

House Bill 643

By: Representative Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
2 regulation and construction of hospitals and other health care facilities, so as to require the
3 development of quality assurance standards for health care facilities; to provide a definition;
4 to provide for the requirement for a care delivery model based on patient needs for health
5 care facilities; to provide a duty to report quality of care and safety problems; to provide an
6 identification requirement for persons dealing with patients in health care facilities; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and
11 construction of hospitals and other health care facilities, is amended by adding a new article
12 to read as follows:

13 "ARTICLE 16

14 31-7-450.

15 As used in this article, the term 'health care facilities' means hospitals; other special care
16 units, including but not limited to podiatric facilities; skilled nursing facilities; intermediate
17 care facilities; assisted living communities; personal care homes; ambulatory surgical or
18 obstetrical facilities; health maintenance organizations; home health agencies; and
19 diagnostic, treatment, or rehabilitation centers.

20 31-7-451.

21 All health care facilities shall develop comprehensive quality assurance or improvement
22 standards adequate to identify, evaluate, and remedy problems related to the quality of such

23 health care facilities. Such standards shall be made available upon request to the public
 24 during regular business hours and shall include:

- 25 (1) An ongoing written internal quality assurance or improvement program;
 26 (2) Specific written guidelines for quality care studies and monitoring;
 27 (3) Performance and clinical outcomes-based criteria;
 28 (4) Procedures for remedial action to correct quality problems, including written
 29 procedures for taking appropriate corrective action;
 30 (5) A plan for data gathering and assessment;
 31 (6) A peer review process; and
 32 (7) A summary of process outcomes and follow-up actions related to the overall quality
 33 improvement program for the health care facility.

34 31-7-452.

35 All health care facilities shall include in their policies and procedures a care delivery model
 36 based on patient needs which includes, but is not limited to:

- 37 (1) Defined roles and responsibilities of licensed and unlicensed health care personnel;
 38 (2) A staffing plan that specifies staffing levels of licensed and unlicensed personnel
 39 required to safely and consistently meet the performance and clinical outcomes-based
 40 standards as outlined in the facility's quality improvement plan;
 41 (3) A staffing model that is developed and implemented in an interdisciplinary and
 42 collaborative manner;
 43 (4) A policy and method that incorporates at least four components in an ongoing
 44 assessment of the severity of the patient's disease, patient condition, level of impairment
 45 or disability, and the specific unit patient census to meet the needs of the individual
 46 patient in a timely manner; and
 47 (5) A staffing model that supports the delivery of patient care services with an
 48 appropriate mix of licensed health care personnel that will allow them to practice
 49 according to their legal scope of practice and facility policies.

50 31-7-453.

- 51 (a) Any agent or employee of a health care facility who knows or has reasonable cause to
 52 believe that the quality of care of a patient, patient safety, or the health care facility's safety
 53 is in jeopardy shall make an oral or written report of the problem to the health care facility,
 54 and may make it to any appropriate private, public, state, or federal agency.
 55 (b) Any individual in an administrative or supervisory capacity at the health care facility
 56 who receives a report under subsection (a) of this Code section shall investigate the

57 problem, take appropriate action, and provide a response to the individual reporting the
58 problem within seven business days.

59 (c) No health care facility shall by policy, contract, procedure, or other formal or informal
60 means subject to reprisal, or directly or indirectly use, or threaten to use, any authority or
61 influence, in any manner whatsoever, which tends to discourage, restrain, suppress,
62 dissuade, deter, prevent, interfere with, coerce, or discriminate against any agent or
63 employee who in good faith reports, discloses, divulges, or otherwise brings to the attention
64 of the health care facility the circumstances or facts to form the basis of a report under
65 subsection (a) or (b) of this Code section. No health care facility shall require any agent
66 or employee to give notice prior to making a report, disclosure, or divulgence under
67 subsection (a) or (b) of this Code section.

68 (d) All reports, investigations, and action taken subject to this article shall be conducted
69 in a manner that protects and maintains the confidentiality of patients and personnel and
70 preserves the integrity of data, information, and medical records.

71 (e) All health care facilities shall, as a condition of licensure pursuant to this chapter, abide
72 by the provisions of Code Section 31-7-451 and this Code section.

73 (f) No agent or employee of a health care facility shall file a report under subsection (a)
74 or (b) of this Code section in bad faith and any such agent or employee shall have a
75 reasonable basis for filing a report.

76 31-7-454.

77 (a) All health care facilities shall require all persons, including students, who examine,
78 observe, or treat a patient or resident of the health care facility to wear identification which
79 readily identifies, at a minimum, the person's first name, licensure credential, and position
80 title or department.

81 (b) The identification shall be of a size and type and appropriately displayed so that it may
82 be easily detected and read."

83 **SECTION 2.**

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