

House Bill 501

By: Representatives Crawford of the 16th, Neal of the 1st, and Walker of the 107th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the
2 care and protection of indigent and elderly patients, so as to enact the "Volunteer Health Care
3 Services Act"; to provide for legislative findings; to provide for definitions; to provide for
4 the voluntary provision of health care services; to provide for the registration of sponsoring
5 organizations; to provide for revocation of registration; to provide for certain prohibitions in
6 insurance contracts; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and
11 protection of indigent and elderly patients, is amended by adding at the end thereof a new
12 article to read as follows:

13 "ARTICLE 9

14 31-8-210.

15 This article shall be known and may be cited as the 'Volunteer Health Care Services Act.'

16 31-8-211.

17 (a) The General Assembly finds that:

18 (1) Access to high quality health care services is a concern of all persons;

19 (2) Access to such services is severely limited for some residents of this state,
20 particularly those who reside in remote, rural areas or in the inner city;

21 (3) Physicians and other health care professionals have traditionally worked to assure
22 broad access to health care services; and

23 (4) Many health care providers from Georgia and elsewhere are willing to volunteer their
 24 services to address the health care needs of Georgians who may otherwise not be able to
 25 obtain such services.

26 (b) The General Assembly further finds that it is the public policy of this state to
 27 encourage and facilitate voluntary provision of health care services.

28 31-8-212.

29 As used in this article, the term:

30 (1) 'Health care provider' or 'provider' means any physician, surgeon, dentist, nurse,
 31 optometrist, or other practitioner of a health care discipline the professional practice of
 32 which requires licensure or certification under the provisions of Title 43 or of Chapter 4
 33 of Title 26 or under a comparable provision of law of another state, territory, district, or
 34 possession of the United States.

35 (2) 'Licensed health care provider' means any health care provider holding a current
 36 license or certificate issued under:

37 (A) Title 43; or

38 (B) A comparable provision of the law of another state, territory, district, or possession
 39 of the United States.

40 (3) 'Regularly practice' means to practice for more than 60 days within any 90 day
 41 period.

42 (4) 'Sponsoring organization' means any organization that organizes or arranges for the
 43 voluntary provision of health care services and which registers with the department as a
 44 sponsoring organization in accordance with Code Section 31-8-214.

45 (5) 'Voluntary provision of health care services' means providing the professional
 46 services of a health care provider, in association with a sponsoring organization, without
 47 charge to the recipient of such services or to a third party on behalf of a recipient.

48 31-8-213.

49 (a) Notwithstanding any provision of law to the contrary, no additional license or
 50 certificate shall be necessary for the voluntary provision of health care services by any
 51 person who:

52 (1) Is a duly licensed health care provider; or

53 (2) Lawfully practices under an exception to the licensure or certification requirements
 54 of any state, territory, district, or possession of the United States; provided, however, that
 55 the person does not and will not regularly practice in the State of Georgia.

56 (b) The provisions of subsection (a) of this Code section shall not apply to any person
 57 whose license or certificate is suspended or revoked pursuant to disciplinary proceedings

58 in any jurisdiction. Furthermore, the provisions of subsection (a) of this Code section shall
59 not apply to a licensed health care provider who renders services outside the scope of
60 practice authorized by his or her licensure, certification, or exception to such licensure or
61 certification.

62 31-8-214.

63 (a) Before providing volunteer medical services in this state, a sponsoring organization
64 shall register with the department by submitting a registration fee of \$50.00 and filing a
65 registration form that contains:

66 (1) The name of the sponsoring organization;

67 (2) The name of the principal individual or individuals who are the officers or
68 organizational officials responsible for the operation of the sponsoring organization;

69 (3) The address, including street, city, ZIP code, and county, of the sponsoring
70 organization's principal office and the same address information for each principal or
71 official listed in paragraph (2) of this subsection;

72 (4) The telephone numbers for the principal office of the sponsoring agency and each
73 principal or official listed in paragraph (2) of this subsection; and

74 (5) Such additional information as the department shall require.

75 Upon any change in the information required under this subsection, the sponsoring
76 organization shall notify the department in writing of such change within 30 days of its
77 occurrence.

78 (b) Within 15 days of any voluntary provision of health care services by a sponsoring
79 organization registered under subsection (a) of this Code section, the sponsoring
80 organization shall file with the department a voluntary services report containing the date,
81 place, type, and general description of services provided, together with a listing of all
82 licensed health care providers who participated in the provision of such health care
83 services.

84 (c) Each sponsoring organization shall maintain a list of health care providers associated
85 with its provision of voluntary health services. For each such health care provider, the
86 organization shall maintain a copy of a current license, certificate, or statement of
87 exemption from licensure or certification and shall further require each health care provider
88 to attest in writing that his or her license or certificate is not suspended or revoked pursuant
89 to disciplinary proceedings in any jurisdiction.

90 (d) The sponsoring organization shall maintain such records for a period of at least five
91 years following the provision of health care services and shall furnish such records upon
92 request to any regulatory board licensing or certifying health care providers in this state.

93 (e) Compliance with subsections (a) and (b) of this Code section shall be prima-facie
94 evidence that the sponsoring organization has exercised due care in its selection of health
95 care providers.

96 31-8-215.

97 The department may revoke the registration of any sponsoring organization that fails to
98 comply with the requirements of Code Section 31-8-214. Any such revocation shall be
99 conducted in accordance with the procedure for contested cases under Chapter 13 of Title
100 50, the 'Georgia Administrative Procedure Act.'

101 31-8-216.

102 No contract of professional liability insurance covering a health care provider in this state,
103 issued or renewed on or after the effective date of this article, shall exclude coverage to any
104 provider who engages in the voluntary provision of health care services, provided the
105 sponsoring organization and the health care provider comply with the requirements of this
106 article."

107 **SECTION 2.**

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