

Senate Bill 506

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to
2 waiver of sovereign immunity, so as to provide that state immunity extends to certain health
3 care providers engaged in graduate medical education training programs in certain Georgia
4 medical facilities; to provide for related matters; to repeal conflicting laws; and other
5 purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 The General Assembly recognizes that there is a shortage of health care providers to provide
9 quality health care services to the citizens of this state. The General Assembly further
10 acknowledges that many of the rural areas are suffering an acute shortage of health care
11 providers. The General Assembly intends to ensure that health care providers that are
12 enrolled in certain graduate medical education programs or affiliated with Georgia licensed
13 hospitals that are leased or governed by hospital authorities in this state are provided
14 sovereign immunity.

15 **SECTION 2.**

16 Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of
17 sovereign immunity, is amended by revising paragraph (7) of Code Section 50-21-22,
18 relating to state tort claims definitions, as follows:

19 "(7) 'State officer or employee' means an officer or employee of the state, elected or
20 appointed officials, law enforcement officers, and persons acting on behalf or in service
21 of the state in any official capacity, whether with or without compensation, but the term
22 does not include an independent contractor doing business with the state. The term
23 state officer or employee also includes any natural person who is a member of a board,
24 commission, committee, task force, or similar body established to perform specific
25 tasks or advisory functions, with or without compensation, for the state or a state

26 government entity, and any natural person who is a volunteer participating as a
27 volunteer, with or without compensation, in a structured volunteer program organized,
28 controlled, and directed by a state government entity for the purposes of carrying out
29 the functions of the state entity. This shall include any health care provider and any
30 volunteer when providing services pursuant to Article 8 of Chapter 8 of Title 31. This
31 shall also include any health care provider receiving graduate medical education
32 training affiliated with a medical education program located outside of this state but no
33 more than 15 miles from this state when such graduate medical education training
34 occurs in a hospital facility leased or governed by a hospital authority in this state and
35 located no more than 15 miles from a border between this state and an adjacent state;
36 provided, however, that such hospital authority shall be liable for any negligent acts or
37 omissions to act by such a recipient of graduate medical education training committed
38 in a hospital facility leased or governed by that hospital authority. An employee shall
39 also include foster parents and foster children. Except as otherwise provided for in this
40 paragraph, the term shall not include a corporation whether for profit or not for profit,
41 or any private firm, business proprietorship, company, trust, partnership, association,
42 or other such private entity."

43

SECTION 2.

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