

Senate Bill 344

By: Senators Hawkins of the 49th, Thomas of the 54th, Hudgens of the 47th, Goggans of the 7th, Cowsert of the 46th 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 sovereign
3 immunity protection for physician assistants in safety net clinics who participate in the
4 program established pursuant to the "'Health Share' Volunteers in Medicine Act"; to provide
5 for related matters; to repeal conflicting laws; and for other 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 31-8-195.1,
10 relating to sovereign immunity protection for health care professionals in safety net clinics,
11 as follows:

12 "31-8-195.1.

13 (a) A registered professional nurse, nurse midwife, licensed practical nurse, or advanced
14 practice registered nurse licensed or registered under Chapter 26 of Title 43 or a physician
15 assistant licensed pursuant to Article 4 of Chapter 34 of Title 43 who is employed by a
16 safety net clinic that executes a contract with a governmental contractor pursuant to this
17 article shall be considered a state officer or employee for purposes of Article 2 of Chapter
18 21 of Title 50 while providing health care services pursuant to such contract, so long as
19 such nurse or physician assistant provides nonemergent care and such nurse's or physician
20 assistant's total compensation, including all cash and noncash remunerations, does not
21 fluctuate in relation to:

- 22 (1) The number of patients served in the clinic;
23 (2) The number of patient visits to the clinic;
24 (3) Treatments in the clinic; or
25 (4) Any other fact relating to the number of patient contacts or services rendered
26 pursuant to a contract under this article.

27 (b) A physician licensed pursuant to Chapter 34 of Title 43 or medical resident who
28 provides nonemergent medical care and treatment in a safety net clinic that executes a
29 contract with a governmental contractor pursuant to this article shall be considered a state
30 officer or employee for purposes of Article 2 of Chapter 21 of Title 50 while providing
31 health care services pursuant to such contract, so long as the physician is practicing
32 pursuant to a license issued under Code Section 43-34-41 or the physician or resident
33 receives no compensation from the safety net clinic and is on staff at a local or regional
34 hospital and provided that the physician's total compensation, including all cash and
35 noncash remunerations, does not fluctuate in relation to:

- 36 (1) The number of patients served in the clinic;
37 (2) The number of patient visits to the clinic;
38 (3) Treatments in the clinic; or
39 (4) Any other fact relating to the number of patient contacts or services rendered
40 pursuant to a contract under this article.

41 (c) No hospital shall require a physician to provide services at a safety net clinic as a
42 condition for granting of staff privileges or for retaining staff privileges at such hospital.

43 (d) This Code section shall be supplemental to all other provisions of law that provide
44 defenses to health care providers. This Code section shall not create any new cause of
45 action against a health care provider or additional liability to health care providers."

46 **SECTION 2.**

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