

The House Committee on Health and Human Services offers the following substitute to HB 147:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient  
2 Right to Know Act of 2001," so as to include information as to whether a physician has  
3 medical malpractice insurance as part of the physician profile; to provide that a patient has  
4 the right to inquire as to whether the physician carries medical malpractice insurance; to  
5 change certain provisions relating to violations and penalties; to require the Georgia  
6 Composite Medical Board to compile an annual report; to provide for related matters; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient Right to  
11 Know Act of 2001," is amended by revising Code Section 43-34A-3, relating to physician  
12 profiles, dissemination to public, content and maintenance requirements, corrections,  
13 judgments prior to April 11, 2001, sealed judgments, arbitration awards, and settlements  
14 prohibited, by adding two new paragraphs to subsection (c), to read as follows:

15 "(7.1) Whether the physician actively sees patients a minimum of five hours a week;"

16 "(10.1) Whether carrying any medical malpractice insurance;"

17 **SECTION 2.**

18 Said chapter is further amended by revising Code Section 43-34A-5, relating to the  
19 estimation of fees and collection of payment prior to rendering of services, as follows:

20 "43-34A-5.

21 A patient has the right to inquire as to whether the physician carries medical malpractice  
22 insurance and as to the estimated charges for a routine office visit, routine treatments, and  
23 lab tests prior to receiving such treatment. When asked for such information, the physician  
24 or other authorized personnel shall give such information freely and without reservation  
25 or evasion. Violation of this right should be reported immediately to the board. Physicians

26 are not responsible for ascertaining the details of the patient's insurance coverage and  
 27 explaining such information to the patient. A physician may require the payment of his or  
 28 her fee or any applicable copayment in advance of delivering professional services unless  
 29 otherwise prohibited by law."

30 **SECTION 3.**

31 Said chapter is further amended by revising Code Section 43-34A-7, relating to violations  
 32 of chapter and penalty, as follows:

33 "43-34A-7.

34 (a) Any physician or authorized personnel violating any provision of this chapter ~~shall~~ may  
 35 be assessed a monetary fine as determined by the board by regulation for each day or  
 36 instance of violation.

37 (b) A record of the violation shall be maintained as part of the physician profile."

38 **SECTION 4.**

39 Said chapter is further amended by adding a new Code section to read as follows:

40 "43-34A-9.

41 (a) On January 1 of each year, the board shall compile a report for the Governor and  
 42 General Assembly containing a statistical and comparative data analysis using information  
 43 obtained from the physician profiles in addition to other information collected by the board.  
 44 The board shall not be required to distribute copies of the report to the Governor or  
 45 members of the General Assembly but shall provide notification of the availability of the  
 46 report in the manner which it deems to be the most effective and efficient.

47 (b) The report shall include, but shall not be limited to, the following information:

48 (1) The number of physicians for which it has created physician profiles;

49 (2) The specialty board certification of such physicians;

50 (3) The geographic regions of the primary practices;

51 (4) The number of physicians participating in the Medicaid program; and

52 (5) The number of physicians carrying any medical malpractice insurance and the  
 53 specialty and current hospital privileges of the physicians not carrying such insurance and  
 54 whether such physicians are actively seeing patients."

55 **SECTION 5.**

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