



# OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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**BEFORE THE COMMISSIONER OF INSURANCE**

**STATE OF GEORGIA**

## NOTICE OF EMERGENCY RULEMAKING

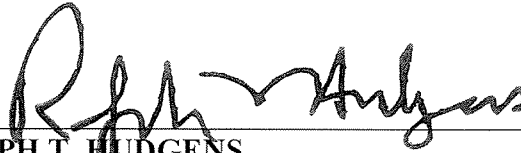
Pursuant to O.C.G.A. § 50-13-4(b), Emergency Regulation Chapter 120-2-98-0.23 entitled “Review of Health Benefit Plan Rate Increases” is hereby promulgated. A copy of the Emergency Regulation Chapter 120-2-98-0.23 is attached hereto and made a part hereof by reference.

Section 1003 of the Patient Protection and Affordable Care Act directs the Secretary of the Department of Health and Human Services (“HHS”), in conjunction with the States, to establish a process for the review of unreasonable health insurance rate increases. The federal regulations adopted by HHS at 45 C.F.R. Part 154 set forth criteria for an effective rate review program and provide that, on and after September 1, 2011, HHS will defer to a State review of certain health insurance rate filings only if that State has been deemed to have an effective rate review program. HHS will assert the authority to review certain health insurance rate filings in States without an effective rate review program. Georgia has been deemed to be an effective rate review State subject to the adoption of the federal rate review criteria on or before September 1, 2011. This Emergency Regulation Chapter is necessary to preserve the Commissioner of Insurance’s ability to review certain health insurance rates and preserve the public welfare as contemplated by O.C.G.A. § 33-9-1(a) and other applicable provisions of Title 33 cited herein.

O.C.G.A. § 33-9-1(a) provides that “the purpose of this chapter is to promote the public welfare by regulating insurance rates as provided in this chapter to the end that they shall not be excessive, inadequate, or unfairly discriminatory.” The Commissioner of Insurance has reasonable cause to believe that without this notice there is an imminent peril to the public welfare. Accordingly, Emergency Regulation Chapter 120-2-98-0.23 entitled “Review of Health Benefit Plan Increases” is hereby adopted.

This Emergency Regulation Chapter shall become effective September 1, 2011, and remain effective for a period of not longer than 120 days.

Given under my Hand and Official Seal this 26 day of August, 2011.



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**RALPH T. HUDGENS**  
**INSURANCE AND SAFETY FIRE COMMISSIONER**  
**STATE OF GEORGIA**

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