

The Senate Health and Human Services Committee offered the following substitute to SB 360:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to prohibit certain conduct relating to physicians; to provide for definitions; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, is amended in Code Section 31-7-7.1, relating to denial of staff privileges based upon license, board certification, or membership in a professional association, as follows:

"(a) Notwithstanding the provisions of Code Section 31-7-7, if a hospital offers or provides a service which is within the scope of practice of a person licensed as a doctor of podiatric medicine, doctor of osteopathic medicine, or doctor of dentistry, that hospital may not deny to any such licensee staff privileges at such hospital based solely upon that person's license, board certification, or specialty membership in a professional association.

(b)(1) Notwithstanding the provisions of Code Section 31-7-7, a hospital owned by a hospital authority that has been restructured so as to be exempt from the definition of an 'acquisition' as set forth in paragraph (2) of Code Section 31-7-400 or a hospital that leases its facility from or operates under an arrangement with a hospital authority may not refuse to grant staff membership or clinical privileges or condition or limit such privileges because the physician or a partner, associate, or employee of the physician:

(A) Provides services at, has an ownership interest in, or occupies a leadership position on the medical staff of a different hospital, health system, or health care facility; or

(B) Participates or does not participate in an independent physician association or a physician hospital organization.

(2) For purposes of this subsection, the term:

27 (A) 'Independent physician association ' means any corporation, partnership, business  
28 trust, or association or organized group of physicians which is in the business of health  
29 care delivery or management and is not a physician hospital organization and does not  
30 include a hospital or health system, whether incorporated or not, that represents one or  
31 more physicians in contracting with health insurance plans for the payment of health  
32 care services.

33 (B) 'Physician' shall have the same meaning as set forth in Code Section 43-34-1.

34 (C) 'Physician hospital organization' means an entity used by a hospital to negotiate  
35 insurance contracts with health insurance plans for the payments of health care services.

36 (3) This subsection shall not apply to:

37 (A) Medical staff bylaws or written policies relating to participation on a hospital  
38 medical staff; or

39 (B) Any contract for clinical services executed in accordance with applicable law."

40 **SECTION 2.**

41 This Act shall become effective on July 1, 2014.

42 **SECTION 3.**

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