

The Senate State Institutions and Property Committee offered the following substitute to SB 485:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 34A of Title 43 of the Official Code of Georgia Annotated, relating to  
2 patient right to know, so as to provide for exhaustion of administrative remedies prior to an  
3 inmate filing a complaint against a physician or other medical personnel with the Georgia  
4 Composite Medical Board; to provide for related matters; to provide an effective date; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

7 Chapter 34A of Title 43 of the Official Code of Georgia Annotated, relating to patient right  
8 to know, is amended by revising Code Section 43-34A-6, relating to a patient's right to file  
9 a grievance with the Georgia Composite Medical Board, as follows:  
10

11 "43-34A-6.

12 (a) The patient or any person that the board deems to have a legitimate interest has the  
13 right to file a grievance with the board concerning a physician, staff, office, or treatment  
14 received.

15 (b) A declaration of the patient's rights shall be prominently displayed in conspicuous  
16 language in the physician's waiting room. This declaration may be contained in the same  
17 notice as the right to obtain physician profiles. The declaration of rights shall contain the  
18 following statement:

19 'The patient has the right to file a grievance with the Georgia Composite Medical Board  
20 concerning the physician, staff, office, and treatment received. The patient should either  
21 call the board with such a complaint or send a written complaint to the board. The patient  
22 should be able to provide the physician or practice name, the address, and the specific  
23 nature of the complaint. A person in the custody of the Department of Corrections or a  
24 county detention facility may not file a grievance with the board until he or she has  
25 exhausted the grievance procedure made available by his or her custodian.'

26 Such notice shall include the current phone number and address of the board.

27 (c) The board must review every complaint received to determine if there is sufficient  
28 evidence to warrant an investigation according to a procedure established by board  
29 regulation. Only investigated complaints upon which the board has taken disciplinary  
30 action shall be included in a physician's profile. The board must take the appropriate action  
31 as set forth in the regulations promulgated by the board. The board must respond in writing  
32 to the complaint within 60 days. In the response, the board shall inform the person whether  
33 the complaint is being referred for investigation, and if the complaint has been investigated,  
34 the results of the investigation or whether further investigation is required, and any board  
35 action taken.

36 (d) Any other provision of law notwithstanding, the board shall not be required to review  
37 the complaint of a person incarcerated in the custody of the Georgia Department of  
38 Corrections or a county detention facility unless such person has demonstrated that he or  
39 she has exhausted the internal grievance procedure made available to him or her by his or  
40 her custodian or otherwise establishes that no procedure for filing grievances against  
41 physicians or applicable medical staff is available to the incarcerated person for any  
42 reason."

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.