

House Bill 197

By: Representatives Sims of the 119th, Pruett of the 144th, Mitchell of the 88th, Horne of the 71st, and Hembree of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated,
2 relating to general provisions for jails, so as to provide limitations on certain medical charges
3 by hospitals for providing emergency medical care services to inmates confined in a
4 municipal or county detention facility; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to
9 general provisions for jails, is amended by adding a new Code section to read as follows:

10 "42-4-15.

11 (a) As used in this Code section, the term:

12 (1) 'Detention facility' means any municipal or county jail or other facility used for the
13 detention of persons charged with or convicted of a criminal offense.

14 (2) 'Emergency health care' means bona fide emergency services provided after the onset
15 of a medical or traumatic condition manifesting itself by acute symptoms of sufficient
16 severity such that the absence of immediate medical attention could reasonably be
17 expected to result in placing the patient's health in serious jeopardy, serious impairment
18 to bodily functions, or serious dysfunction of any bodily organ or part. The term includes
19 any form of medical, dental, optical, psychological, or other emergency treatment and the
20 medication administered in conjunction with such treatment.

21 (3) 'Governing authority' means the governing authority of the county or municipality
22 in which the detention facility is located.

23 (4) 'Inmate' means a person who is detained in a detention facility.

24 (b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of
25 Title 31 that provides emergency health care services to inmates and which is not a party
26 to a contract with the governing authority where the inmate is detained shall:

27 (1) Charge an amount not to exceed the applicable Georgia Medicaid rate for any
28 emergency health care service provided;
29 (2) Provide emergency health care service in accordance with acceptable medical
30 standards, ensuring that any reasonably apparent injuries associated with the condition
31 are treated; and
32 (3) Not discharge an inmate with an emergency health care condition so as to require an
33 immediate transfer to another medical provider for the same condition unless the
34 reasonable standard of care requires such a transfer.
35 (c) Nothing contained in this Code section shall prohibit a governing authority from
36 negotiating and establishing fees or rates with a health care provider for the provision of
37 any health care services for inmates."

38 **SECTION 2.**

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

41 **SECTION 3.**

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