

Senate Bill 360

By: Senators Hufstetler of the 52nd, Thompson of the 14th, Carter of the 1st, Orrock of the 36th, Crane of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to prohibit certain conduct
3 relating to physicians; to provide for definitions; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
8 regulation of hospitals and related institutions, is amended in Code Section 31-7-7.1, relating
9 to denial of staff privileges based upon license, board certification, or membership in a
10 professional association, as follows:

11 "(a) Notwithstanding the provisions of Code Section 31-7-7, if a hospital offers or provides
12 a service which is within the scope of practice of a person licensed as a doctor of podiatric
13 medicine, doctor of osteopathic medicine, or doctor of dentistry, that hospital may not deny
14 to any such licensee staff privileges at such hospital based solely upon that person's license,
15 board certification, or specialty membership in a professional association.

16 (b)(1) Notwithstanding the provisions of Code Section 31-7-7, a hospital owned by a
17 hospital authority that has been restructured so as to be exempt from the definition of an
18 'acquisition' as set forth in paragraph (2) of Code Section 31-7-400 or a hospital that
19 leases its facility from or operates under an arrangement with a hospital authority may not
20 refuse to grant staff membership or staff privileges or condition or otherwise limit a
21 physician's medical staff participation because the physician or a partner, associate, or
22 employee of the physician:

23 (A) Provides services at, has an ownership interest in, or occupies a leadership position
24 on the medical staff of a different hospital, hospital system, or health care facility;

25 (B) Participates or does not participate in any particular health benefit plan or contracts
26 with or does not contract with an insurer; or

27 (C) Participates or does not participate in any organization that is used to contract with
28 a health benefit plan or insurer.

29 (2) For purposes of this subsection, the term:

30 (A) 'Health benefit plan' shall have the same meaning as set forth in paragraph (2) of
31 subsection (a) of Code Section 33-24-59.5.

32 (B) 'Insurer' shall have the same meaning as set forth in paragraph (3) of subsection (a)
33 of Code Section 33-24-59.5.

34 (C) 'Physician' shall have the same meaning as set forth in Code Section 43-34-1."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2014.

37 **SECTION 3.**

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