

House Bill 1222

By: Representatives Channell of the 116th, Parrish of the 156th, Stephens of the 164th, Sheldon of the 105th, Gardner of the 57th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated,
2 relating to the " 'Health Share' Volunteers in Medicine Act," so as to add definitions; to revise
3 certain provisions relating to requirements for entering into contracts with health care
4 providers; to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating
5 to professions and businesses generally, so as to revise certain provisions relating to the
6 "Georgia Volunteers in Health Care Specialties Act"; to require that health care licensing
7 boards issue special licenses if certain conditions are met; to require that a health care
8 practitioner that is under sanctions or restrictions shall not receive a special license; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the
13 "'Health Share' Volunteers in Medicine Act," is amended by revising Code Section 31-8-192,
14 relating to definitions, as follows:

15 "31-8-192.

16 As used in this article, the term:

17 (1) 'Contract' means an agreement executed in compliance with this article between a
18 health care provider and a governmental contractor. This contract shall allow the health
19 care provider to deliver health care services to low-income recipients as an agent of the
20 governmental contractor. The contract must be for volunteer, uncompensated services.
21 Payments made to a health care provider from the Indigent Care Trust Fund shall not
22 constitute compensation under this article.

23 (2) 'Department' means the Department of Community Health.

24 (3) 'Disciplinary action' means any action taken by a licensing board to reprimand a
25 medical practitioner included as a health care provider pursuant to paragraph (5) of this
26 Code section for inappropriate or impermissible behavior.

1 ~~(3)~~(4) 'Governmental contractor' means the department or its designee or designees.

2 ~~(4)~~(5) 'Health care provider' or 'provider' means:

3 (A) An ambulatory surgical center licensed under Article 1 of Chapter 7 of this title;

4 (B) A hospital or nursing home licensed under Article 1 of Chapter 7 of this title;

5 (C) A physician or physician assistant licensed under Article 2 of Chapter 34 of Title
6 43;

7 (D) An osteopathic physician or osteopathic physician assistant licensed under Article
8 2 of Chapter 34 of Title 43;

9 (E) A chiropractic physician licensed under Chapter 9 of Title 43;

10 (F) A podiatric physician licensed under Chapter 35 of Title 43;

11 (F.1) A physical therapist licensed under Chapter 33 of Title 43;

12 (G) A registered nurse, nurse midwife, licensed practical nurse, or advanced registered
13 nurse practitioner licensed or registered under Chapter 26 of Title 43 or any facility
14 which employs nurses licensed or registered under Chapter 26 of Title 43 to supply all
15 or part of the care delivered under this article;

16 (H) A midwife certified under Chapter 26 of this title;

17 (I) A health maintenance organization certificated under Chapter 21 of Title 33;

18 (J) A professional association, professional corporation, limited liability company,
19 limited liability partnership, or other entity which provides or has members which
20 provide health care services;

21 (K) Any other medical facility the primary purpose of which is to deliver human
22 medical diagnostic services or which delivers nonsurgical human medical treatment and
23 which includes an office maintained by a provider;

24 (L) A dentist or dental hygienist licensed under Chapter 11 of Title 43; or

25 (M) Any other health care professional, practitioner, provider, or facility under contract
26 with a governmental contractor, including a student enrolled in an accredited program
27 that prepares the student for licensure as any one of the professionals listed in
28 subparagraphs (C) through (H) of this paragraph.

29 The term includes any nonprofit corporation qualified as exempt from federal income
30 taxation under Section 501(c) of the Internal Revenue Code which delivers health care
31 services provided by licensed professionals listed in this paragraph, any federally funded
32 community health center, and any volunteer corporation or volunteer health care provider
33 that delivers health care services.

34 ~~(5)~~(6) 'Low-income' means:

35 (A) A person who is Medicaid eligible under the laws of this state;

36 (B) A person:

37 (i) Who is without health insurance; or

1 (ii) Who has health insurance that does not cover the injury, illness, or condition for
 2 which treatment is sought; and
 3 whose family income does not exceed 200 percent of the federal poverty level as
 4 defined annually by the federal Office of Management and Budget;

5 (C) A person:

6 (i) Who is without dental insurance; or

7 (ii) Who has dental insurance that does not cover the injury, illness, or condition for
 8 which treatment is sought; and

9 whose family income does not exceed 200 percent of the federal poverty level as
 10 defined annually by the federal Office of Management and Budget; or

11 (D) Any client or beneficiary of the department or the Department of Human
 12 Resources who voluntarily chooses to participate in a program offered or approved by
 13 the department or the Department of Human Resources and meets the program
 14 eligibility guidelines of the department or the Department of Human Resources whose
 15 family income does not exceed 200 percent of the federal poverty level as defined
 16 annually by the federal Office of Management and Budget.

17 ~~(6)~~(7) 'Occasional-service volunteer' means a volunteer who provides one-time or
 18 occasional volunteer service.

19 ~~(7)~~(8) 'Regular-service volunteer' means a volunteer engaged in specific voluntary
 20 service activities on an ongoing or continuous basis.

21 (9) 'Restriction' means any limitation imposed by a licensing board on a medical
 22 practitioner included as a health care provider pursuant to paragraph (5) of this Code
 23 section.

24 (10) 'Sanction' means any penalty imposed by a licensing board or other regulatory entity
 25 on a medical practitioner included as a health care provider pursuant to paragraph (5) of
 26 this Code section.

27 ~~(8)~~(11) 'Volunteer' means any person who, of his or her own free will, and in support of
 28 or in assistance to the program of health care services provided pursuant to this article to
 29 any governmental contractor, provides goods or clerical services, computer services, or
 30 administrative support services, with or without monetary or material compensation.
 31 This term shall not include a health care provider."

