

House Bill 721

By: Representative Rice of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to the Georgia Composite Medical Board, so as to provide for the release by the  
3 board of certain correspondence and documents relating to a report by a licensee of an act  
4 or omission by another licensee; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the  
9 Georgia Composite Medical Board, is amended by revising Code Section 43-34-7, relating  
10 to maintenance of roster and confidentiality, as follows:

11 "43-34-7.

12 The executive director shall prepare and maintain a roster containing the names and  
13 business addresses of all current licensees, certificate holders, and permit holders for each  
14 of the various professions regulated by the Georgia Composite Medical Board. A copy of  
15 the roster shall be available to any person upon request at a fee prescribed by the board  
16 sufficient to cover the cost of printing and distribution. The following shall be treated as  
17 confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and  
18 shall not be disclosed without the approval of the board:

19 (1) Applications and other personal information submitted by applicants, except to the  
20 applicant, the staff, and the board;

21 (2) Information, favorable or unfavorable, submitted by a reference source concerning  
22 an applicant, except to the staff and the board;

23 (3) Examination questions and other examination materials, except to the staff and the  
24 board; and

25 (4) The deliberations of the board with respect to an application, an examination, a  
26 complaint, an investigation, or a disciplinary proceeding, except as may be contained in

27 official board minutes; provided, however, that such deliberations may be released only  
 28 to another state or federal enforcement agency or lawful licensing authority or as  
 29 provided in subsection (d.1) of Code Section 43-34-8. Releasing the documents pursuant  
 30 to this paragraph shall not subject any otherwise privileged documents to the provisions  
 31 of Article 4 of Chapter 18 of Title 50."

32 **SECTION 2.**

33 Said article is further amended in Code Section 43-34-8, relating to authority to refuse  
 34 license, certificate, or permit or issue discipline, suspension, restoration, investigations,  
 35 evidentiary privileges, closed hearings, immunity for reporting, failure to appear, and  
 36 publication of final disciplinary actions, by revising subsection (d) and by adding a new  
 37 subsection to read as follows:

38 "(d) The executive director is vested with the power and authority to make, or cause to be  
 39 made through employees or agents of the board, such investigations as he or she, or the  
 40 board, or any district attorney may deem necessary or advisable in the enforcement of this  
 41 chapter. Any person properly conducting an investigation on behalf of the board shall have  
 42 access to and may examine any writing, document, or other material, except that as to  
 43 which privilege has not been denied or deemed waived by this chapter, and which is  
 44 deemed by the chairperson of the board, or vice chairperson if the chairperson is not  
 45 available, to be related to the fitness of any licensee, certificate holder, permit holder, or  
 46 applicant to practice pursuant to this chapter. The executive director or the chairperson of  
 47 the board, or vice chairperson if the chairperson is not available, may issue subpoenas to  
 48 compel such access. When a subpoena is disobeyed, the board may apply to the superior  
 49 court of the county where the person to whom the subpoena is issued resides for an order  
 50 requiring obedience. Failure to comply with such order shall be punishable as for contempt  
 51 of court. ~~The~~ Except as otherwise provided in subsection (d.1) of this Code section, the  
 52 results of any investigations whatsoever shall be reported only to the board, and the records  
 53 of such investigations shall be kept by the board; no part of any such record shall be  
 54 released for any purpose other than a hearing before the board and as provided in Chapter  
 55 34A of this title; nor shall such records be subject to subpoena. The board shall be  
 56 authorized to release records that are not otherwise confidential or privileged only to  
 57 another state or federal enforcement agency or lawful licensing authority, and such release  
 58 shall not alter the confidential or privileged nature of the documents.

59 (d.1) Notwithstanding subsection (d) of this Code section, the board shall release, to the  
 60 greatest extent possible, copies of correspondence between the board and a licensee and  
 61 any related documents of the board substantiating that such licensee has reported an act or  
 62 omission of another licensee to the board if the reporting licensee is a party to civil

63 litigation relating to the report of an act or omission of another licensee. Information  
64 related to the confidentiality of another individual or licensee may be redacted from such  
65 related documents."

66

**SECTION 3.**

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