

Senate Bill 162

By: Senator Hamrick of the 30th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To enact the "Health Care Protection Act of 2003"; to amend Title 43 of the Official Code
2 of Georgia Annotated, relating to professions and businesses, so as to provide that violations
3 of various health care licensing provisions shall be felonies; to provide for an increase in the
4 penalties for violations of various health care licensing provisions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Health Care Protection Act of 2003."

9 **SECTION 2.**

10 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
11 is amended by striking the word "misdemeanor" wherever such term appears in the following
12 Code sections and inserting in its place "felony":

- 13 (1) Code Section 43-11-76, relating to the unlicensed practice of dental hygiene;
- 14 (2) Subsection (c) of Code Section 43-11A-16, relating to license requirements for
15 dietitians;
- 16 (3) Code Section 43-26-10, relating to practicing as a registered professional nurse
17 without a license;
- 18 (4) Code Section 43-26-42, relating to criminal violations related to practical nursing;
- 19 (5) Code Section 43-27-11, relating to the penalty for violation of the chapter relating to
20 nursing home administrators;
- 21 (6) Code Section 43-30-14, relating to practicing optometry without a license; and
- 22 (7) Code Section 43-44-16, relating to penalties for violations related to the practice of
23 speech-language pathology or audiology.

1 (b) Excluding Code Section 43-33-11, any Any person convicted of violating this chapter
2 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined no less than
3 \$100.00 nor more than \$1,000.00, or imprisonment for a period not to exceed 12 months."

4 **SECTION 9.**

5 Said title is further amended by striking Code Section 43-39-19, relating to penalties for
6 violations of the chapter related to psychologists, and inserting in its place the following:

7 "43-39-19.

8 (a) Any person who violates Code Section 43-39-7 shall be guilty of a felony and, upon
9 conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than
10 \$1,000.00 for each offense and, in addition, may be imprisoned for two to five years.

11 (b) Excluding Code Section 43-39-7, any Any person who violates this chapter shall be
12 guilty of a misdemeanor and, upon conviction thereof, shall be fined no less than \$100.00
13 nor more than \$1,000.00 and may be imprisoned for a term not to exceed 12 months for
14 such violation."

15 **SECTION 10.**

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