

Senate Bill 133

By: Senators Hawkins of the 49th, Goggans of the 7th, Thomas of the 54th, Williams of the 19th, Hooks of the 14th and others

AS PASSED SENATE

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 provide for certain
3 compensation that may be received by a health care provider for purposes of sovereign
4 immunity protection; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

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

7 **SECTION 1.**

8 Article 8 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the
9 "'Health Share' Volunteers in Medicine Act," is amended in Code Section 31-8-192, relating
10 to definitions, by revising paragraph (1) as follows:

11 "(1) 'Contract' means an agreement executed in compliance with this article between a
12 health care provider and a governmental contractor. This contract shall allow the health
13 care provider to deliver health care services to low-income recipients as an agent of the
14 governmental contractor. The contract must be for volunteer, uncompensated services.
15 Payments made to a health care provider from the Indigent Care Trust Fund shall not
16 constitute compensation under this article. Payments made to the following health care
17 providers delivering health care services pursuant to a contract under this article in a
18 safety net clinic shall not constitute compensation under this article if such health care
19 provider or the safety net clinic does not receive compensation from any public or private
20 third-party payor, including medicare, Medicaid, and private insurers, for the specific
21 services provided to the low-income recipients covered by the contract:

22 (A) A registered nurse or licensed practical nurse employed by a safety net clinic if
23 such nurse's total compensation package, including all cash and noncash remunerations,
24 does not fluctuate in relation to the number of patients served, patient visits, or
25 treatments or any other factor relating to the number of patient contacts or services
26 rendered; or

27 (B) A licensed physician or medical resident who is on staff at a local or regional
28 hospital which provides such physician or resident to the safety net clinic for purposes
29 of providing health care services during extended hours or on week-ends pursuant to
30 a contract under this article; provided, however, that the physician or resident does not
31 receive any compensation from the safety net clinic."

32 **SECTION 2.**

33 Said article is further amended in Code Section 31-8-192, relating to definitions, by adding
34 a new subsection to read as follows:

35 "(9.1) 'Safety net clinic' means a health care clinic which provides primary care
36 outpatient services only, such as chronic disease management, vaccinations, and dental
37 care, and which does not provide care or services which are considered to be primarily
38 emergency care and services but which provides an alternative to emergency room visits
39 for low-income patients for nonemergency medical services and which meets
40 requirements established by the department; provided, however, that this term shall not
41 include federally qualified health centers as defined in Section 1395x(aa)(4) of Title 42
42 of the United States Code Annotated."

43 **SECTION 3.**

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