

The House Committee on Judiciary offers the following substitute to HB 197:

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 or charged with or
14 adjudicated for a delinquent act.

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

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

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

25 (5) 'Sheriff' means the elected sheriff of the county.

26 (b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of
27 Title 31 that provides emergency health care services to inmates and which is not a party
28 to a contract governing such services with the governing authority or its agent on or after
29 the effective date of this Code section shall:

30 (1) Charge an amount not to exceed the applicable Georgia Medicaid rate for any
31 emergency health care service provided;

32 (2) Provide emergency health care service in accordance with acceptable medical
33 standards, ensuring that any reasonably apparent injuries associated with the condition
34 are treated; and

35 (3) Not discharge an inmate with an emergency health care condition so as to require an
36 immediate transfer to another medical provider for the same condition unless the
37 reasonable standard of care requires such a transfer."

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.