

Senate Bill 133

By: Senators Hawkins of the 49th, Goggans of the 7th, Thomas of the 54th, Williams of the 19th, Hooks of the 14th and others

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to the "'Health Share' Volunteers in Medicine Act," so as to revise a definition; to  
3 provide for sovereign immunity protection for certain health care professionals in safety net  
4 clinics who participate in the Health Share Program; to provide for statutory construction;  
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the  
9 "'Health Share' Volunteers in Medicine Act," is amended in Code Section 31-8-192, relating  
10 to definitions, by revising subparagraph (R) of paragraph (5) as follows:

11 "(R) ~~Any~~ A safety net clinic, which includes any other medical facility the primary  
12 purpose of which is to deliver human dental or medical diagnostic services or which  
13 delivers nonsurgical human medical treatment and which ~~includes~~ may include an  
14 office maintained by a provider;"

15 **SECTION 2.**

16 Said article is further amended by adding a new Code section to read as follows:

17 "31-8-195.1.

18 (a) A registered professional nurse, nurse midwife, licensed practical nurse, or advanced  
19 practice registered nurse licensed or registered under Chapter 26 of Title 43 who is  
20 employed by a safety net clinic that executes a contract with a governmental contractor  
21 pursuant to this article shall be considered a state officer or employee for purposes of  
22 Article 2 of Chapter 21 of Title 50 while providing health care services pursuant to such  
23 contract, so long as such nurse provides nonemergent care and such nurse's total  
24 compensation, including all cash and noncash remunerations, does not fluctuate in relation  
25 to:

26 (1) The number of patients served in the clinic;

27 (2) The number of patient visits to the clinic;

28 (3) Treatments in the clinic; or

29 (4) Any other fact relating to the number of patient contacts or services rendered  
 30 pursuant to a contract under this article.

31 (b) A physician licensed pursuant to Chapter 34 of Title 43 or medical resident who  
 32 provides nonemergent medical care and treatment in a safety net clinic that executes a  
 33 contract with a governmental contractor pursuant to this article shall be considered a state  
 34 officer or employee for purposes of Article 2 of Chapter 21 of Title 50 while providing  
 35 health care services pursuant to such contract, so long as the physician is practicing  
 36 pursuant to a license issued under Code Section 43-34-45.1 or the physician or resident  
 37 receives no compensation from the safety net clinic and is on staff at a local or regional  
 38 hospital and provided that the physician's total compensation, including all cash and  
 39 noncash remunerations, does not fluctuate in relation to:

40 (1) The number of patients served in the clinic;

41 (2) The number of patient visits to the clinic;

42 (3) Treatments in the clinic; or

43 (4) Any other fact relating to the number of patient contacts or services rendered  
 44 pursuant to a contract under this article.

45 (c) No hospital shall require a physician to provide services at a safety net clinic as a  
 46 condition for granting of staff privileges or for retaining staff privileges at such hospital.

47 (d) This Code section shall be supplemental to all other provisions of law that provide  
 48 defenses to health care providers. This Code section shall not create any new cause of  
 49 action against a health care provider or additional liability to health care providers."

50 **SECTION 3.**

51 All laws and parts of laws in conflict with this Act are repealed.