

The House Committee on Industry and Labor offers the following substitute to HB 991:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to provide for an exception to the definition of employment for certain
3 services performed by certain healthcare technology platform contractors utilizing a
4 healthcare technology platform company's application or platform to facilitate such services;
5 to provide for conditions; to require healthcare technology platform companies to maintain
6 certain insurance coverage; to provide for definitions; to provide for related matters; to
7 provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
11 is amended in Article 2 of Chapter 8, relating to definitions relative to employment security,
12 by adding a new paragraph to subsection (n) of Code Section 34-8-35, relating to
13 employment, to read as follows:

14 "(16.2)(A) Healthcare or directly related services performed at a healthcare facility in
15 this state by a healthcare technology platform contractor facilitated through a healthcare
16 technology platform company's application or platform, provided that such company

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17 has a written contract with such contractor, with which such company is in compliance,
18 that expressly provides that such company shall not:

19 (i) Unilaterally prescribe specific dates, times of day, or a minimum number of hours
20 during which an individual is required to be available to provide services;

21 (ii) Terminate such contract for not accepting, and shall not require an individual to
22 accept, any specific service or shift request as a condition of maintaining access to
23 such company's application or platform;

24 (iii) Restrict an individual from performing services through other healthcare
25 technology platform companies, except while the individual is performing services
26 facilitated through such company;

27 (iv) Contractually restrict an individual from working in any other lawful occupation
28 or business;

29 (v) Require an individual to use specific equipment, tools, or other supplies;

30 (vi) Prescribe or control the means and methods for the services performed by an
31 individual at a healthcare facility; or

32 (vii) Assess a fee or otherwise require compensation from a healthcare facility or
33 healthcare technology platform contractor if such contractor accepts an offer of
34 employment from such facility.

35 (B) The exclusion provided under this paragraph only applies to healthcare or directly
36 related services performed at a healthcare facility in this state by a healthcare
37 technology platform contractor facilitated through a healthcare technology platform
38 company's application or platform and shall not be construed to affect the classification
39 of a healthcare technology platform contractor under any other circumstances.

40 (C) As used in this paragraph, the term:

41 (i) 'Healthcare facility' means any facility used to provide healthcare or directly
42 related services, including, but not limited to, hospitals; other special care units;
43 skilled nursing facilities; intermediate care facilities; assisted living communities;

44 personal care homes; ambulatory surgical or obstetrical facilities; health maintenance
45 organizations; home health agencies; and diagnostic, treatment, or rehabilitation
46 centers.

47 (ii) 'Healthcare technology platform company' means a person that maintains an
48 online enabled application or platform used to facilitate the delivery of healthcare or
49 directly related services at a healthcare facility in this state and through which a
50 healthcare technology platform contractor can accept one or more shifts to perform
51 healthcare or directly related services at a healthcare facility in this state; provided,
52 however, that such company shall maintain general and professional liability
53 insurance coverage for such contractors during the performance of any such services
54 facilitated through such company's application or platform.

55 (iii) 'Healthcare technology platform contractor' means any healthcare professional
56 or worker who performs healthcare or directly related services at a healthcare facility
57 in this state facilitated through a healthcare technology platform company's
58 application or platform. Such term shall include licensed healthcare professionals and
59 workers who are not required to be licensed.

60 (iv) 'Person' means an individual, partnership, association, corporation, or any other
61 organized group of persons;"

62 **SECTION 2.**

63 This Act shall become effective upon its approval by the Governor or upon its becoming law
64 without such approval.

65 **SECTION 3.**

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