

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:

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**CHAPTER 120-2-51
Continuing Care Providers and Facilities**

DOCKET NUMBER I-15-I-11

ORDER

I. STATEMENT OF PROCEEDINGS

On December 30, 2015, a Notice of Hearing and Intent to Adopt Rule Changes was given regarding the proposed repeal of the current Continuing Care Providers and Facilities Regulation Chapter and subsequent adoption of a new regulation chapter with the same title. (Record, Exhibit 1) The primary purpose of the proposed regulatory action is to better enable the Department of Insurance to govern the use of escrow agreements and the issuance of renewal certificates of authority.

By letter dated February 4, 2016, the Office of the Attorney General opined that the proposed regulations are within the Commissioner's scope of authority. (Record, Exhibit 5) Pursuant to O.C.G.A. Section 50-13-4(e), the proposed regulations were transmitted to Wayne R. Allen, Legislative Counsel for the General Assembly, for assignment to the appropriate standing committees of the Senate and House of Representatives. (Record, Exhibit 6) The proposed regulations were assigned accordingly. (Record, Exhibit 7)

II. CONSIDERATION OF INTERESTED PARTY COMMENTS

Interested persons were given the opportunity to participate in the proposed rulemaking by submitting their written comments to the Department of Insurance by February 5, 2016, and

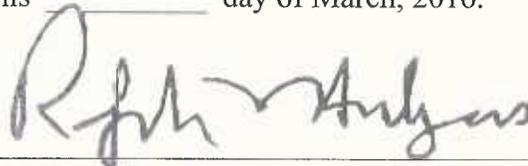
by making oral comments at the public hearing held on February 11, 2016. No written comments were submitted.

Mark Ossi, the Director of the Insurance and Financial Oversight Division of this Office, was the only person to offer oral comments at the hearing. (Record, pp. 7-10) According to Mr. Ossi, the Department's current regulations need to be updated to incorporate the General Assembly's changes to Chapter 45 of Title 33.¹ Moreover, guidance needs to be provided to continuing care retirement communities with regard to the use of escrow agreements. Mr. Ossi recommends that the Commissioner adopt the proposed Regulation Chapter.

III. DECISION

WHEREAS, the Commissioner finds persuasive the comments offered by Mr. Ossi regarding the need for the proposed Regulation Chapter, and **WHEREAS**, no comments were offered in opposition, **IT IS HEREBY ORDERED** that Regulation Chapter 120-2-51 entitled "Continuing Care Providers and Facilities" is **REPEALED** and the proposed new Regulation Chapter 120-2-51 with the same title is **HEREBY ADOPTED**. A copy of the new Regulation Chapter is attached hereto and made a part hereof by reference.

Given under my Hand and Seal this 23rd day of March, 2016.



RALPH T. HUDGENS
COMMISSIONER OF INSURANCE
STATE OF GEORGIA



¹ See Senate Bill 304 which became effective on July 1, 2014.