

The Senate State Institutions and Property Committee offered 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 medical charges for
3 providing emergency medical care services to certain persons in custody; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

9 "42-4-15.

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

11 (1) 'Detainee' means a person held in a detention facility who is charged with or
12 convicted of a criminal offense or charged with or adjudicated for a delinquent act and
13 a person detained, arrested, or otherwise held in lawful custody for a criminal offense or
14 delinquent act.

15 (2) 'Detention facility' means any municipal or county jail or other facility used for the
16 detention of persons charged with or convicted of a criminal offense or charged with or
17 adjudicated for a delinquent act.

18 (3) 'Emergency health care' means bona fide emergency services provided after the onset
19 of a medical or traumatic condition manifesting itself by acute symptoms of sufficient
20 severity such that the absence of immediate medical attention could reasonably be
21 expected to result in placing the person's health in serious jeopardy, serious impairment
22 to bodily functions, or serious dysfunction of any bodily organ or part. The term covers
23 any form of emergency medical treatment, including dental, optical, psychological, or
24 other types of emergency conditions.
25

26 (4) 'Follow-up health care' means medical and hospital care and medication administered
27 in conjunction with and arising from emergency health care treatment.

28 (b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of
29 Title 31 which is not a party to an emergency health care services contract with a sheriff
30 or a governing authority or its agent on July 1, 2011, shall be reimbursed no more than the
31 applicable Georgia Medicaid rate for emergency health care and follow-up health care
32 services provided to a detainee.

33 (c) No hospital or other health care facility shall discharge a detainee with an emergency
34 health care condition so as to require an immediate transfer to another medical provider for
35 the same condition unless the reasonable standard of care requires such a transfer.

36 (d) Nothing in this Code section shall be construed to limit reimbursements for emergency
37 health care services when insurance coverage is available for payment for such services.
38 Nor shall this Code section be construed so as to limit or remove responsibility for payment
39 of emergency health care services by a provider of insurance that is otherwise responsible
40 for payment of part or all of such services.

41 (e) Nothing in this Code section shall prohibit the governing authority from negotiating
42 higher fees or rates with hospitals."

43 **SECTION 2.**

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

46 **SECTION 3.**

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