

The House Special Committee on Access to Quality Health Care offers offers the following substitute to SB 311:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-7-22 of the Official Code of Georgia Annotated, relating to  
2 required publication by hospital of certain documentation on website, updating, penalty for  
3 noncompliance, enforcement, and individual criminal penalty, so as to provide additional  
4 hospital disclosure requirements concerning debt collection practices against patients; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 31-7-22 of the Official Code of Georgia Annotated, relating to required  
9 publication by hospital of certain documentation on website, updating, penalty for  
10 noncompliance, enforcement, and individual criminal penalty, is amended as follows:

11 "31-7-22.

12 (a) As used in this Code section, the term 'hospital' means a nonprofit hospital, a hospital  
13 owned or operated by a hospital authority, or a nonprofit corporation formed, created, or  
14 operated by or on behalf of a hospital authority.

15 (b) Beginning October 1, 2019, each hospital in this state shall post a link in a prominent  
16 location on the main page of its website to the most recent version of the following  
17 documents:

18 (1) Federal related disclosures:

19 (A) Copies of audited financial statements that are general purpose financial  
20 statements, which express the unqualified opinion of an independent certified public  
21 accounting firm for the most recently completed fiscal year for the hospital; each of its  
22 affiliates, except those affiliates that were inactive or that had an immaterial amount of  
23 total assets; and the hospital's parent corporation that include the following:

24 (i) A PDF version of all audited financial statements;

- 25 (ii) A note in the hospital's audited financial statements that identifies individual  
26 amounts for such hospital's gross patient revenue, allowances, charity care, and net  
27 patient revenue;
- 28 (iii) Audited consolidated financial statements for hospitals with subsidiaries and  
29 consolidating financial statements that at a minimum contain a balance sheet and  
30 statement of operations and that provide a breakout of the hospital's and each  
31 subsidiary's numbers with a report from independent accountants on other financial  
32 information; and
- 33 (iv) Audited consolidated financial statements for the hospital's parent corporation  
34 and consolidating financial statements that at a minimum contain a balance sheet and  
35 statement of operations and that provide a breakout of the hospital's and each  
36 affiliate's numbers with a report from independent accountants on other financial  
37 information; and
- 38 (B) Copy of audited Internal Revenue Service Form 990, including Schedule H for  
39 hospitals and other applicable attachments; provided, however, that for any hospital not  
40 required to file IRS Form 990, the department shall establish and provide a form that  
41 collects the same information as is contained in Internal Revenue Service Form 990,  
42 including Schedule H for hospitals, as applicable; and
- 43 (2) Georgia supplemental disclosures:
- 44 (A) Copy of the hospital's completed annual hospital questionnaire, as required by the  
45 department;
- 46 (B) The community benefit report prepared pursuant to Code Section 31-7-90.1, if  
47 applicable;
- 48 (C) The disproportionate share hospital survey, if applicable;
- 49 (D) Listing of all real property holdings of the hospital, including the location and size,  
50 parcel ID number, purchase price, current use, and any improvements made to such  
51 property;
- 52 (E) Listing of any ownership or interest the nonprofit hospital has in any joint venture,  
53 partnership, subsidiary holding company, or captive insurance company; where any  
54 such entity is domiciled; and the value of any such ownership or interest;
- 55 (F) Listing of any bonded indebtedness, outstanding loans, and bond defaults, whether  
56 or not in forbearance; and any bond disclosure sites of the hospital;
- 57 (G) A report that identifies by purpose, the ending fund balances of the net assets of  
58 the hospital and each affiliate as of the close of the most recently completed fiscal year,  
59 distinguishing between donor permanently restricted, donor temporarily restricted,

- 60 board restricted and unrestricted fund balances. The hospital's interest in its foundation  
 61 shall be deducted from the foundation's total fund balance;
- 62 (H) Copy of all going concern statements regarding the hospital;
- 63 (I) The most recent legal chart of corporate structure, including the hospital, each of  
 64 its affiliates and subsidiaries, and its parent corporation, duly dated;
- 65 (J) Report listing the salaries and fringe benefits for the ten highest paid administrative  
 66 positions in the hospital. Each position shall be identified by its complete,  
 67 unabbreviated title. Fringe benefits shall include all forms of compensation, whether  
 68 actual or deferred, made to or on behalf of the employee, whether full or part-time;
- 69 (K) Evidence of accreditation by accrediting bodies, including, but not limited to, the  
 70 Joint Commission and DNV; and
- 71 (L) Copy of the hospital's policies regarding the provision of charity care and reduced  
 72 cost services to the indigent, excluding medical assistance recipients, and its debt  
 73 collection practices, including the annual number of debt collection activities that  
 74 involve a legal or judicial process.
- 75 (c) Each hospital shall update the documents in the links posted pursuant to subsection (b)  
 76 of this Code section on July 1 of each year or more frequently at its discretion. Noncurrent  
 77 documents shall remain posted and accessible on the hospital's website indefinitely.
- 78 (d) All documents listed in subsection (b) of this Code section shall be prepared in  
 79 accordance with generally accepted accounting principles, as applicable.
- 80 (e) The department shall also post a link in a prominent location on its website to the  
 81 documents listed in subsection (b) of this Code section for each hospital in this state.
- 82 (f) Any hospital that fails to post the documents required pursuant to subsection (b) of this  
 83 Code section within 30 days of the dates required in this Code section shall be suspended  
 84 from receiving any state funds or any donations pursuant to Code Section 48-7-29.20;  
 85 provided, however, that the department shall provide a hospital notice of any deficiency  
 86 and opportunity to correct such deficiency prior to any suspension of funds pursuant to this  
 87 subsection.
- 88 (g) The department shall have jurisdiction to enforce this Code section and to promulgate  
 89 rules and regulations required to administer this Code section.
- 90 (h) Any person who knowingly and willfully includes false, fictitious, or fraudulent  
 91 information in any documents required to be posted pursuant to this Code section shall be  
 92 subject to a violation of Code Section 16-10-20."

## 93 SECTION 2.

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