

Senate Bill 361

By: Senators Miller of the 49th, Unterman of the 45th, Hooks of the 14th, Goggans of the 7th, Jackson of the 24th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 31 and 43 of the Official Code of Georgia Annotated, relating to health and  
2 professions and businesses, respectively, so as to expand provisions relating to the  
3 accreditation of health care facilities to recognize the inclusion of additional nationally  
4 recognized health care accreditation bodies; to provide for conforming changes; to provide  
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code  
9 Section 31-6-47, relating to exemptions from state health planning and development  
10 requirements, by revising paragraph (11) of subsection (a) as follows:

11 "(11) Capital expenditures otherwise covered by this chapter required solely to eliminate  
12 or prevent safety hazards as defined by federal, state, or local fire, building,  
13 environmental, occupational health, or life safety codes or regulations, to comply with  
14 licensing requirements of the department, or to comply with accreditation standards of  
15 ~~the Joint Commission on Accreditation of Hospitals~~ a nationally recognized health care  
16 accreditation body;"

17 **SECTION 2.**

18 Said title is further amended in Code Section 31-7-3, relating to requirements for permits to  
19 operate institutions, by revising subsection (b) as follows:

20 "(b) The department may accept the certification or accreditation of an institution by ~~the~~  
21 ~~Joint Commission on the Accreditation of Hospitals~~, the American Osteopathy Association,  
22 or ~~other~~ a nationally recognized health care accreditation body, in accordance with specific  
23 standards, as evidence of that institution's compliance with the substantially equivalent  
24 departmental requirements for issuance or renewal of a permit or provisional permit,  
25 provided that such certification or accreditation is established prior to the issuance or

26 renewal of such permits. The department may not require an additional departmental  
 27 inspection of any institution whose certification or accreditation has been accepted by the  
 28 department, except to the extent that such specific standards are less rigorous or less  
 29 comprehensive than departmental requirements. Nothing contained in this Code section  
 30 shall prohibit departmental inspections for violations of such standards or requirements nor  
 31 shall it prohibit the revocation of or refusal to issue or renew permits, as authorized by  
 32 Code Section 31-7-4, or for violation of any other applicable law or regulation pursuant  
 33 thereto."

34 **SECTION 3.**

35 Said title is further amended in Code Section 31-7-131, relating to definitions relative to peer  
 36 review groups, by revising paragraph (3) as follows:

37 "(3) 'Review organization' means ~~the Joint Commission on Accreditation of Healthcare~~  
 38 ~~Organizations. Such term also means any other national~~ a nationally recognized health  
 39 care accreditation body or any panel, committee, or organization:

40 (A) Which:

- 41 (i) Is primarily composed of professional health care providers;
- 42 (ii) Is an insurer, self-insurer, health maintenance organization, preferred provider  
 43 organization, provider network, or other organization engaged in managed care; or
- 44 (iii) Provides professional liability insurance for health care providers; and

45 (B) Which engages in or utilizes peer reviews and gathers and reviews information  
 46 relating to the care and treatment of patients for the purposes of:

- 47 (i) Evaluating and improving the quality and efficiency of health care rendered;
- 48 (ii) Reducing morbidity or mortality;
- 49 (iii) Evaluating claims against health care providers or engaging in underwriting  
 50 decisions in connection with professional liability insurance coverage for health care  
 51 providers;
- 52 (iv) Compiling aggregate data concerning the procedures and outcomes of hospitals  
 53 for the purposes of evaluating the quality and efficiency of health care services.

54 Under no circumstances shall any such aggregate data or any other peer review  
 55 information relating to an individual professional health care provider be disclosed  
 56 or released to any person or entity without the express prior written consent of such  
 57 health care provider, but such aggregate data or other peer review information may  
 58 be released to another review organization upon the written request of such  
 59 organization if such requesting review organization has specific reason to believe that  
 60 immediate access to such aggregate data or information is necessary to protect the  
 61 public health, safety, and welfare. Such aggregate data and other peer review

62 information shall be used for peer review purposes only and in no event shall such  
 63 aggregate data or any other peer review information be sold or otherwise similarly  
 64 distributed, but a review organization shall be authorized to utilize the services of and  
 65 pay a fee to another person or entity to compile or analyze such aggregate data;

66 (v) Evaluating the quality and efficiency of health care services rendered by a  
 67 professional health care provider in connection with such provider's participation as  
 68 or request to participate as a provider in or for an insurer, self-insurer, health  
 69 maintenance organization, preferred provider organization, provider network, or other  
 70 organization engaged in managed care; or

71 (vi) Performing any of the functions or activities described in Code Section 31-7-15."

72 **SECTION 4.**

73 Said title is further amended in Code Section 31-7-133, relating to confidentiality of peer  
 74 review organization's records, by revising paragraph (1) of subsection (b) as follows:

75 "(1) The disclosure under Article 4 of Chapter 18 of Title 50 of those documents in the  
 76 department's custody which are records, reports, or recommendations of ~~the Joint~~  
 77 ~~Commission on Accreditation of Healthcare Organizations or other national~~ a nationally  
 78 recognized health care accreditation body and which are provided by an institution to the  
 79 department for licensure purposes under subsection (b) of Code Section 31-7-3;"

80 **SECTION 5.**

81 Said title is further amended in Code Section 31-7-282, relating to collection and submission  
 82 of health care data, as follows:

83 "31-7-282.

