

**WITHDRAWN**

1 Senator Adelman of the 42nd offered the following amendment:

2 Amend the Senate Health and Human Services Committee substitute to HB 1028 by striking  
3 lines 19 through 34 on page 14 and lines 1 through 3 on page 15 and inserting in lieu thereof  
4 the following:

5 "(a) As used in this Code section, the term:

6 (1) "Emergency room physician" means a physician who does not have an ongoing  
7 physician-patient relationship with the emergency room patient and who provides  
8 emergency health care services in a hospital emergency room.

9 (2) "Hospital" includes, but is not limited to, those institutions and facilities defined in  
10 paragraphs (1) and (2) of Code Section 31-7-1.

11 (3) "Independent contractor" means an emergency room physician who is not an  
12 employee or actual agent of the hospital in connection with the rendition of health care  
13 services.

14 (b) A hospital is not liable for damages as a result of an act or omission by an emergency  
15 room physician who is not an employee or actual agent of the hospital if the hospital  
16 provides notice that the emergency room physician is an independent contractor and the  
17 emergency room physician is insured as described under subsection (e) of this Code  
18 section. The hospital is responsible for exercising reasonable care in granting privileges  
19 to practice in the hospital, for reviewing those privileges on a regular basis, and for taking  
20 appropriate steps to revoke or restrict privileges in appropriate circumstances. The hospital  
21 is not otherwise liable for the acts or omissions of an emergency room physician who is an  
22 independent contractor.

23 (c) The notice required by this subsection in order for hospitals to be insulated from  
24 liability for the acts or omissions of independent contractor physicians shall:

25 (1) Consist of a sign at least two feet high and two feet wide with print at least two  
26 inches high posted conspicuously in the emergency department admitting areas of the  
27 hospital;

28 (2) Be published at least annually in a newspaper of general circulation in the area; and

29 (3) Be in substantially the following form:

30 "(Name of hospital) may not be responsible for the actions of emergency room  
31 physicians in (name of hospital's) emergency room. The emergency room physicians  
32 are independent contractors and are not employees of the hospital."

33 (d) This Code section does not preclude liability for civil damages that are the proximate  
34 result of the hospital's independent negligence or intentional misconduct.

1 (e) A hospital is not protected from liability under subsection (c) of this Code section for  
2 an act or omission of an emergency room physician who is an independent contractor  
3 unless the emergency room physician has liability insurance coverage of \$1 million per  
4 individual claim and \$3 million in the aggregate available to claimants and the coverage  
5 is in effect and applicable to those health care services offered by the emergency room  
6 physician that the hospital is required to provide by law or by accreditation standards."