

House Bill 499 (COMMITTEE SUBSTITUTE)

By: Representatives Sheldon of the 104<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Welch of the 110<sup>th</sup>, Williamson of the 115<sup>th</sup>, Jacobs of the 80<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions for torts, so as to provide that payor guidelines and criteria under federal  
3 law shall not establish a legal basis for negligence or a standard of care for medical  
4 malpractice or product liability; 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 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
9 provisions for torts, is amended by adding a new Code section to read as follows:

10 "51-1-52.

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

12 (1) 'Criteria' means criteria relating to administrative procedures and shall not include  
13 criteria relating to medical treatment, quality of care, or best practices.

14 (2) 'Guideline' means a guideline relating to administrative procedures and shall not  
15 include guidelines relating to medical treatment, quality of care, or best practices.

16 (3) 'Payor' means any insurer, health maintenance organization, self-insurance plan, or  
17 other person or entity which provides, offers to provide, or administers hospital,  
18 outpatient, medical, or other health care benefits to persons treated by a health care  
19 provider in this state pursuant to any policy, plan, or contract of accident and sickness  
20 insurance as defined in Code Section 33-7-2.

21 (4) 'Standard' means a standard relating to administrative procedures and shall not  
22 include standards relating to medical treatment, quality of care, or best practices.

23 (b) The development, recognition, or implementation of any guideline by any public or  
24 private payor or the establishment of any payment standard or reimbursement criteria under  
25 any federal laws or regulations related to health care shall not be construed, without  
26 competent expert testimony establishing the appropriate standard of care, to establish a

27 legal basis for negligence or the standard of care or duty of care owed by a health care  
28 provider to a patient in any civil action for medical malpractice or product liability. Nor  
29 shall compliance with such a guideline, standard, or criteria establish a health care  
30 provider's compliance with the standard of care or duty of care owed by a health care  
31 provider to a patient in any civil action for medical malpractice or medical product liability  
32 without competent expert testimony establishing the appropriate standard of care."

33

**SECTION 2.**

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