

**ADOPTED**

Senators Walker of the 20th and Kirkpatrick of the 32nd offered the following amendment #2:

1 *Amend the Senate Committee on Regulated Industries and Utilities substitute to HB 557 (LC*  
2 *33 9505S) by inserting before "to provide for related matters;" on line 10 the following:*  
3 *to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general*  
4 *provisions relative to professions and businesses, so as to provide that professional programs*  
5 *that are established to address career fatigue and wellness in healthcare professionals are not*  
6 *obligated to report to licensing boards except in certain circumstances; to provide for*  
7 *definitions; to provide for immunity; to provide that certain documents and information of*  
8 *professional programs are not discoverable;*

9 *By inserting between lines 292 and 293 the following:*

**SECTION 4A.**

10  
11 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general  
12 provisions relative to professions and businesses, is amended by adding a new Code section  
13 to read as follows:

14 "43-1-36.1

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

16 (1) 'Healthcare professional' means a person licensed, registered, or certified by a  
17 licensing board or a student enrolled in a school of medicine, osteopathic medicine,  
18 nursing, or pharmacy.

19 (2) 'Licensing board' means:

20 (A) Georgia Board of Nursing;

21 (B) Georgia Composite Medical Board; and

22 (C) State Board of Pharmacy.

23 (3) 'Professional program' means a program created to address issues related to career  
24 fatigue and wellness in healthcare professionals that is established or contracted for by  
25 a state-wide association, that is exempt from federal income taxes pursuant to Section  
26 501(c)(6) of the Internal Revenue Code, and that primarily represents healthcare  
27 professionals licensed to practice medicine or osteopathic medicine in multiple  
28 specialties.

29 (b) No person or entity shall be obligated to report information regarding a healthcare  
30 professional who is a participant in a professional program to his or her respective licensing  
31 board unless the person or entity has determined that there is reasonable probability that  
32 such participant is not competent to continue in practice or is a danger to himself or herself  
33 or to the health and welfare of his or her patients or the public, unless such person or entity  
34 is otherwise under a duty to report such information.

35 (c) Every member of, or healthcare professional consultant to, any committee, board,  
36 group, commission, or other entity that functions primarily to review, evaluate, or make  
37 recommendations on a professional program shall be immune from civil liability for any  
38 act, decision, omission, or utterance done or made in performance of his or her duties while  
39 serving as a member of or consultant to such committee, board, group, commission, or  
40 other entity. No active participant in a professional program shall be employed or engaged  
41 by such professional program or have a financial ownership interest in such professional  
42 program.

43 (d) The proceedings, minutes, records, reports, analyses, findings, conclusions,  
44 recommendations, and the deliberative process, including opinions and reports of a  
45 professional program, both oral and written, originating in or provided to such professional  
46 program, shall not be subject to discovery or introduction into evidence in any civil action,  
47 unless a court of competent jurisdiction, after a hearing in camera, determines that the

48 evidence is not otherwise available and extraordinary circumstances exist such that the  
49 need for the evidence substantially outweighs the interest in protecting such evidence from  
50 disclosure and orders the disclosure of such proceedings, minutes, records, reports, or  
51 communications; provided, however that nothing in this subsection shall be construed as  
52 providing any privilege to any healthcare professional or healthcare facility or entity with  
53 respect to any factual information regarding specific patient healthcare or treatment,  
54 whether oral, electronic, or written. A person involved in the work of a professional  
55 program may not be questioned as a witness in a civil action regarding his or her  
56 knowledge of any factual information regarding specific patient healthcare or treatment by  
57 virtue of his or her involvement in the professional program. Exchange of information  
58 between professional programs shall not constitute a waiver of any privilege provided in  
59 this subsection."