

Georgia Composite Medical Board

Executive Director
Robert Jeffery, MBA

Deputy Executive Director
Jennifer Bass, MS



Chairperson
Alice House, MD, FAAFP

Vice Chairperson
John Antalis, MD

2 Peachtree Street, NW • 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3913 • www.medicalboard.georgia.gov

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter "Board") proposes amendments to the Georgia Composite Medical Board Rules by amending **Rule 360-14-.06, "Exceptions to Disclosure and Consent Requirements."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official State holidays, at 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303. These documents can also be reviewed online at <http://medicalboard.georgia.gov/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on June 9, 2016** at 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303 to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. To ensure their consideration, written comments must be sent to gcmb.news@dch.ga.gov or to the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303, and must be received by May 31, 2016.

The Board voted to adopt this Notice of Intent on **May 5, 2016**. Upon conclusion of the public hearing on **June 9, 2016**, the Board will consider whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity, and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3) (A) (B)(C)(D).

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice. The authority for promulgation of these rules is O.C.G.A. § 31-9-6.1.

Issued this day, May 9, 2016.

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-14

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34 and the Georgia Medical Consent Law, Title 31, Chapter 9. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of these rules do not impose excessive regulatory cost on any licensee, and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated and Chapter 9 of Title 31 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated or of Chapter 9 of Title 31 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-14-.06. Exceptions to Disclosure and Consent Requirements.

Purpose/Main Feature: The purpose of this amendment is to change the timeframe within which a prior consent to a surgical or diagnostic procedure may be obtained, so as to comply with the requirements set forth in O.C.G.A. § 31-9-6.1(e)(4).

Authority: O.C.G.A. Section 31-9-6.1.

Rule 360-14-.06. Exceptions to Disclosure and Consent Requirements

The disclosure of information and the consent required by these rules shall not be required in connection with a major surgical or diagnostic procedure if:

- (a) An emergency exists as defined in Code Section 31-9-3;
- (b) The surgical or diagnostic procedure is generally recognized by reasonably prudent physicians to be a procedure which does not involve a material risk to the patient involved;
- (c) A patient or other person(s) authorized to give consent pursuant to Code Chapter 31-9, make(s) a request in writing that the information provided for in Code Section 31-9-6.1 not be disclosed or utilizes the form set forth in Exhibit B to this Rule or any other form which is substantially similar to such form or which include(s) provisions substantially similar to such form;
- (d) A prior consent, within ~~ten (10)~~ thirty (30) days of the surgical or diagnostic procedure, complying with the requirements of these rules has been obtained as a part of a course of treatment for the patient's condition; provided, however, that if such consent is obtained in conjunction with the admission of the patient to a hospital for the performance of such procedure, the consent shall be valid for a period of thirty (30) days from the date of admission or for the period of time the person is confined in the hospital for that purpose, whichever is greater; or
- (e) The surgical or diagnostic procedure was unforeseen or was not known to be needed at the time the consent was obtained, and the patient has consented to allow the responsible physician to make the decision concerning such procedure.

Authority: O.C.G.A. Section 31-9-6.1.