**

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Rule 120-2-112-.01 Authority.

This Regulation is made pursuant to the authority vested in the Commissioner under O.C.G.A. §33-1-23 and §33-2-9.

Rule 120-2-112-.02 Purpose.

The purpose of this Regulation is to establish the rules necessary to implement, establish, administer, and operate Georgia Access, a state-based health exchange to facilitate the purchase and sale of qualified health plans (QHP) to eligible individuals and qualified employers.

Rule 120-2-112-.03 Definitions.

For this Regulation, the following terms shall be defined as follows:

- 1) "Commissioner" means the Commissioner of Insurance.
- 2) "Eligible individual" means an individual or consumer who has been determined eligible to enroll through Georgia Access in a QHP in the individual market.
- 3) "Exchange" means a state, federal, or partnership exchange or marketplace operating in Georgia pursuant to Section 1311 of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152 (referred hereinafter as the "Federal Act").
- 4) "Georgia Access" means the State-based Exchange of the State of Georgia.
- 5) "Issuer" means an insurance company licensed by the Georgia Office of Commissioner of Insurance and Safety Fire to engage in the business of selling, soliciting, or negotiating insurance in Georgia.
- 6) "Open enrollment" is the annual period when eligible individuals may enroll in an individual health and/or dental insurance plan for the upcoming year.
- 7) "Plan year" is the 12-month period of benefit coverage under a health and/or dental plan. For Georgia Access, a plan year begins January 1<sup>st</sup> of each year and runs through December 31<sup>st</sup> of the same year.

- 8) “Stand-alone dental plan” or “SADP” is a dental insurance plan certified by Georgia Access that is not included as part of a health plan.
- 9) “Qualified Health Plan” or “QHP” is a health or dental insurance plan that is certified by Georgia Access.

#### Rule 120-2-112-.04 Certification of Qualified Health Plans.

- 1) Certification. Georgia Access is authorized to certify issuers seeking QHP certification of plan(s) to be offered on Georgia Access, regardless of licensure type. Georgia Access will publish certification criteria and guidelines annually.
- 2) Georgia Access shall publish minimum standards that comply with federal and state requirements for participation in Georgia Access.
  - a) Georgia Access shall certify all plans meeting the requirements of § 1311(c) of the Federal Act for participation in Georgia Access unless it is not in the interest of eligible individuals and qualified employers in the state of Georgia.
  - b) Certification criteria shall be applied consistently across all issuers participating in Georgia Access.
- 3) Annual Certification Timeline. Georgia Access shall establish an annual certification process and timeline for all participating QHP issuers.
- 4) Issuer Agreements. All QHP issuers must enter into an Issuer Agreement with Georgia Access describing the issuer’s obligations regarding offering products and/or services on Georgia Access.
- 5) Decertification. Georgia Access is authorized to:
  - a) establish a process for decertification; and
  - b) decertify a QHP if it is determined that it is not in the public interest to permit such plans to be offered through Georgia Access.

#### Rule 120-2-112-.05 User Fees.

Pursuant to O.C.G.A. §33-1-23, the Commissioner is authorized to impose fees on Issuers offering QHPs. Failure to timely remit fees may result in the assessment of penalties.

- 1) Annual User Fee. To support the functions of Georgia Access, issuers offering QHPs must remit a user fee to Georgia Access each month, in a timeframe and manner established by Georgia Access, equal to a percentage of the monthly premium charged by the issuer for each policy under the plan where enrollment is through Georgia Access.
- 2) Publication of Fee Percentage. Georgia Access will publish its user fee percentage for each plan year before the beginning of the open enrollment.

#### Rule 120-2-112-.06 Enrollment Periods.

- 1) Open Enrollment Period.
  - a) Georgia Access will establish the annual open enrollment period and shall provide a minimum of one hundred twenty (120) days advance public notice prior to its first (1<sup>st</sup>) day.

- b) Georgia Access shall comply with federal requirements with respect to the length of the annual open enrollment period.

Rule 120-2-112-.07 Penalties.

Any issuer, representative, officer, or employee of such issuer failing to comply with the requirements of this Regulation Chapter shall be subject to such penalties and other enforcement actions as may be appropriate under the insurance laws of this State.

Rule 120-2-112-.08 Severability.

If any provision of this Regulation Chapter, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the Regulation Chapter or the applicability of such provision to other persons or circumstances shall not be affected.

**Authority: O.C.G.A. §§33-1-23, §33-2-9.**