

Georgia Composite Medical Board

Executive Director
Robert Jeffery, MBA



Chairperson
John Antalis, MD
Vice Chairperson
E. Daniel DeLoach, MD, FACS

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 360-2-.09, "Temporary Postgraduate Training Permits."** 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 October 6, 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 September 23, 2016.

The Board voted to adopt this Notice of Intent on **August 4, 2016**. Upon conclusion of the public hearing on **October 6, 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), and (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, 43-1-25, 43-34-8, 43-34-20, 43-34-21, 43-34-24, 43-34-37, 43-34-43, and 43-34-47.

Issued this day, August 8, 2016.

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-2

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. 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. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 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 Chapter 360-2-.09, “Temporary Postgraduate Training Permits”

Purpose/Main Feature: The purpose of these proposed amendments is to update the name of the Georgia Composite Medical Board, to correct numbering errors found in paragraph 3, and to correct certain grammatical errors.

O.C.G.A. Secs. 31-9-6.1, 43-1-25, 43-34-8, 43-34-20, 43-34-21, 43-34-24, 43-34-37, 43-34-43, AND 43-34-47.

Rule 360-2-.09. Temporary Postgraduate Training Permits

- (1) Definitions.
 - (a) "ACGME" means Accreditation Council for Graduate Medical Education.
 - (b) "AMA" means American Medical Association.
 - (c) "AOA" means ~~the~~ American Osteopathic Association.
 - (d) "Application" means an application form completed according to the instructions provided in the application, which includes all the required documentation, signatures, seals and the application fee as published in the Board's fee schedule.
 - (e) "Board" means the ~~Composite State Board of Medical Examiners~~ Georgia Composite Medical Board.
 - (f) "ECFMG" means the Educational Commission for Foreign Medical Graduates.
 - (g) "Permit holder" means a person authorized to participate in a postgraduate medical training program subject to the limitations in O.C.G.A. § 43-34-8 and Rules 360-2-.09 through 360-2-.11 .
 - (h) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the Board pursuant to Article 2, Chapter 34 of Title 43 of the Official Code of Georgia Annotated.
 - (i) "Postgraduate training program" means a program for the training of interns, residents or post-residency fellows that is approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA) or the Board.
 - (j) "Temporary postgraduate training permit" means a permit issued by the Board to a graduate of a Board approved medical or osteopathic school who is enrolled in a postgraduate training program deemed acceptable by the Board and who does not currently hold a full and unrestricted license in this State.
 - (k) "Training Institution" means an institution that sponsors and conducts a postgraduate training program approved by the ACGME, the AOA or other program approved by the Board for the training of interns, residents or postgraduate fellows.
- (2) A temporary postgraduate training permit is mandatory for participation in all postgraduate medical training programs in this State, unless the individual holds a license to practice medicine in this State prior to participating in the postgraduate medical training program or has applied for a temporary postgraduate training permit.
 - (a) The Board shall issue temporary postgraduate training permits to applicants meeting the Board's qualifications within 45 days of receipt by the Board of a completed application.

- (b) Incomplete applications that have been on file with the Board for more than 60 days shall be deemed invalid, and the applicant shall be required to submit a new application as provided in paragraph 3 of this rule.

(3) Requirements for issuance of a temporary postgraduate training permit:

- (a) An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the **DHS-USCIS SAVE** (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

- (b) Submission of a fully completed application required by the Board and the application fee as published in the Board's published fee schedule.

1. The application form shall be completed according to the instructions provided in the ~~Application~~ application. The Board will not consider an application until it is complete and the Board has received all the required documentation, signatures, seals and fees.
2. Applicants shall inform the Board in writing within 10 days of a change of address while an application is pending.
3. Application fees are nonrefundable.
4. Deposit of an application fee by the Board does not indicate acceptance of the application or that any other permit requirements have been fulfilled.

- ~~(a)~~ (c) Evidence satisfactory to the Board of graduation from a medical or osteopathic school approved by the ACGME, the AOA or the Liaison Committee on Medical Education; or

- ~~(b)~~ (d) If a graduate of a foreign medical school, evidence satisfactory to the Board of holding a valid certificate issued by ECFMG or having successfully completed a fifth pathway program established in accordance with AMA criteria and passing the ECFMG qualifying medical component examination.

- ~~(e)~~ (e) Certification from the Program Director on a form provided by the Board verifying the applicant's appointment to participate in a postgraduate training program that is

1. An internship or residency program accredited by the ACGME or AOA; or

2. A clinical fellowship program at an institution with a residency program accredited either by the ACGME or the AOA that is in a clinical field the same as or related to the clinical field of the fellowship program.
 3. If there is a change in Program Directors during the Program year, the new Program Director must so notify the Board on a form approved by the Board for said notification.
- (4) Issuance of a temporary postgraduate training permit shall not be construed to imply that the permit holder will be deemed eligible for a license to practice medicine in this State.
- (5) The Board shall have the authority to refuse to issue or renew or to suspend, revoke, or limit a temporary postgraduate training permit based upon any of the grounds or violations enumerated in ~~O.C.G.A. §~~ O.C.G.A. § 43-34-8. Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for a temporary postgraduate training permit.

Authority: O.C.G.A. Secs. 31-9-6.1, 43-1-25, 43-34-8, 43-34-20, 43-34-21, 43-34-24, 43-34-37, 43-34-43, and 43-34-47.