

IMMUNITY FROM MALPRACTICE LIABILITY: OPTIONS FOR YOUR CLINIC

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THANK YOU

- Merci beaucoup
- Gracias
- Spaciba
- Xie-xie
- Obrigado

OPTIONS UNDER GEORGIA LAW

- General Immunity from Liability
- Georgia Volunteers in Medicine Health Care Act
- “Health Share” Volunteers in Medicine Act

GENERAL IMMUNITY FROM LIABILITY (O.C.G.A. §51-1-29.1)

- No Liability for Damages, Injuries or Death
- Care Provided by Licensed Health Care Provider
- Without Compensation
- Request of Hospital, Public School, Nonprofit Organization or Public Agency
- Exception: Gross Negligence or Willful Misconduct

GENERAL IMMUNITY FROM LIABILITY (O.C.G.A. § 51-1-29.4)

- Free Health Clinics
- No Compensation
- Provide Care for Patients Without Insurance Not Eligible for Medicaid or Medicare
- No Liability for Ordinary Negligence

BENEFITS/DETRIMENTS

- Benefits:

- No Liability

- No Bureaucracy

- Detriment

- May be Sued, Requiring Filing of Affidavit

GEORGIA VOLUNTEERS IN MEDICINE HEALTH CARE ACT (O.C.G.A. § 43-34-45.1)

- Special License
- Retirees
- Uncompensated Employ of Public Agencies or Nonprofits
- Liability Governed by General Immunity from Liability Provision OR “Health Shares” Volunteer in Medicine Act

“Health Shares” Volunteers in Medicine (O.C.G.A. § 31-8-190)

- Sovereign Immunity as Government Agent
- Requires Contract with DCH
- Uncompensated Services
- Low Income Patients
- Notice to Patients

CONTRACTS

- Access to Patient Records
- Required Reports on Adverse Incident and Treatment Outcomes
- Required Acceptance of All Referred and Walk-in Patients
- Credentialing, Screening and Orientation
- Covered Services
- 30 Day Termination Clause

BENEFITS/DETRIMENTS

- Benefits

- Sovereign Immunity (Means Patients Must Sue State NOT Clinic or Physician)

- Detriments

- Bureaucratic Requirements
- Sovereign Immunity Not Available to Physicians With Full License Unless They Have Hospital Privileges

CONCLUSION

- You Have Options Under Georgia Law
- Weigh Benefits/Detriments for Your Clinic to Make Informed Decisions
- Keep Up the Good Work