

The House Committee on Industrial Relations offers the following substitute to HB 1706:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to revise certain provisions relating to the "Georgia Volunteers in Health  
3 Care Specialties Act"; to revise certain provisions relating to the "Georgia Volunteers in  
4 Dentistry Act"; to revise certain provisions relating to the "Georgia Volunteers in Medicine  
5 Health Care Act"; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
9 is amended by striking Code Section 43-1-28, relating to volunteers in health care specialties,  
10 and inserting in lieu thereof the following:

11 "43-1-28.

12 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in  
13 Health Care Specialties Act.'

14 (b) As used in this Code section, the term:

15 (1) 'Health care board' means that professional licensing board which licenses a health  
16 care practitioner under this title.

17 (2) 'Health care practitioner' means a chiropractor, registered professional nurse, or  
18 podiatrist, physician's assistant, licensed practical nurse, or certified nurse midwife.

19 (3) 'Health care specialty' means the practice of chiropractic, nursing, or podiatry,  
20 physician assistance, or midwifery.

21 (c) Notwithstanding any other provision of law, each health care board may issue a special  
22 license to qualifying health care practitioners whose health care specialty is licensed by that  
23 board under the terms and conditions set forth in this Code section. The special license may  
24 only be issued to a person who:

1 (1) Is currently licensed to practice the applicable health care specialty in any health care  
 2 specialty licensing jurisdiction in the United States and whose license is in good standing;  
 3 or

4 (2) Is retired from the practice of the health care specialty or, in the case of a physician's  
 5 assistant, has an inactive license and is not currently engaged in such practice either full  
 6 time or part time and has, prior to retirement or attaining inactive status, maintained full  
 7 licensure in good standing in the applicable health care specialty licensing jurisdiction in  
 8 the United States.

9 (d) The special licensee shall be permitted to practice the health care specialty only in the  
 10 noncompensated employ of public agencies or institutions, not for profit agencies, not for  
 11 profit institutions, nonprofit corporations, or not for profit associations which provide  
 12 health care specialty services only to indigent patients in areas which are underserved by  
 13 that specialty or critical need population areas of the state, as determined by the board  
 14 which licenses that specialty, or in the noncompensated employ of a state-established  
 15 health care program whose purpose is to provide health care services free of charge to  
 16 indigent residents by utilizing health care practitioners who volunteer their services in  
 17 exchange for limited liability. For purposes of this Code section, state-established health  
 18 care program shall not be construed to include the state Medicaid program conducted  
 19 pursuant to Article 7 of Chapter 4 of Title 49.

20 (e) The person applying for the special license under this Code section shall submit to the  
 21 appropriate health care board a copy of his or her health care specialty degree, a copy of  
 22 his or her health care specialty license in his or her current or previous licensing and  
 23 regulating jurisdiction, and a notarized statement from the employing agency, institution,  
 24 corporation, or association, or health care program on a form prescribed by that board,  
 25 whereby he or she agrees unequivocally not to receive compensation for any health care  
 26 specialty services he or she may render while in possession of the special license.

27 (f) Examinations by the health care board, any application fees, and all licensure and  
 28 renewal fees may be waived for the holder of the special license under this Code section.

29 (g) If, at the time application is made for the special license, the health care practitioner  
 30 is not in compliance with the continuing education requirements established by the health  
 31 care board for the applicable health care specialty, the health care practitioner shall be  
 32 issued a nonrenewable temporary license to practice for six months provided the applicant  
 33 is otherwise qualified for such license.

34 (h)(1) Except as provided for in paragraph (2) of this subsection, the ~~The~~ liability of  
 35 persons practicing a health care specialty under and in compliance with a special license  
 36 issued under this Code section and the liability of their employers for such practice shall  
 37 be governed by Code Section 51-1-29.1, except that a podiatrist engaged in such practice

1 and an employer thereof shall have the same immunity from liability as provided other  
2 health care practitioners under Code Section 51-1-29.1.

3 (2) The liability of persons practicing a health care specialty under and in compliance  
4 with a special license issued under this Code section and the liability of their employers  
5 for such practice in a state-established health care program whose purpose is to provide  
6 health care services free of charge to indigent residents by utilizing health care  
7 practitioners who volunteer their services shall be limited in accordance with the  
8 provisions of such program as provided by law.

9 (i) This Code section, being in derogation of the common law, shall be strictly construed."

## 10 SECTION 2.

11 Said title is further amended by striking Code Section 43-11-52, relating to volunteers in  
12 dentistry, and inserting in lieu thereof the following:

13 "43-11-52.

14 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in  
15 Dentistry and Dental Hygiene Act.'

16 (b) Notwithstanding any other provision of law, the board may issue a special license to  
17 qualifying dentists and dental hygienists under the terms and conditions set forth in this  
18 Code section. The special license may only be issued to a person who is retired from the  
19 practice of dentistry or dental hygiene and not currently engaged in such practice either full  
20 time or part time and has, prior to retirement, maintained full licensure in good standing  
21 in dentistry or dental hygiene in this state or in another state, as approved by the board.

