

House Bill 1040

By: Representatives Powell of the 23rd, Connell of the 115th, Harbin of the 113th and Jackson of the 112th

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
2 relating to hospitals and nursing homes, so as to allow a traumatic burn care medical practice
3 to have a lien on a cause of action accruing to an injured person for the costs of care and
4 treatment arising out of the cause of action; to provide for legislative findings and intent; to
5 define certain terms; to provide for related matters relative to filing a lien; to provide for
6 other matters; to repeal conflicting laws; and for other purposes.

7 WHEREAS, the General Assembly finds and declares that the State of Georgia has a
8 compelling interest in assuring that health care providers have a financial incentive to
9 provide medical services for traumatic burn care; and

10 WHEREAS, the treatment of severe traumatic burns can often require costly treatment as
11 compared to other categories of traumatic injury and therefore mandates classification to
12 recognize that fact; and

13 WHEREAS, in the State of Georgia, the scarcity of medical facilities that provide specialized
14 severe level traumatic burn care is due in part to these facilities' inability to secure payment
15 for their medical services; and

16 WHEREAS, hospitals which provide similar services are given greater legal protection than
17 traumatic burn care medical practice facilities in the form of liens for payment; and

18 WHEREAS, this disparity results in a high level of uncollectable accounts which places a
19 severe financial burden on a traumatic burn care medical practice, threatening the economic
20 viability of its existence; and

1 WHEREAS, in order for traumatic burn care medical practice facilities to subsist and
 2 proliferate in the State of Georgia, their opportunity to be compensated for these medical
 3 services should be legally equal to that of other facilities providing these services.

4 NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Part 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to
 7 hospitals and nursing homes, is amended by striking Code Section 44-14-470, relating to
 8 liens on causes of action accruing to an injured person for costs of care and treatment of
 9 injuries arising out of such causes of actions, and inserting in lieu thereof the following:

10 "44-14-470.

11 (a) Except where the context otherwise requires in subsection (b) of this Code section, as
 12 used in this part, the term:

13 (1) 'Hospital' means any hospital or nursing home subject to regulation and licensure by
 14 the Department of Human Resources.

15 (2) 'Hospital care, treatment, or services' means care, treatment, or services furnished by
 16 a hospital or nursing home.

17 (3) 'Nursing home' means any intermediate care home, skilled nursing home, or
 18 intermingled home.

19 (4) 'Traumatic burn care medical practice' means care, treatment, or services rendered
 20 by a medical practice with respect to a patient whose burn care, treatment, or services
 21 resulted in charges in excess of \$50,000.00, arising out of a single accident or occurrence.

22 (b) Any person, firm, hospital authority, or corporation operating a hospital or nursing
 23 home or providing traumatic burn care medical practice in this state shall have a lien for
 24 the reasonable charges for hospital, or nursing home, or traumatic burn care medical
 25 practice care and treatment of an injured person, which lien shall be upon any and all
 26 causes of action accruing to the person to whom the care was furnished or to the legal
 27 representative of such person on account of injuries giving rise to the causes of action and
 28 which necessitated the hospital, or nursing home, or provider of traumatic burn care
 29 medical practice care, subject, however, to any attorney's lien. This subsection shall not
 30 be construed to interfere with the exemption from this part provided by Code Section
 31 44-14-474."

