

House Bill 1793 (AS PASSED HOUSE AND SENATE)

By: Representative Childers of the 13th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions for torts, so as to provide for limiting liability of free health clinics; to
3 provide for definitions; to provide for applicability; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
8 provisions for torts, is amended by inserting a new Code section to follow Code Section
9 51-1-29.1, relating to liability of voluntary health care providers and sponsoring
10 organizations, to read as follows:

11 "51-1-29.15.

12 (a) For purposes of this Code section, the term:

13 (1) 'Free health clinic' means a nonprofit, charitable, or eleemosynary institution or
14 organization which voluntarily and without expectation or receipt of payment or other
15 compensation or financial benefit provides health care services to persons who do not
16 qualify for medicare or Medicaid, have no private health insurance, and cannot afford to
17 see a medical care professional.

18 (2) 'Medical care professional' means a professional who is licensed under Chapter 4 of
19 Title 26 or Chapter 9, 11, 11A, 26, 30, 33, 34, or 44 of Title 43.

20 (b)(1) A free health clinic and its agents, employees, and volunteers when acting within
21 the scope of that relationship shall not be liable to a patient for ordinary negligence which
22 proximately causes injury to or the death of that patient if the services provided to that
23 patient were free of any charge and the free health clinic and the medical care
24 professional whose services are at issue neither received nor expected to receive any
25 payment or other compensation or financial benefit for providing care to that patient.

1 (2) A licensed hospital, public school, or nonprofit organization which requests,
2 sponsors, or participates in providing the services of a free health clinic shall not be liable
3 to a patient for ordinary negligence which proximately causes injury to or the death of
4 that patient if the services requested, sponsored, or provided to that patient were free of
5 any charge and the free health clinic, the medical care professional whose services are at
6 issue, the licensed hospital, the public school, or the nonprofit organization did not
7 receive or expect to receive any payment or other compensation or financial benefit for
8 providing care to that patient.

9 (3) The immunity granted under this Code section shall not waive or affect and is
10 cumulative of any existing immunity from any other source.

11 (c) This Code section shall apply only to causes of action arising on or after July 1, 2004."

12 **SECTION 2.**

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