

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.

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.