22 (c) The special licensee shall be permitted to practice dentistry or dental hygiene only in  
23 the noncompensated employ of public agencies or institutions, not for profit agencies, not  
24 for profit institutions, nonprofit corporations, or not for profit associations which provide  
25 dentistry or dental hygiene services only to indigent patients in areas which are underserved  
26 by dentists or dental hygienists or critical need population areas of the state, as determined  
27 by the board, or in the noncompensated employ of a state-established health care program  
28 whose purpose is to provide health care services free of charge to indigent residents by  
29 utilizing health care practitioners who volunteer their services in exchange for limited  
30 liability. For purposes of this Code section, state-established health care program shall not  
31 be construed to include the state Medicaid program conducted pursuant to Article 7 of  
32 Chapter 4 of Title 49. The practice of dental hygiene by a dental hygienist awarded a  
33 special license under this Code section shall be governed by Code Section 43-11-74.

34 (d) The person applying for the special license under this Code section shall submit to the  
35 board a notarized statement from the employing agency, institution, corporation, ~~or~~  
36 association, or health care program on a form prescribed by the board, whereby he or she

1 agrees unequivocally not to receive compensation for any dentistry or dental hygiene  
2 services he or she may render while in possession of the special license.

3 (e) The examination by the board, any application fees, and all licensure and renewal fees  
4 may be waived for the holder of the special license under this Code section.

5 (f) If, at the time application is made for the special license, the dentist or dental hygienist  
6 is not in compliance with the continuing education requirements established by the board  
7 for dentists or dental hygienists in this state, the dentist or dental hygienist may be issued  
8 a nonrenewable temporary license to practice for six months provided the applicant is  
9 otherwise qualified for such license.

10 (g)(1) Except as provided for in paragraph (2) of this subsection, the The liability of of  
11 persons practicing dentistry or dental hygiene under and in compliance with a special  
12 license issued under this Code section and the liability of their employers for such  
13 practice shall be governed by Code Section 51-1-29.1.

14 (2) The liability of persons practicing dentistry or dental hygiene under and in  
15 compliance with a special license issued under this Code section in a state-established  
16 health care program whose purpose is to provide health care services free of charge to  
17 indigent residents by utilizing health care practitioners who volunteer their services shall  
18 be limited in accordance with the provisions of such program as provided by law.

19 (h) This Code section, being in derogation of the common law, shall be strictly construed."

### 20 SECTION 3.

21 Said title is further amended by striking Code Section 43-34-45.1, relating to special licenses  
22 for volunteers, and inserting in lieu thereof the following:

23 "43-34-45.1.

24 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in  
25 Medicine Health Care Act.'

26 (b) Notwithstanding any other provision of law, the board may issue a special license to  
27 qualifying physicians under the terms and conditions set forth in this Code section. The  
28 special license may only be issued to a person who:

29 (1) Is currently licensed to practice medicine in any medical-licensing jurisdiction in the  
30 United States and whose license is in good standing; or

31 (2) Is retired from the practice of medicine and not currently engaged in such practice  
32 either full time or part time and has, prior to retirement, maintained full licensure in good  
33 standing in any medical-licensing jurisdiction in the United States.

34 (c) The special licensee shall be permitted to practice medicine only in the  
35 noncompensated employ of public agencies or institutions or not for profit agencies, not  
36 for profit institutions, nonprofit corporations, or not for profit associations which provide

1 medical services only to indigent patients in medically underserved or critical need  
 2 population areas of the state, as determined by the board, or in the noncompensated employ  
 3 of a state-established health care program whose purpose is to provide health care services  
 4 free of charge to indigent residents by utilizing health care practitioners who volunteer their  
 5 services in exchange for limited liability. For purposes of this Code section,  
 6 state-established health care program shall not be construed to include the state Medicaid  
 7 program conducted pursuant to Article 7 of Chapter 4 of Title 49.

8 (d) The person applying for the special license under this Code section shall submit to the  
 9 board a copy of his or her medical degree, a copy of his or her license in his or her current  
 10 or previous licensing and regulating jurisdiction, and a notarized statement from the  
 11 employing agency, institution, corporation, ~~or~~ association, or health care program, on a  
 12 form prescribed by the board, whereby he or she agrees unequivocally not to receive  
 13 compensation for any medical services he or she may render while in possession of the  
 14 special license.

15 (e) The examination by the board, any application fees, and all licensure and renewal fees  
 16 must be waived for the holder of the special license under this Code section and do not  
 17 apply to such person.

18 (f) If at the time application is made for the special license the physician is not in  
 19 compliance with the continuing medical education requirements established by the board,  
 20 the physician shall be issued a nonrenewable temporary license to practice for six months  
 21 provided the applicant is otherwise qualified for such license.

22 (g)(1) Except as provided for in paragraph (2) of this subsection, the ~~The~~ liability of  
 23 persons practicing medicine under and in compliance with a special license issued under  
 24 this Code section and the liability of their employers for such practice shall be governed  
 25 by Code Section 51-1-29.1.

26 (2) The liability of persons practicing medicine under and in compliance with a special  
 27 license issued under this Code section and the liability of their employers for such  
 28 practice in a state-established health care program whose purpose is to provide health  
 29 care services free of charge to indigent residents by utilizing health care practitioners who  
 30 volunteer their services shall be limited in accordance with the provisions of such  
 31 program as provided by law.

32 (h) Nothing contained in this Code section shall be construed to authorize the holder of the  
 33 special license provided for in this Code section to perform surgery or any surgical  
 34 procedure.

35 (i) This Code section, being in derogation of the common law, shall be strictly construed."

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**SECTION 4.**

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