32 SECTION 2.

33 Said article is further amended by revising subsection (c) of Code Section 31-8-193, relating
 34 to the establishment of a program to provide for health care services to low-income
 35 recipients, as follows:

36 "(c) In order to enter into a contract under this Code section, a health care provider shall:

- 1 (1) Have a current valid Georgia health professional license;
- 2 (2) Not be under probation or suspension by the applicable licensing board or subject to
- 3 other restrictions, sanctions, or disciplinary actions imposed by the applicable licensing
- 4 board. The department, in its discretion, shall determine if a past restriction, sanction, or
- 5 disciplinary action imposed by the applicable licensing board is of such a grave and
- 6 offensive nature with respect to patient safety concerns as to warrant refusal to enter into
- 7 a contract with such health care provider pursuant to this subsection;
- 8 (3) Not be subject to intermediate sanction by the Centers for Medicare and Medicaid
- 9 Services for medicare or Medicaid violations or be subject to sanctions with regard to
- 10 other federally funded health care programs; and
- 11 ~~(3)~~(4) Submit to a credentialing process to determine acceptability of participation."

12 SECTION 3.

13 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to professions and

14 businesses generally, is amended by revising Code Section 43-1-28, relating to volunteers

15 in health care specialties, as follows:

16 "43-1-28.

17 (a) This Code section shall be known and may be cited as the 'Georgia Volunteers in

18 Health Care Specialties Act.'

19 (b) As used in this Code section, the term:

20 (1) 'Health care board' means that professional licensing board which licenses a health

21 care practitioner under this title.

22 (2) 'Health care practitioner' means a chiropractor, registered professional nurse,

23 podiatrist, optometrist, professional counselor, social worker, marriage and family

24 therapist, occupational therapist, physical therapist, physician's assistant, licensed

25 practical nurse, or certified nurse midwife.

26 (3) 'Health care specialty' means the practice of chiropractic, nursing, podiatry,

27 optometry, professional counseling, social work, marriage and family therapy,

28 occupational therapy, physical therapy, physician assistance, or midwifery.

29 (4) 'Unrestricted' means that no restrictions have been placed on a health care

30 practitioner's license by a health care board, no sanctions or disciplinary actions have

31 been imposed by a health care board on a health care practitioner, and a health care

32 practitioner is not under probation or suspension by a health care board.

33 (c) Notwithstanding any other provision of law, each health care board ~~may~~ shall issue a

34 special license to qualifying health care practitioners whose health care specialty is licensed

35 by that board under the terms and conditions set forth in this Code section. The special

36 license ~~may~~ shall only be issued to a person who: ~~Notwithstanding any other provision of~~

1 ~~law, each health care board may issue a special license to qualifying health care~~
2 ~~practitioners whose health care specialty is licensed by that board under the terms and~~
3 ~~conditions set forth in this Code section. The special license may only be issued to a person~~
4 ~~who:~~

5 (1) Is currently licensed to practice the applicable health care specialty in any health care
6 specialty licensing jurisdiction in the United States and whose license is unrestricted and
7 in good standing; or

8 (2) Is retired from the practice of the health care specialty or, in the case of a physician's
9 assistant, has an inactive license and is not currently engaged in such practice either full
10 time or part time and has, prior to retirement or attaining inactive status, maintained full
11 licensure unrestricted in good standing in the applicable health care specialty licensing
12 jurisdiction in the United States.

13 (d) The special licensee shall be permitted to practice the health care specialty only in the
14 noncompensated employ of public agencies or institutions, not for profit agencies, not for
15 profit institutions, nonprofit corporations, or not for profit associations which provide
16 health care specialty services only to indigent patients in areas which are underserved by
17 that specialty or critical need population areas of the state, as determined by the board
18 which licenses that specialty, or pursuant to Article 8 of Chapter 8 of Title 31.

19 (e) The person applying for the special license under this Code section shall submit to the
20 appropriate health care board a copy of his or her health care specialty degree, a copy of
21 his or her health care specialty license in his or her current or previous licensing and
22 regulating jurisdiction, and a notarized statement from the employing agency, institution,
23 corporation, association, or health care program on a form prescribed by that board,
24 whereby he or she agrees unequivocally not to receive compensation for any health care
25 specialty services he or she may render while in possession of the special license.

26 (f) Examinations by the health care board, any application fees, and all licensure and
27 renewal fees may be waived for the holder of the special license under this Code section.

28 (g) If, at the time application is made for the special license, the health care practitioner
29 is not in compliance with the continuing education requirements established by the health
30 care board for the applicable health care specialty, the health care practitioner shall be
31 issued a nonrenewable temporary license to practice for six months provided the applicant
32 is otherwise qualified for such license.

33 (h)(1) Except as provided for in paragraph (2) of this subsection, the liability of persons
34 practicing a health care specialty under and in compliance with a special license issued
35 under this Code section and the liability of their employers for such practice shall be
36 governed by Code Section 51-1-29.1, except that a podiatrist engaged in such practice

1 and an employer thereof shall have the same immunity from liability as provided other
2 health care practitioners under Code Section 51-1-29.1.

3 (2) The liability of persons practicing a health care specialty pursuant to Article 8 of
4 Chapter 8 of Title 31 under and in compliance with a special license issued under this
5 Code section and the liability of their employers for such practice shall be governed by
6 the provisions of such article.

7 (i) This Code section, being in derogation of the common law, shall be strictly construed."

8 **SECTION 4.**

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