

House Bill 221

By: Representatives Heard of the 104th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-9.1 of the Official Code of Georgia Annotated, relating to the
2 affidavit required to accompany charges of professional malpractice, so as to change certain
3 provisions regarding when an affidavit is required to accompany an action for damages
4 alleging professional malpractice; to provide for an effective date and applicability; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 9-11-9.1 of the Official Code of Georgia Annotated, relating to the affidavit
9 required to accompany charges of professional malpractice, is amended by revising
10 subsection (a) as follows:

11 "(a) In any action for damages alleging professional malpractice against:

12 (1) A a professional licensed by the State of Georgia and listed in subsection (d) of this
13 Code section;

14 (2) A domestic or foreign partnership, corporation, professional corporation, business
15 trust, general partnership, limited partnership, limited liability company, limited liability
16 partnership, association, or any other legal entity alleged to be liable based upon the
17 action or inaction of a professional licensed by the State of Georgia and listed in
18 subsection (d) of this Code section; or against any

19 (3) Any licensed health care facility alleged to be liable based upon the action or inaction
20 of a health care professional licensed by the State of Georgia and listed in subsection (d)
21 of this Code section,

22 the plaintiff shall be required to file with the complaint an affidavit of an expert competent
23 to testify, which affidavit shall set forth specifically at least one negligent act or omission
24 claimed to exist and the factual basis for each such claim."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2007, and shall apply to any action filed on or
3 after July 1, 2007.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.