

House Bill 629

By: Representative Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to provide for the refusal, suspension, or revocation
3 of the license of a physician who has committed a sexual assault on a patient; to provide for
4 mandatory reporting by health care professionals who have reasonable cause to believe that
5 a physician has committed a sexual assault on a patient; to provide for definitions; to provide
6 for limited liability; to amend Chapter 34A of Title 43 of the Official Code of Georgia
7 Annotated, relating to patient right to know, so as to provide for annual reporting to the
8 General Assembly of the number of physicians investigated or disciplined for the sexual
9 assault of patients; to provide for definitions; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
14 assistants, and others, is amended by adding a new subsection to Code Section 43-34-8,
15 relating to the authority of the Georgia Composite Medical Board to refuse license,
16 certificate, or permit or issue discipline, to read as follows:

17 "(b.2) The board shall refuse to grant a license to an applicant, or suspend or revoke an
18 existing license of a physician who:

19 (1) The board has found, after conducting an investigation, to have committed a sexual
20 assault on a patient;

21 (2) Has pleaded guilty to committing a sexual assault on a patient; or

22 (3) Has been found guilty by a court of law of committing a sexual assault on a patient."

23 style="text-align:center">**SECTION 2.**

24 Said chapter is further amended in Article 2, relating to medical practice, by adding a new
25 Code section to read as follows:

26 "43-34-47.

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

28 (1) 'Health care professional' means:

29 (A) A physician licensed to practice medicine under this chapter;

30 (B) A registered nurse or practical nurse licensed under Chapter 26 of this title; or

31 (C) A physician assistant licensed under this chapter.

32 (2) 'Sexual assault' shall have the same meaning as in Code Section 15-24-1.

33 (b) A health care professional shall report the name of a physician to the board if the health

34 care professional has reasonable cause to believe that such physician has committed sexual

35 assault on a patient. A health care professional shall not be required to duplicate a report

36 if he or she has reasonable cause to believe that such report has been made to the board.

37 A health care professional shall not be required to report a physician to the board under this

38 Code section as a result of professional knowledge obtained in the course of the health care

39 professional-patient relationship when the physician is the patient.

40 (c) No health care professional required to report a physician to the board under this Code

41 section who in good faith either reports or fails to report shall be subject to civil or criminal

42 liability or discipline for unprofessional conduct for such action or inaction."

43

SECTION 3.

44 Chapter 34A of Title 43 of the Official Code of Georgia Annotated, relating to patient right

45 to know, is amended by revising Code Section 43-34A-9, relating to annual report, as

46 follows:

47 "43-34A-9.

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

49 (1) 'Sexual abuse, misconduct, or exploitation' shall have the same meaning as in
50 paragraph (15) of subsection (a) of Code Section 43-34-8.

51 (2) 'Sexual assault' shall have the same meaning as in Code Section 15-24-1.

52 ~~(a)~~(b) On January 1 of each year, the board shall compile a report for the Governor and

53 General Assembly containing a statistical and comparative data analysis using information

54 obtained from the physician profiles in addition to other information collected by the board.

55 The board shall not be required to distribute copies of the report to the Governor or

56 members of the General Assembly but shall provide notification of the availability of the

57 report in the manner which it deems to be the most effective and efficient.

58 ~~(b)~~(c) The report shall include, but shall not be limited to, the following information:

59 (1) The number of physicians for which it has created physician profiles;

60 (2) The specialty board certification of such physicians;

61 (3) The geographic regions of the primary practices;

- 62 (4) The number of physicians participating in the Medicaid program; ~~and~~
63 (5) The number of physicians carrying any medical malpractice insurance and the
64 specialty and current hospital privileges of the physicians not carrying such insurance and
65 whether such physicians are actively seeing patients; and
66 (6) The number of physicians for which the board has conducted investigations for
67 committing an act of sexual assault, sexual abuse, misconduct, or exploitation of a
68 patient, and the outcome of the investigation which shall include whether it refused,
69 revoked, or suspended a license, or issued a private or public disciplinary order."

70

SECTION 4.

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