



# OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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**BULLETIN**  
09-L&H-2

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To: Georgia Licensed Group Health Insurers covering Small Employers

From: John W. Oxendine  
Insurance and Safety Fire Commissioner

Date: June 4, 2009

Re: Model Georgia State Continuation Coverage Election Notice under  
Senate Bill 94 for Assistance Eligible Individuals under ARRA (Federal  
Stimulus Act)

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On May 5, 2009, Governor Perdue signed SB 94<sup>1</sup> which provides “assistance eligible individuals” – persons that have been or will be terminated from employment between September 1, 2008 and December 31, 2009 and that are eligible for state continuation coverage – with up to 9 months state continuation coverage, a continuation premium subsidy available for periods on or after March 1, 2009, and for assistance eligible individuals involuntarily terminated between September 1, 2008 through February 17, 2009, a second election period in which to elect state continuation coverage.<sup>2</sup>

Senate Bill 94 requires the Office of Commissioner of Insurance to: “...develop and direct insurers to issue notices for assistance eligible individuals regarding availability of expanded eligibility, second election, and continuation assistance...”

This Bulletin gives direction to the Georgia group health insurance industry with regard to those required notices, including a Model Notice that insurers may use to construct their notices. While Georgia group health insurers are not specifically required to use this exact Georgia Model Notice, insurers should use a substantially similar notice. Insurers should adjust their administrative policies and procedures to comply with SB94. Insurers may continue to use other administrative forms in connection with state group

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<sup>1</sup> Senate Bill 94, as passed, is available on the Georgia General Assembly’s Web Page, [www.legis.state.ga.us/legis/2009\\_10/sum/sb94.htm](http://www.legis.state.ga.us/legis/2009_10/sum/sb94.htm)

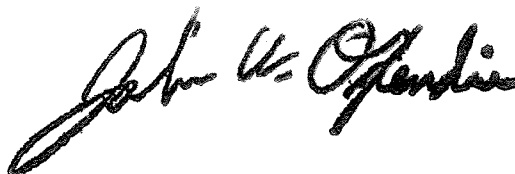
<sup>2</sup> Under O.C.G.A. Sections 33-24-21.1(m) and 33-24-21.1(c)(1), persons **who are not** Assistance Eligible Individuals under ARRA **will not** have their state continuation lengthened nor will they be eligible for subsidy, but will remain eligible for a maximum length of state continuation of the fractional month of termination plus 3 months.

health continuation they may have had in place for persons other than assistance eligible individuals.

This Office recognizes that administrative procedures may vary among insurers and employers, and that monthly group health insurance premiums are paid by employers on behalf of group members. We further recognize that insurers must obtain some of the information necessary to comply with Senate Bill 94, such as the names, addresses and details of termination for potentially eligible individuals, from their small employer group customers so that insurers can give the required notice to potential assistance eligible individuals. In this regard, the Office of Commissioner of Insurance will expect that insurers will document their requests to employers for names of employees terminated during the target periods as well as their efforts to contact the terminated employees using the information given them by the former employer. Insurers using reasonable standards of procedure and documentation may rely on the information given by employers about terminated employees and should be prepared to furnish documentation of their efforts to provide the required notice upon demand of the Commissioner for formal or informal market conduct or other examinations.

From the Office of Commissioner of Insurance Home Page, [www.gainsurance.org](http://www.gainsurance.org) this information and other helpful links are available in several areas. Under INSURERS Tab, choose the Life and Health Division, then look for the link entitled State Group Health Continuation 2009, which will lead you to a set of documents including the Georgia Model State Continuation Notice.

For specific questions about this Bulletin, please contact the Life and Health Division, Suite 902 West Tower, Floyd Building, 2 Martin Luther King, Jr. Dr., Atlanta, Georgia 30334 or phone (404) 656-2085 or email Mr. Thomas F. Carswell at [tcarswell@oci.ga.gov](mailto:tcarswell@oci.ga.gov)



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