

House Bill 597

By: Representatives Harbin of the 118th and Sims of the 119th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 6 of Chapter 9 of Title 34 of the Official Code of Georgia
2 Annotated, relating to medical attention, so as to require the promulgation of standards for
3 the exemption of certain medical providers and treatments from the workers' compensation
4 fee schedule; to require that certain kinds of medical services shall not be subject to any fee
5 schedule but shall be limited by usual, customary, and reasonable charge levels; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Part 1 of Article 6 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
10 relating to medical attention, is amended by revising Code Section 34-9-205, relating to
11 board approval of physician's fees, hospital, and other charges, by adding a new subsection
12 as follows:

13 "(d) Any and all fee schedule exemptions provided by the board shall be made pursuant
14 to written guidelines and standards promulgated by the board, which guidelines and
15 standards exempt designated types of medical care and treatment by reference to the
16 Diagnostic Related Groupings by which such care and treatment are characterized. Such
17 exemptions shall not be limited to or based on the fact that a hospital or other medical
18 facility, to which any exemption is provided, may provide only one type of medical care
19 or service, such as freestanding rehabilitation or long-term acute care hospitals. The
20 primary consideration for the provision of any such exemptions shall be the type of injury
21 sustained by the patient, particularly including those injuries whose level of acuteness may
22 vary widely, or injuries that, by their nature, regularly and routinely involve additional
23 complications in the treatment thereof, which complications primarily result from the effect
24 of a burn injury on the patient, such that ultimately the level of medical care and services
25 required to treat such patients, as well as the charges resulting therefrom, may both vary
26 widely and be very unpredictable. There is hereby specifically exempted from any medical

1 fee schedule promulgated by the board pursuant to any legislative authority any and all
2 medical care and treatment which is provided in hospitals that specialize in the treatment
3 of acute care burn injuries and maintain not less than 20 patient beds dedicated to the care
4 and treatment of patients who have sustained such burn injuries. The fee schedule
5 exemption for such burn treatment facilities, as provided in this subsection, shall not apply
6 to the facility, or the medical care rendered therein, at large but shall be limited to the
7 treatment at such facilities of those patients whose initial injury was a burn injury and
8 whose initial inpatient hospitalization for such burn injury resulted in a discharge diagnosis
9 of one of the following Diagnostic Related Groupings, to wit: 504, 506, 507, 509, 510, 511,
10 541 or 542. Notwithstanding any fee schedule exemption established by the board, or as
11 otherwise herein provided, an insurer obligated to pay for such exempt care shall negotiate
12 reimbursement with the medical provider of such exempt services; provided, however, that,
13 in the absence of any successful negotiated resolution of such charges, the insurer's
14 obligation to pay such medical charges arising from such exempt care shall be measured
15 by the level of charges for such care that prevails within the State of Georgia for the
16 supplies, pharmaceuticals, services, and all other such care required to treat such patients."

17 **SECTION 2.**

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