

## **GSRM: Healthcare from the Hill**

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by Matthew Scanlan

The Tennessee General Assembly will reconvene on January 12, 2010. Prior to entering into the regular session, the Governor has called for a special session regarding education. The specifics of the education initiatives have not yet been released, but it has been widely reported that the main component of the initiatives will be aimed at teacher evaluation and the inclusion of testing data in those evaluations. At this point, it appears that the Tennessee Education Association, the teacher's union, will not be in support of the Governor's initiatives. The special session is also likely to include a delay on implementation of workers compensation laws that were scheduled to go into effect, but are problematic for small businesses.

This week's report identifies legislation that has been pre-filed in the last several weeks and will be introduced at the beginning of the 2010 legislative session. More information on the individual bills or resolutions can be located at the Tennessee General website (<http://www.legislature.state.tn.us/>).

### **HB 2417\* Ramsey B.**

**INSURANCE HEALTH: Health-Care Choice Act.** Allows foreign health insurers to offer and provide individual and employer health benefits plans to residents in this state if such insurers meet certain criteria. Defines foreign individual health insurers as out-of-state insurers. Requires such insurers to offer the same individual and small employer health benefits plans in its permanent residence state and to be in compliance with all applicable laws, regulations, and other requirements of its state. Also requires the insurer to obtain a certificate of authority, using a form proscribed by the commissioner of commerce and insurance, to do business as a foreign health insurer in Tennessee. Requires the insurer to participate in the Tennessee life and health insurance guaranty association. Requires the insurer to submit a complete application and application fee to the commissioner, provided that the commissioner will not issue a certificate if: the insurer will not comply with the provisions set forth in this legislation; does not meet minimum capital, surplus, and reserve requirements; is not subject to measures of regulator oversight equal to or exceeding those of this state; or has not adopted procedures to ensure compliance with all federal laws. Establishes that the certificate is valid for two years from the date of issuance. Establishes procedure for obtaining and renewing a certificate of authority. Allows the commissioner to deny, revoke, or suspend a certificate of authority to a foreign health insurer who no longer is in compliance with any of the conditions set forth in this legislation. Requires the commissioner to establish grievance and independent claims review procedures. Requires a foreign health insurer to comply with the Unfair Trade Practices and Unfair Claims Settlement Act of 2009. Prohibits any rule promulgated by the commissioner from directly or indirectly requiring the following: a foreign health insurer to modify coverage or benefit requirements, or restrict underwriting requirements; regulatory requirements that are more stringent than those applicable to domestic carriers; or a foreign health insurer to be countersigned by an insurance agent or broker residing in this state.



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## HJR 0704 Lynn

**INSURANCE HEALTH: Opposition to federal health insurance plan.** Expresses opposition to the institution of new federal review, oversight, or preemption of state health insurance laws, the creation of a federal health insurance exchange or connector, and the creation of a federal health insurance plan (public plan) option.

If you need additional information or have questions about the legislation discussed in this edition of **GSRM: Healthcare from the Hill**, please contact Matthew Scanlan at 615.244.4994 or [mscanlan@gsm.com](mailto:mscanlan@gsm.com). More information can be found at [www.gsm.com](http://www.gsm.com).

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