

House Bill 350

By: Representatives Martin of the 47th and Barnard of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-2 of the Official Code of Georgia Annotated, relating to
2 responsibilities of a governmental unit with custody of an inmate generally, costs of
3 emergency and follow-up care, and access to medical services or hospital care for inmates,
4 so as to provide conditions for claiming exemptions by hospitals and other organizations that
5 provide emergency health care services to inmates; to provide for related matters; to provide
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-2 of the Official Code of Georgia Annotated, relating to responsibilities
10 of a governmental unit with custody of an inmate generally, costs of emergency and
11 follow-up care, and access to medical services or hospital care for inmates, is amended by
12 adding a new subsection to read as follows:

13 "(c) As a condition for claiming an exemption pursuant to paragraph (6) of Code Section
14 48-8-3, a hospital licensed pursuant to Chapter 7 of Title 31 and organized pursuant to
15 Section 501(c) of the federal Internal Revenue Code that provides emergent health care
16 services to an inmate shall:

17 (1) Be reimbursed in an amount not to exceed the applicable Georgia Medicaid rate for
18 such services;

19 (2) Treat the emergent condition wholly and completely such that any reasonably
20 apparent injuries associated with the condition are also treated; and

21 (3) Not discharge an inmate with an emergent condition so as to require an immediate
22 transfer to another provider for the same condition unless the standard of care would
23 require a transfer.

24 Nothing in this Code section shall prohibit the department from negotiating fees or rates
25 with health care providers."

26 **SECTION 2.**

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
28 without such approval.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.