

House Bill 575

By: Representatives Lindsey of the 54th, Willard of the 49th, Smith of the 129th, Chambers of the 81st, Ralston of the 7th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as
2 to provide that in certain civil actions the plaintiff must file a medical authorization form
3 with the complaint; to provide for defendants' access to plaintiffs' records; to provide for
4 practice and procedure and related matters; to provide an effective date and applicability; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
9 inserting a new Code Section 9-11-9.2 to read as follows:

10 "9-11-9.2.

11 (a) In any wrongful death action or any civil action involving physical injury to the
12 plaintiff or health care provided to the plaintiff, contemporaneously with the filing of the
13 complaint, the plaintiff shall be required to file a medical authorization form. Failure to
14 provide this authorization shall subject the complaint to dismissal.

15 (b) The authorization shall provide that the attorney representing the defendant is
16 authorized to obtain and disclose protected health information contained in medical records
17 to facilitate the investigation, evaluation, and defense of the claims and allegations set forth
18 in the complaint which pertain to the plaintiff or, where applicable, the plaintiff's decedent
19 whose treatment is at issue in the complaint. This authorization includes the defendant's
20 attorney's right to discuss the care and treatment of the plaintiff or, where applicable, the
21 plaintiff's decedent with all of the plaintiff's or decedent's treating physicians.

22 (c) The authorization shall provide for the release of all protected health information
23 except information that is considered privileged and shall authorize the release of such
24 information by any physician or health care facility by which health care records of the
25 plaintiff or the plaintiff's decedent would be maintained."

1 **SECTION 2.**

2 This Act shall become effective July 1, 2005, and shall apply with respect to actions filed on
3 or after that date.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.