

House Bill 954

By: Representatives Teper of the 61<sup>st</sup> and Reichert of the 126<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to torts, so as to provide for legislative findings; to extend certain  
3 immunity to resident physicians and hospital authorities, medical facilities, and academic  
4 institutions employing or utilizing such physicians; to provide for waiver of immunity; to  
5 provide for conditions to claim immunity; to provide for statutory construction; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to torts, is amended by striking Code Section 51-1-38, relating to tort  
11 immunity for medical students and exceptions thereto, and inserting in lieu thereof a new  
12 Code Section 51-1-38 to read as follows:

13 "51-1-38.

14 (a) No student who participates in the provision of medical care or medical treatment  
15 under the supervision of a medical facility, academic institution, or doctor of medicine, as  
16 a part of an academic curriculum leading to the award of a medical degree, shall be liable  
17 for any civil damages as a result of any act or omission in such participation, except for  
18 willful or wanton misconduct.

19 (b) The General Assembly finds that many major hospital authorities, medical facilities,  
20 and academic institutions in this state that operate medical residency training programs or  
21 on whose premises medical residency training programs are operated provide a valuable  
22 service benefiting the entire state by providing necessary medical education and training  
23 for physicians. Accordingly, the immunity provided by subsection (a) of this Code section  
24 shall extend to:

25 (1) Any resident physician participating in medical residency training programs  
26 approved by the American Medical Association and operated in this state by a hospital

1 authority or a designated teaching hospital, as defined in paragraph (1) of subsection (a)  
2 of Code Section 31-7-95; and  
3 (2) Any hospital authority, medical facility, or academic institution employing or  
4 utilizing the resident physician described in paragraph (1) of this subsection.  
5 (c) In order to claim the immunity provided by subsection (b) of this Code section, each  
6 hospital authority operating a medical residency physician training program or on whose  
7 premises a medical residency physician training program is operated and each designated  
8 teaching hospital, as defined in paragraph (1) of subsection (a) of Code Section 31-7-95,  
9 shall, at the time of any act or omission for which that immunity is claimed, be covered  
10 by liability insurance protection, self-insurance protection, the protection of a contingency  
11 reserve fund, or contractual indemnification backed by such protection, in an amount not  
12 less than \$1 million per occurrence and \$3 million in the aggregate, for occurrences in any  
13 one calendar year for medical care and treatment provided by such resident physicians.  
14 (d) The immunity provided in subsection (b) of this Code section shall be waived as to  
15 those actions or claims for the recovery of damages for which the protections required by  
16 subsection (c) of this Code section have been provided but only to the extent of any such  
17 protection which is so provided.  
18 ~~(b)~~(e) Subsection (a) of this Code section shall not be construed to affect or limit the  
19 liability of a medical facility, academic institution, or doctor of medicine, except as  
20 described in subsections (b), (c), and (d) of this Code section."

21

**SECTION 2.**

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