84 The department shall be authorized to request, collect, or receive the collection and  
 85 submission of data listed in subsection (c) of Code Section 31-7-280 from:

- 86 (1) Health care providers;
- 87 (2) The Department of Human Services;
- 88 (3) The Commissioner of Insurance;
- 89 (4) Reserved;
- 90 (5) Third-party payors;
- 91 (6) ~~The Joint Commission on the Accreditation of Healthcare Organizations~~ A nationally  
 92 recognized health care accreditation body; and
- 93 (7) Other appropriate sources as determined by the department.

94 Any entity specified in paragraphs (1) through (3) of this Code section which has in its  
 95 custody or control data requested by the department pursuant to this Code section shall  
 96 provide the department with such data, but any data regarding a health care provider which

97 is already available in the records of any state officer, department, or agency specified in  
 98 paragraph (2) or (3) of this Code section shall not be required to be provided to the  
 99 department by that health care provider."

#### 100 SECTION 6.

101 Said title is further amended in Code Section 31-11-113, relating to certification, application  
 102 process, and inspections of certified stroke centers, by revising subsection (a) as follows:

103 "(a) A hospital identified as a primary stroke center shall be certified as such by ~~the Joint~~  
 104 ~~Commission on Accreditation of Healthcare Organizations~~ a nationally recognized health  
 105 care accreditation body. Any hospital wishing to receive official identification under this  
 106 Code section must submit a written application to the department, providing adequate  
 107 documentation of the hospital's valid certification as a primary stroke center by the  
 108 commission."

#### 109 SECTION 7.

110 Said title is further amended in Code Section 31-20-1, relating to definitions relative to the  
 111 performance of sterilization procedures, by revising paragraph (1) as follows:

112 "(1) 'Accredited hospital' means a hospital licensed by the Department of Community  
 113 Health and accredited by ~~the Joint Commission on the Accreditation of Hospitals~~ a  
 114 nationally recognized health care accreditation body."

#### 115 SECTION 8.

116 Said title is further amended in Code Section 31-20-3, relating to sterilization of mentally  
 117 incompetent persons, by revising paragraph (3) of subsection (c) as follows:

118 "(3) Prior to the hearing on the application, evidence shall be presented to the court that  
 119 a sterilization procedure has been approved for the person alleged to be subject to this  
 120 Code section by a committee of the medical staff of the accredited hospital in which the  
 121 operation is to be performed. Such committee shall be one established and maintained  
 122 in accordance with the standards promulgated by ~~the Joint Commission on the~~  
 123 ~~Accreditation of Hospitals~~ a nationally recognized health care accreditation body, and its  
 124 approval must be by a majority vote of a membership of not less than three members of  
 125 the hospital staff, the physician proposing to perform the sterilization procedure not being  
 126 counted as a member of the committee for this purpose. The approval of such committee  
 127 as above specified shall be based upon a finding that the condition of the person alleged  
 128 to be subject to this Code section is irreversible and incurable in the opinion of the  
 129 majority of the committee as above specified. The person alleged to be subject to this  
 130 Code section, the applicant, the parents of the person, the guardian ad litem, and the

131 attorney representing the person shall receive a copy of the consolidated report not later  
 132 than five days prior to the hearing and, upon a timely request by any party to the probate  
 133 court proceeding, each author of that finding shall be subject to cross-examination either  
 134 by testimony in court or by deposition;"

135 **SECTION 9.**

136 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 137 is amended in Code Section 43-11-21.1, relating to general anesthesia administered by a  
 138 dentist, by revising subsection (b) as follows:

139 "(b) No dentist shall be issued a permit under this Code section nor have such permit  
 140 renewed unless the board has received satisfactory evidence that such dentist:

141 (1)(A) Has successfully completed a minimum of one year of advanced training in  
 142 anesthesiology and related academic subjects beyond the undergraduate dental school  
 143 level at an institution accredited by the Commission on Dental Accreditation of the  
 144 American Dental Association, ~~the Joint Commission on Accreditation of Hospitals, or~~  
 145 ~~their respective successor agencies~~ or its successor agency, or by a nationally  
 146 recognized health care accreditation body; or

147 (B) Is a diplomate of the American Board of Oral and Maxillofacial Surgery, is a  
 148 member of the American Association of Oral and Maxillofacial Surgeons, or is a fellow  
 149 of the American Dental Society of Anesthesiology;

150 (2) Utilizes a properly equipped facility for the administration of general anesthesia,  
 151 including physical plant and equipment which has been evaluated and certified by an  
 152 on-site examination; and

153 (3) Has demonstrated to the satisfaction of the board or any designee thereof proficiency  
 154 in administering general anesthesia on a patient or patients in the dentist's office in a safe  
 155 and effective manner."

156 **SECTION 10.**

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