

House Bill 1000

By: Representative Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to provide for suspension or revocation of the license
3 of a physician who has committed a sexual assault on a patient; to provide for mandatory
4 reporting by health care professionals who have reasonable cause to believe that a physician
5 has committed a sexual assault on a patient; to provide for limited liability; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
10 assistants, and others, is amended by adding a new subsection to Code Section 43-34-8,
11 relating to the authority of the Georgia Composite Medical Board to refuse license,
12 certificate, or permit or issue discipline, to read as follows:

13 "(b.2) The board shall suspend or revoke the license of a physician who:

14 (1) The board has found, after conducting an investigation, to have committed a sexual
15 assault on a patient;

16 (2) Has pleaded guilty to committing a sexual assault on a patient; or

17 (3) Has been found guilty by a court of law of committing a sexual assault on a patient."

18 **SECTION 2.**

19 Said chapter is further amended in Article 2, relating to medical practice, by adding a new
20 Code section to read as follows:

21 "43-34-47.

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

23 (1) 'Health care professional' means:

24 (A) A physician licensed to practice medicine under this chapter;

25 (B) A registered nurse or a practical nurse licensed under Chapter 26 of this title; or

26 (C) A physician assistant licensed under this chapter.

27 (2) 'Sexual assault' shall have the same meaning as in Code Section 15-24-1.

28 (b) A health care professional shall report the name of a physician to the board if the health
29 care professional has reasonable cause to believe that such physician has committed sexual
30 assault on a patient. A health care professional shall not be required to duplicate a report
31 if he or she has reasonable cause to believe that such report has been made to the board.
32 A health care professional shall not be required to report a physician to the board under this
33 Code section as a result of professional knowledge obtained in the course of the health care
34 professional-patient relationship when the physician is the patient.

35 (c) No health care professional required to report a physician to the board under this Code
36 section who in good faith either reports or fails to report shall be subject to civil or criminal
37 liability or discipline for unprofessional conduct for such action or inaction."

38 **SECTION 3.**

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