

# GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR  
LaSharn Hughes, MBA



BOARD CHAIRPERSON  
Richard Weil, MD

2 Peachtree Street, N.W., 36<sup>th</sup> Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>  
E-Mail: [medbd@dch.ga.gov](mailto:medbd@dch.ga.gov)

## **GEORGIA COMPOSITE MEDICAL BOARD** **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to amend **Rules "360-10-.01 Institutional Licenses and 360-10-.03 Requirements for Licensure."** 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 rules are being emailed to all persons who have requested, in writing, that they be placed on the 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., 36<sup>th</sup> Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **January 7, 2014** or make comments at the public hearing. Comments may be directed to LaSharn Hughes, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [lhughes@dch.ga.gov](mailto:lhughes@dch.ga.gov).

A public hearing is scheduled to begin at **9:00 a.m.** on **January 9, 2014** 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.

The Board voted to adopt this Notice of Intent on **December 6, 2013** meeting. The Board will consider at its meeting on **January 9, 2014** at **9:00 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 9, 2014**, 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).

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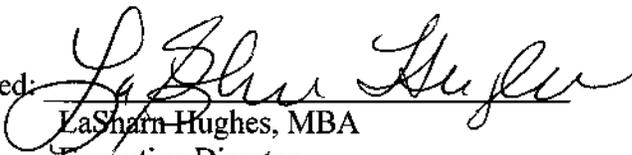
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The authority for promulgation of these rules is O.C.G.A. Secs. 43-1-2, 43-1-4, 43-1-7, 43-34-5, 43-34-24, 43-34-26, 43-34-27, 43-34-28, and 43-34-33 and the specific statutes cited in the proposed rules.

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.

Date: December 11, 2013

Signed:   
LaSharn Hughes, MBA  
Executive Director  
Georgia Composite Medical Board

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## ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-10 Institutional Licenses

### 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 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

#### **360-10-.01 Institutional Licenses**

**Purpose/Main Feature:** The purpose of the proposed rule is to change requirements for institutional licenses.

#### **360-10-.03 Requirements for Licensure**

**Purpose/Main Feature:** The purpose of the proposed rule is to further define what an "institution" means as it refers to this rule and to define "applicant."

Authority O.C.G.A. Secs 43-1-2, 43-1-4, 43-1-7, 43-34-5, 43-34-24, 43-34-26, 43-34-27, 43-34-28, 43-34-33.

### **360-10-.01 Institutional Licenses.**

(1) The Georgia Composite Medical Board may issue institutional licenses in its discretion under exceptional circumstances to graduates of international medical schools ~~who~~ whom an institution wishes to employ but who do not have an independent license to practice medicine in the State of Georgia. The license is jointly awarded to the applicant and the institution. If the Institution is a board approved medical school within this state, then the recipient is restricted to practice medicine only within the institution specified in the application. The license shall terminate whenever the holder ceases to be employed by such Institution or at the end of one year, whichever is earlier. Upon request of the Applicant and the institutional authority, the license may be renewed as set forth in these rules.

(2) To qualify for Exceptional Circumstances consideration, institutions must be a hospital licensed by the Department of Community Health or a board approved medical school within this State. For hospitals licensed by Department of Community Health, such evidence should include but not limited to: in a medically underserved area and must submit evidence acceptable to the Board to demonstrate exceptional circumstances. Such evidence should include but not be limited to:

(a) Deficient physician staff to service the health care needs of the population.

(b) Institution can demonstrate failed attempts to recruit licensed physicians to satisfy the deficiency.

(3) To qualify for Exceptional Circumstances consideration, the physician applicant must be a graduate of an international medical school and cannot qualify for licensure under other provisions of Chapter 43-34-26 and must submit evidence acceptable to the Board to demonstrate exceptional circumstances. ~~Such evidence may include but not be limited to:~~

~~(a) Applicant is from a war torn country.~~

~~(b) Applicant has applied for political asylum in the United States.~~

Authority O.C.G.A. Secs. 43-1-2, 43-1-4, 43-1-7, 43-34-5, 43-34-24, 43-34-26, 43-34-27, 43-34-28, 43-34-33.

### **360-10-.03 Requirements for Licensure.**

(1) Definitions:

(a) "Institution" means a hospital licensed by the Department of Community Health or a board approved medical school within this State.

(b) "Supervisor" means a physician who has an unrestricted license to practice medicine in this state and whose medical specialty is the same as that of the applicant physician.

(c) "Supervisory Oversight" means the onsite direction of the supervisor with immediate availability.

(d) "Applicant" means a physician who is invited to treat patients at a hospital licensed by the Department of Community Health or to serve as a clinical faculty member of a medical school within this State.

(2) The standards for receiving such a license may be different from those for receiving an unrestricted license to practice medicine in this state. In granting these institutional licenses the Board shall consider the following qualifications:

(a) Education: Any international medical school graduate applying for an institutional license shall possess basic qualifications and background as any other physician applying for a license in the state. This shall include good moral character, and any other basic background qualifications required by O.C.G.A. 43-34.

1. All other foreign medical schools must have a program of education in the science and art of medicine leading to a medical doctor degree or the medical doctor equivalent that requires a minimum of two (2) years of pre-medical training which includes at least 130 weeks of instruction. Applicants must have official transcripts that include at least 130 weeks of instruction.

2. Applicants must have official transcripts of all medical and premedical education mailed directly to the Board from the school where such education was taken. If the transcripts are in a foreign language, applicants must furnish a certified English translation. Transcripts must include the dates the applicant attended the school and the grades received in all courses taken to fulfill the requirements of the degree granted. In the Board's discretion, the transcript requirement may be waived and the results of the Federation of State Medical Boards (FSMB) verification service may be accepted if the applicant adequately demonstrates that all diligent efforts have been made to secure transcripts from the school.

(3) English language proficiency: Any applicant the institution considers for employment must demonstrate satisfactory competence in the English language by such reasonable means as the Board may prescribe.

(4) Experience: In determining competence the Board may consider the following criteria as may be necessary to determine if the applicant is in fact a competent physician: Professional attainments indicative of competence, such as specialty board certification; Licensure in foreign jurisdiction or in another State; and Reference letters from duly licensed physicians who have direct and ~~first-hand~~ firsthand knowledge of the applicant's ability;

(5) Training: Proof of AMA or AOA approved post graduate residency training or such

other training as approved by the Board including but not limited to international training.

(6) Examination: Successful completion of physician licensure examination or such examination as the Board may deem necessary. In the event that the Board determines the examination of an applicant to be necessary to determine competence, such examination may be of any type as listed, or any combination thereof;

(a) oral;

(b) written;

(c) practical, including, whenever the Board deems necessary, a trial period under the supervision of a duly licensed physician approved by the Board.

(7) The institution should submit information concerning the supervisory oversight of the institutional physician applicant such as the name of the supervisor, the type of supervision being provided, and the place of supervision.

(8) Board may require the physician applicant and a representative of the institution to appear for a personal interview before the Board or the committee.

(9) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.

Authority O.C.G.A. Secs. 43-34-5, 43-34-26, 43-34-27, 43-34-28, 43-34-33.