



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

- WHEREAS:** Congress enacted and the President of the United States signed into law the Patient Protection and Affordable Care Act on March 23, 2010 and the Health Care and Education Reconciliation Act on March 30, 2010 (collectively "PPACA"); and
- WHEREAS:** A focus of the PPACA was to address the availability and affordability of health insurance in the United States through the creation of various health insurance exchanges and through the implementation of an individual mandate to buy health insurance by 2014; and
- WHEREAS:** There are significant constitutional problems with the PPACA, particularly with regard to an individual mandate to buy health insurance and with the expansion of those who would be covered by the Medicaid program; and
- WHEREAS:** The State of Georgia has joined a multi-state constitutional challenge to the PPACA (*State of Florida et al. vs. U.S. Department of Health and Human Services et al.*) which is currently on appeal before the United States Court of Appeals for the Eleventh Circuit; and
- WHEREAS:** Until a resolution of the constitutional challenge to PPACA or until Congress repeals or modifies the existing federal law, the State of Georgia must prepare for the many challenges presented by implementation of the PPACA; and
- WHEREAS:** The PPACA requires the establishment of health insurance exchanges by 2014 and that, if the State of Georgia does not create a state-run exchange, either as a separate governmental agency or as a non-profit entity, the federal government shall establish and manage the exchange; and
- WHEREAS:** There is limited guidance on how to create a state-based exchange and even less guidance on how a federally-managed exchange would operate; and

WHEREAS: The State of Georgia has applied for and received an Exchange Planning Grant from the Department of Health and Human Services and has committed to review and assess whether to establish a health insurance exchange in Georgia and how to develop an exchange that reflects a free market, conservative approach to expanding health insurance coverage in Georgia and incentivizing affordable healthcare; and

WHEREAS: The purpose of this executive order is to establish the Georgia Health Insurance Exchange Advisory Committee.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the Georgia Health Insurance Exchange Advisory Committee (the "Committee") is hereby created with the composition, duties and responsibilities provided for below:

- (1) The Committee shall serve in an advisory capacity;
- (2) The Committee shall assess whether Georgia should create a state-based health insurance exchange (or multiple exchanges);
- (3) If determining that Georgia should create an exchange or multiple exchanges, the Committee shall deliver recommendations for (a) legislation to be considered during the 2012 Legislative Session and (b) a business plan for the exchange (or multiple exchanges);
- (4) Should the Committee recommend the establishment of a state-based health insurance exchange or exchanges, the Committee should focus on free market principles for (a) making the provision of health insurance to employees more affordable for Georgia employers, (b) providing better options for individuals to purchase affordable health insurance and (c) making a state-based exchange in Georgia an on-going sustainable operation independent of state appropriations; and otherwise find ways to implement an exchange (or multiple exchanges) in a manner that improves the economic viability of creating and/or expanding small business in Georgia; and

- (5) The Committee shall provide its preliminary recommendations to the Governor by September 15, 2011 and final recommendations by December 15, 2011.

IT IS FURTHER

ORDERED:

That the members of the Committee shall be Senator Greg Goggans, Representative John Meadows, Representative Richard Smith, Representative Pat Gardner, Representative Josh Clark, Morgan Kendrick, Albert Ertel, Russell Childers, Rick Bailey, Cindy Zeldin, Julianne Thompson, Ed Painter, Phil Brown, Jimmy Childre, Kyle Jackson, Timothy Stack, Alan Levine, Ricardo Azziz, Ron Bachman, Lynn Zonakis, Gerry Purcell, and David Bradford.


The following state agency officials shall also serve as members of the Committee: Ralph Hudgens, Commissioner of Insurance; David Cook, Commissioner of the Department of Community Health; and Pat Wilson, Chief Operating Officer, Department of Economic Development.

This 2 day of June, 2011.



GOVERNOR

ATTEST



Executive Secretary