

## Senate Bill 3

By: Senators Smith of the 52nd, Johnson of the 1st, Seabaugh of the 28th, Stephens of the 27th, Hamrick of the 30th and others

**AS PASSED**

AN ACT

To amend Titles 9, 24, 33, 43, and 51 of the Official Code of Georgia Annotated, relating respectively to civil practice; evidence; insurance; professions and businesses; and torts, so as to provide for substantive and comprehensive revision of provisions regarding civil practice, evidentiary matters, and liability in tort actions in general and actions related to health care in particular; to provide for legislative findings; to change provisions relating to venue in actions with joint defendants; to provide that the courts of this state may under certain circumstances decline to decide cases under the doctrine of forum non conveniens; to change provisions relating to affidavits accompanying charges of professional malpractice; to provide for defendants' access to plaintiffs' health information in medical malpractice cases; to provide for offers for judgment and the effect thereof; to provide new procedures for damages for frivolous claims and defenses; to provide that certain statements of apology or similar statements by health care providers shall not be admitted as evidence in civil actions; to change provisions relating to opinions of experts in civil cases; to create provisions regarding expert opinions in certain malpractice civil actions; to change provisions relating to reporting of medical malpractice judgments and settlements; to provide for investigations and remedial actions with respect to physicians' fitness to practice under certain circumstances; to change provisions relating to establishment of liability and standard of care in certain actions relating to emergency health care; to change provisions relating to agency liability of hospitals; to change provisions relating to apportionment of award according to degree of fault; to create provisions relating to apportioning damages in certain malpractice actions; to limit noneconomic damages in certain actions relating to health care; to provide for payment over time of certain future damages in certain actions; to provide for related matters; to provide for severability; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

The General Assembly finds that there presently exists a crisis affecting the provision and quality of health care services in this state. Hospitals and other health care providers in this state are having increasing difficulty in locating liability insurance and, when such hospitals and providers are able to locate such insurance, the insurance is extremely costly. The result of this crisis is the potential for a diminution of the availability of access to health care services and a resulting adverse impact on the health and well-being of the citizens of this state. The General Assembly further finds that certain civil justice and health care regulatory reforms as provided in this Act will promote predictability and improvement in the provision of quality health care services and the resolution of health care liability claims and will thereby assist in promoting the provision of health care liability insurance by insurance providers. The General Assembly further finds that certain needed reforms affect not only health care liability claims but also other civil actions and accordingly provides such general reforms in this Act.

**SECTION 2.**

Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by striking Code Section 9-10-31, relating to actions against certain codefendants residing in different counties, and inserting in its place new Code Sections 9-10-31 and 9-10-31.1 to read as follows:

"9-10-31.

(a) The General Assembly finds that Paragraph IV of Section II of Article VI of the Georgia Constitution permits a trial and entry of judgment against a resident of Georgia in a county other than the county of the defendant's residence only if the Georgia resident defendant is a joint obligor, joint tort-feasor, joint promisor, copartner, or joint trespasser.

(b) Subject to the provisions of Code Section 9-10-31.1, joint tort-feasors, obligors, or promisors, or joint contractors or copartners, residing in different counties, may be subject to an action as such in the same action in any county in which one or more of the defendants reside.

(c) In any action involving a medical malpractice claim as defined in Code Section 9-9-60, a nonresident defendant may require that the case be transferred to the county of that defendant's residence if the tortious act upon which the medical malpractice claim is based occurred in the county of that defendant's residence.

(d) If all defendants who reside in the county in which an action is pending are discharged from liability before or upon the return of a verdict by the jury or the court hearing the case