

The Senate Committee on Health and Human Services offered the following substitute to HB 141:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to
2 victim compensation, so as to provide for requirements for awards made from the Georgia
3 Crime Victims Emergency Fund to medical service providers; to amend Article 1 of Chapter
4 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions
5 regarding damages, so as to provide for the measurement of special damages in certain civil
6 actions; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
11 compensation, is amended in Code Section 17-15-8, relating to required findings, amount of
12 award, rejection of claim, reductions, exemptions, effective date for awards, psychological
13 counseling for relatives of deceased, and memorials for victims of DUI homicide, by adding
14 a new subsection to read as follows:

15 "(b.1)(1) Payments made by the board to medical service providers for compensation for
16 medical services shall be made in accordance with the list of usual, customary, and

17 reasonable charges for medical services published by the State Board of Workers'
18 Compensation as provided for in Code Section 34-9-205 unless an investigation of the
19 charges by the board determines that there is a reasonable health care justification for the
20 deviation from such list of usual, customary, and reasonable charges.

21 (2) Payments made to and accepted by a medical provider shall be considered payment
22 in full for the charges with respect to the board, victim, and claimant."

23 **SECTION 2.**

24 Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to
25 general provisions regarding damages, is amended by adding a new Code section to read as
26 follows:

27 "51-12-1.1.

28 (a) In any civil action to recover damages resulting from injury or death to a person, the
29 special damages for medical and health care expenses incurred by the plaintiff shall be
30 measured by the reasonable amounts actually:

31 (1) Paid by or on behalf of the plaintiff to health care providers for medically necessary
32 care, treatment, or services; and

33 (2) Necessary to satisfy incurred but unpaid charges for medically necessary care,
34 treatment, or services due to a health care provider by the plaintiff or a third party on
35 behalf of the plaintiff.

36 (b) If the plaintiff in any such civil action has any form of public or private health
37 insurance, including benefits under a governmental workers' compensation program, an
38 unpaid charge for medically necessary care under paragraph (2) of subsection (a) of this
39 Code section shall be the amount by which the charge may be satisfied by the claimant's
40 health insurance in addition to the amount representing the plaintiff's responsibility for a
41 portion of the charge under the insurance contract or applicable governmental program.

42 regardless of whether the health insurance has been used, is used, or will be used to satisfy
43 the charge.

44 (c) In any action to recover damages resulting from death or injury to a person, nothing in
45 this Code section shall be construed to limit the right of a plaintiff or defendant to present
46 evidence or testimony, or both, challenging the reasonableness of medical and health care
47 expenses, whether incurred or projected future expenses, or the necessity of any treatment."

48 **SECTION 3.**

49 This Act shall become effective on July 1, 2022.

50 **SECTION 4.**

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