

WITHDRAWN

Senator Zamarripa of the 36th offered the following amendment:

Amend the substitute to HB 1028 by adding after “To amend” on line 1 of page 1 the following:

1 “Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating
 2 to regulation of hospitals and related institutions, so as to change the provisions relating
 3 to reports of disciplinary actions against persons authorized to practice certain professions
 4 under Title 43; to require the reporting of certain events involving medical care,
 5 nonaccidental injuries, or malpractice; to provide for definitions; to provide that such
 6 reports shall be public records and shall be available for public inspection; to provide for
 7 penalties for failure to make required reports; to provide for practices and procedures in
 8 connection with such reports; and”.

9 By adding following line 12 of page 1 the following:

"SECTION A.

11 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
 12 regulation of hospitals and related institutions, is amended by striking Code Section 31-7-8,
 13 relating to reports of disciplinary actions against persons authorized to practice professions
 14 under Chapter 11, 34, or 35 of Title 43, and inserting in its place the following:

15 '31-7-8.

16 (a) The hospital administrator or chief executive officer of each institution subject to this
 17 chapter shall submit a written report to the appropriate licensing board when a person who
 18 is authorized to practice medicine, osteopathy, podiatry, nursing, licensed practical nursing,
 19 occupational therapy, physical therapy, respiratory care, or dentistry in this state under
 20 ~~Chapter 34, Chapter 35, or Chapter 11, respectively,~~ of Title 43 and who is a member of
 21 the medical staff at the institution, has medical staff privileges at the institution, ~~or~~ has
 22 applied for medical staff privileges at the institution, or who is an employee of or practices
 23 his or her profession at such institution has his or her medical staff privileges denied,
 24 restricted, or revoked, is fired, or otherwise is disciplined for any reason involving the
 25 medical care given his or her patient. Each such administrator or officer shall also report
 26 to the appropriate licensing board resignations from practice in that institution by persons
 27 licensed under ~~Chapter 34, Chapter 35, or Chapter 11~~ of Title 43. This Code section shall
 28 not require reports of temporary suspensions for failure to comply with medical record
 29 regulations.

1 (b) The written report required by subsection (a) of this Code section shall be made within
 2 20 working days following final action by the institution on the restriction, denial, or
 3 revocation of medical staff privileges, termination, or disciplinary action. The results of any
 4 legal appeal of such action shall be reported within 20 working days following a final court
 5 decision on such appeal.

6 (c) The report required by this Code section shall contain a statement detailing the nature
 7 of the restriction, denial, or revocation of medical staff privileges, termination, or
 8 disciplinary action, the date such action was taken, and the reasons for such action. If the
 9 action is a voluntary resignation or restriction of medical staff privileges which was the
 10 result of action initiated by the institution, the report shall contain the circumstances
 11 involved therein.

12 (d) There shall be no civil or criminal liability on the part of, and no cause of action for
 13 damages shall arise against, any hospital administrator, chief executive officer, or other
 14 authorized person who in good faith complies with this Code section.

15 (e) ~~Except as provided in this subsection and Chapter 34A of Title 43, information~~
 16 Information contained in any report made to the appropriate licensing board pursuant to
 17 this Code section or Code Section 31-7-9, except information identifying the victim of the
 18 injury or malpractice, shall be ~~confidential and shall not be~~ a public record and may be
 19 disclosed to the public. ~~Access to such reports shall be limited to members of the~~
 20 ~~appropriate licensing board or its staff for their use and to interested institutions for their~~
 21 ~~use in the review of medical staff privileges at the institution.~~ Access to such reports shall
 22 be made available to the public over the Internet.

23 (f) The failure of an institution to comply with this Code section shall be grounds for the
 24 denial, refusal to renew, or revocation of the permit for the operation of the institution
 25 issued pursuant to this chapter.'

26 SECTION B.

27 Said article is further amended by striking Code Section 31-7-9, relating to reports by
 28 physicians and other personnel of nonaccidental injuries to patients, and inserting in its place
 29 the following:

30 '31-7-9.

31 (a) As used in this Code section, the term "medical facility" includes, without being
 32 limited to, any hospital, medical facility, physician's office, dental office, and an
 33 ambulatory surgical treatment center defined in subparagraph (D) of paragraph (1) of Code
 34 Section 31-7-1.

35 (b) Any:

1 (1) Physician, including any doctor of medicine licensed to practice under the laws of
2 this state;

3 (2) Licensed registered nurse or licensed practical nurse employed by or at a medical
4 facility;

5 (3) Security personnel employed by a medical facility; ~~or~~

6 (4) Other personnel employed by or at a medical facility whose employment duties
7 involve the care and treatment of patients therein; or

8 (5) Any person licensed to practice osteopathy, podiatry, occupational therapy, physical
9 therapy, respiratory care, or dentistry

10 having cause to believe that a patient has had physical injury or injuries inflicted upon him
11 or her other than by accidental means or as the result of malpractice shall report or cause
12 reports to be made in accordance with this Code section.

13 (c) An oral report shall be made immediately by telephone or otherwise and shall be
14 followed by a report in writing, if requested, to the person in charge of the medical facility
15 or his or her designated delegate. The person in charge of the medical facility or his or her
16 designated delegate shall then notify the appropriate professional licensing board if the
17 injury was caused by a person designated in subsection (b) of this Code section and the
18 local law enforcement agency having primary jurisdiction in the area in which the medical
19 facility is located of the contents of the report. If the perceived injury was caused by the
20 person in charge of the medical facility, each person designated in subsection (b) of this
21 Code section who has personal knowledge of the injury shall make a report directly to the
22 appropriate professional licensing board and to the appropriate local law enforcement
23 agency. The report shall contain the name and address of the patient, the nature and extent
24 of the patient's injuries, and any other information that the reporting person believes might
25 be helpful in establishing the cause of the injuries and the identity of the perpetrator.

26 (d) Any person or persons participating in the making of a report or causing a report to be
27 made to the appropriate police authority pursuant to this Code section or participating in
28 any judicial proceeding or any other proceeding resulting therefrom shall in so doing be
29 immune from any civil liability that might otherwise be incurred or imposed, providing
30 such participation pursuant to this Code section shall be in good faith.

31 (e) The failure of any person to make a report or to comply with this Code section shall
32 be grounds for the denial, refusal to renew, or revocation of any license issued pursuant to
33 Title 43."