

Senate Bill 286

By: Senators Harp of the 29th, Brown of the 26th, Shafer of the 48th, Seabaugh of the 28th, Cowsert of the 46th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 51-1-29.5 of the Official Code of Georgia Annotated, relating to  
2 definitions, limitation on health care liability claim to gross negligence in emergency medical  
3 care, and factors for the jury to consider, so as to change certain provisions relating to the  
4 limitation on health care liability claims in emergency medical care; to provide for related  
5 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 51-1-29.5 of the Official Code of Georgia Annotated, relating to definitions,  
9 limitation on health care liability claim to gross negligence in emergency medical care, and  
10 factors for the jury to consider, is amended by revising subsection (c) as follows:

11 "(c) In an action involving a health care liability claim arising out of the provision of  
12 emergency medical care in a hospital emergency department or obstetrical unit or in a  
13 surgical suite immediately following the evaluation or treatment of a patient in a hospital  
14 emergency department, no physician or health care provider shall be held liable unless it  
15 is proven by clear and convincing evidence that the physician or health care provider's  
16 ~~actions showed gross negligence~~ provider failed to meet the applicable standard of care."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.