

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
David W. Retterbush, MD

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3913 • <http://www.medicalboard.georgia.gov>
E-Mail: medbd@dch.ga.gov

GEORGIA COMPOSITE MEDICAL BOARD **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, Rule **360-8-.05 "Notifications to the Board."** 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 is forwarded to all persons who have requested, in writing, that they be placed on the interested parties' mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303. These documents will also be available for review on the Board's website at www.medicalboard.georgia.gov.

A public hearing is scheduled to begin at **8:00 a.m. on January 8, 2015** at the 36th Floor Board Room, 2 Peachtree Street, N.W., 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 who will be affected by these rules may present his or her written comments to the Board no later than **December 29, 2014** or make comments at the public hearing. Comments may be directed to Diane Atkinson, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at mdatkinson@dch.ga.gov.

The proposed amendments will be considered for adoption by the Board at its meeting scheduled to begin at **8:00 a.m. on January 8, 2015** at the Board offices on the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303

The Board voted to adopt this Notice of Intent on **November 7, 2014** meeting. The Board will consider at its meeting on **January 8, 2015 at 8:00 a.m.** the comments from the public hearing 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 at its meeting on **January 8, 2015** the Board will consider

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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. Authority Section O.C.G.A Sec. 43-34-5, 43-34-283, and 43-34-285(8).

Date: _____

11/14/14

Signed: _____

LaSharn Hughes
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Executive Director
Georgia Composite Medical Board

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-8 **Pain Management Clinics**

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates nine professions. The formulation and adoption of this rule does 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 at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-8-.05 “Notifications to the Board.”

Purpose/Main Feature: The purpose of this rule is change the notification requirements for pain clinics.

Authority O.C.G.A Sec. 43-34-5, 43-34-283, and 43-34-285(8).

RULES
OF
GEORGIA COMPOSITE MEDICAL BOARD

CHAPTER 360-8
Pain Management Clinics

360-8-.05 Notifications to the Board

(1) The licensee shall notify the Board **within ten business days** upon the occurrence of any of the following:

~~(1)~~ (a) Permanent closing of a licensed pain management clinic;

~~(2) Change of ownership, management, or location of a licensed pain management clinic; the license is non-transferrable so the license immediately becomes void and inactive upon a change in ownership or location.~~

~~(3) Change of the physicians, physician assistants, and advanced practice nurses practicing in a licensed pain management clinic;~~

(4) (b) Any theft or loss of drugs or devices of a licensed pain management clinic;

~~(5)~~ (c) Any known conviction of any employee of a licensed pain management clinic of any state or federal drug laws;

~~(6)~~ (d) Any known conviction based upon charges of fraud of any employee of a licensed pain management clinic; or

~~(7)~~ (e) Disasters, accidents, theft, destruction, or loss of records of a licensed pain management clinic required to be maintained by state or federal law or the rules of the board.

~~(8)~~ (f) If there is a death of a patient due to medication.

~~(9)~~ (g) Any malpractice settlements or disciplinary actions imposed against the owners or physicians practicing in the clinic

~~(10)~~ (h) Impairment of any physician, physician assistant or advanced practice registered nurse practicing in the clinic.

~~(11)~~ (i) Revocation of the license of another pain management clinic in this or other states owned by the same owners.

~~(12)~~ (j) Notification if the DEA of an owner of physician, physician assistant or advanced practice registered nurse is revoked or surrendered.

(k) Termination of employment of a physician, physician assistant and advanced practice registered nurse from a licensed pain management clinic;

(2) The licensee must notify the Board at least ten (10) days prior to the occurrence of the following:

(a) Change of ownership, management, or location of a licensed pain management clinic; the license is non-transferrable so the license immediately becomes void and inactive upon a change in ownership or location.

(b) Employment of a new physicians, physician assistant, or advanced practice registered nurse in a licensed pain management clinic. The notification must be on a form approved by the Board and must include appropriate supplemental documentation including a criminal background check. Although prior approval by the Board is not required, the employment of a person who does not qualify for employment at a pain clinic under the law and rules of the Board is grounds for disciplinary action against the clinic license. A clinic license holder may voluntarily submit notification with a request for prior Board approval to verify that a person does qualifies for employment under the laws and rules of the Board.

Authority: O.C.G.A. Sections 43-34-5, 43-34-283, and 43-34-285(8). **History:** Original Rule entitled "Notifications to the Board" adopted. F. Jun. 23, 2014; eff. Jul. 13, 20

360-8-.05

Notifications to the Board

The licensee shall notify the Board **within ten business days** upon the occurrence of any of the following:

- (1) Permanent closing of a licensed pain management clinic;
- (2) Change of ownership, management, or location of a licensed pain management clinic; the license is non-transferrable so the license immediately becomes void and inactive upon a change in ownership or location.
- (3) Change of the physicians, physician assistants, and advanced practice nurses practicing in a licensed pain management clinic;
- (4) Any theft or loss of drugs or devices of a licensed pain management clinic;
- (5) Any known conviction of any employee of a licensed pain management clinic of any state or federal drug laws;
- (6) Any known conviction based upon charges of fraud of any employee of a licensed pain management clinic; or
- (7) Disasters, accidents, theft, destruction, or loss of records of a licensed pain management clinic required to be maintained by state or federal law or the rules of the board.
- (8) If there is a death of a patient due to medication.
- (9) Any malpractice settlements or disciplinary actions imposed against the owners or physicians practicing in the clinic
- (10) Impairment of any physician, physician assistant or advanced practice registered nurse practicing in the clinic.
- (11) Revocation of the license of another pain management clinic in this or other states owned by the same owners.
- (12) Notification if the DEA of an owner of physician, physician assistant or advanced practice registered nurse is revoked or surrendered.

Authority: O.C.G.A. Sections 43-34-5, 43-34-283, and 43-34-285(8). **History:** Original Rule entitled "Notifications to the Board" adopted. F. Jun. 23, 2014; eff. Jul. 13, 2014.