

Senate Bill 238

By: Senators Stokes of the 43rd, Walker of the 22nd, Starr of the 44th and Thomas of the 54th**AS PASSED SENATE**A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the
2 regulation of hospitals and related institutions, so as to change the provisions relating to
3 definitions regarding review organizations and provide for confidentiality of information
4 disclosed to a governmental agency; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation
9 of hospitals and related institutions, is amended by striking "or" from the end of division
10 (3)(B)(iv) of Code Section 31-7-131, relating to the definitions regarding review
11 organizations, and by striking division (3)(B)(v) of such Code section and inserting in its
12 place new divisions to read as follows:

13 "(v) Evaluating the quality and efficiency of health care services rendered by a
14 professional health care provider in connection with such provider's participation as
15 or request to participate as a provider in or for an insurer, self-insurer, health
16 maintenance organization, preferred provider organization, provider network, or other
17 organization engaged in managed care; or
18 (vi) Performing any of the functions or activities described in Code Section 31-7-15."

19 **SECTION 2.**

20 Said chapter is further amended by striking subsection (a) of Code Section 31-7-133, relating
21 to the confidentiality of review organizations' records, and inserting in its place the
22 following:

23 "(a) Except in proceedings alleging violation of this article, the proceedings and records
24 of a review organization shall be held in confidence and shall not be subject to discovery
25 or introduction into evidence in any civil action; and no person who was in attendance at
26 a meeting of such organization shall be permitted or required to testify in any such civil

1 action as to any evidence or other matters produced or presented during the proceedings
2 or activities of such organization or as to any findings, recommendations, evaluations,
3 opinions, or other actions of such organization or any members thereof. The confidentiality
4 provisions of this article shall also apply to any proceedings, records, actions, activities,
5 evidence, findings, recommendations, evaluations, opinions, data, or other information
6 shared between review organizations which are performing a peer review function or
7 disclosed to a governmental agency as required by law. However, information, documents,
8 or records otherwise available from original sources are not to be construed as immune
9 from discovery or use in any such civil action merely because they were presented during
10 proceedings of such organization, nor should any person who testifies before such
11 organization or who is a member of such organization be prevented from testifying as to
12 matters within such person's knowledge; but such witness cannot be asked about such
13 witness's testimony before such organization or about opinions formed by such witness as
14 a result of the organization hearings."

15 **SECTION 3.**

16 This Act shall become effective upon its approval by the Governor or upon its becoming law
17 without such approval.

18 **SECTION 4.**

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