

House Bill 965

By: Representatives Squires of the 78<sup>th</sup>, Orrock of the 56<sup>th</sup>, Bordeaux of the 151<sup>st</sup>, Dix of the 76<sup>th</sup> and Ragas of the 64<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 enact the "Patient Safety and Health Care Reporting Act"; to establish standards for reporting  
3 violations of patient safety; to define terms; to prohibit retaliation against health care  
4 providers who report in good faith information relating to the care provided by a health care  
5 facility; to provide for a civil cause of action and damages for retaliation for making a good  
6 faith report; to provide for injunctive relief; to require health care facilities to post a notice  
7 regarding the provisions of this Act; to provide for limitations on actions regarding the  
8 making of a good faith report; to provide for related matters; to provide for an effective date;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
13 a new Chapter 37, in the place of the former Chapter 37 which was reserved, to read as  
14 follows:

15 "CHAPTER 37

16 31-37-1.

17 This chapter shall be known and may be cited as the 'Patient Safety and Health Care  
18 Reporting Act.'

19 31-37-2.

20 As used in this chapter, the term:

21 (1) 'Good faith report' means a verbal or written notice based on the reasonable belief  
22 that the notice was necessary to prevent or correct a material violation by a health care  
23 facility of an applicable law, rule, regulation, or generally recognized professional or

1 clinical standard and such violation would cause a material breach or material  
2 compromise of the care of the patient.

3 (2) 'Health care facility' means an institution as defined in paragraph (1) of Code  
4 Section 31-7-1.

5 (3) 'Health care provider' means any person licensed or certified under Chapter 9, 10A,  
6 11, 11A, 26, 27, 28, 30, 33, 34, 35, 39, or 44 of Title 43 or Chapter 4 of Title 26.

7 (4) 'Patient' means a natural person who receives care or treatment at a health care  
8 facility.

9 (5) 'Retaliate' means to perform any act including without limitation the alteration of  
10 work duties or schedule, demotion, transfer, suspension, termination, constructive  
11 termination, or diminution of wages or benefits of a health care provider resulting from  
12 making a good faith report.

13 31-37-3.

14 (a) No health care facility shall retaliate against any health care provider who is employed  
15 by or otherwise provides professional services at a health care facility because the health  
16 care provider makes a good faith report relating to such health care facility.

17 (b) Any health care provider retaliated against by a health care facility may file a civil  
18 action in the jurisdiction in which the incident occurred and, if he or she prevails in such  
19 action, may recover damages from the health care facility. Damages shall include, without  
20 limitation, monetary damages, reinstatement with back pay, attorney's fees, and court  
21 costs.

22 (c) A court of competent jurisdiction may issue temporary, preliminary, or permanent  
23 injunctive relief to restrain a violation of this chapter.

24 31-37-4.

25 Each health care facility shall post and keep posted in conspicuous places on the premises  
26 of the health care facility where notices to employees and applicants for employment are  
27 customarily posted a notice prepared or approved by the department setting forth the  
28 pertinent provisions of this chapter including information pertaining to the remedies  
29 available pursuant to this chapter.

30 31-37-5.

31 No civil action may be brought pursuant to this chapter more than two years after the date  
32 of the good faith report."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2002.

3 **SECTION 3.**

4 All laws or parts of laws in conflict with this Act are repealed.