

House Bill 499

By: Representatives Sheldon of the 104<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Welch of the 110<sup>th</sup>, Williamson of the 115<sup>th</sup>, Jacobs of the 80<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions for torts, so as to provide that payor guidelines and criteria under federal  
3 law shall not establish a legal basis for negligence or a standard of care for medical  
4 malpractice; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
8 provisions for torts, is amended by adding at a new Code section to read as follows:

9 "51-1-52.

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

11 (1) 'Guideline' means a guideline relating to administrative procedures and shall not  
12 include guidelines relating to medical treatment.

13 (2) 'Payor' means any insurer, health maintenance organization, self-insurance plan, or  
14 other person or entity which provides, offers to provide, or administers hospital,  
15 outpatient, medical, or other health care benefits to persons treated by a health care  
16 provider in this state pursuant to any policy, plan, or contract of accident and sickness  
17 insurance as defined in Code Section 33-7-2.

18 (b) The development, recognition, or implementation of any guideline by any public or  
19 private payor or the establishment of any standard or reimbursement criteria under any  
20 federal laws or regulations related to health care shall not be construed to establish a legal  
21 basis for negligence or the standard of care or duty of care owed by a health care provider  
22 to a patient in any medical malpractice or product liability case."

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.