

# Georgia Composite Medical Board

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## 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 360-5-.03 “Application for Physician Utilization of a Physician Assistant.”** 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, NW, 6th Floor, Atlanta, GA 30303. These documents can also be reviewed online at <https://medicalboard.georgia.gov/board/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on January 5, 2023, via TEAMS** 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 five minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **December 22, 2022, to [Kierra.Battle@dch.ga.gov](mailto:Kierra.Battle@dch.ga.gov)** or via mail to the Georgia Composite Medical Board Rules Committee at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **November 3, 2022**. Upon conclusion of the public hearing on **January 5, 2023**, 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. Secs. 43-34-5, 43-34-103, and 43-34-108.

Issued this day November 3, 2022.

Daniel R. Dorsey  
Executive Director

## ECONOMIC IMPACT AND SYNOPSIS FOR

### RULE CHAPTER 360-5

#### Physician's Assistant

#### **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 360-5-.03 “Application for Physician Utilization of a Physician Assistant”**

**Purpose/Main Features:** The purpose of the proposed amendment is to make it easier on applicants for the physician utilization of a physician assistant to get the requisite signatures on the application, by removing the requirement that signatures by the primary supervising physician and the physician assistant be original signatures.

Statutory Authority: O.C.G.A. §§ 43-34-5, 43-34-103

### Rule 360-5-.03 Application for Physician Utilization of a Physician Assistant

- (1) In order to obtain approval to supervise a physician assistant, the physician who will be responsible for the performance of the Physician Assistant shall submit an application to the Board. The application shall be made upon forms supplied by the Board and must be approved by the Board before the supervising physician(s) may delegate health care tasks to the physician assistant.
  - (a) The board shall have the authority to approve or deny any primary or alternate supervising physicians.
- (2) The supervising physician(s) must certify that he/she has received, read, and is familiar with the Medical Practice Act, Physician Assistant Act and Board rules and regulations by signing the statement on the application.
- (3) The application must include:
  - (a) The name of the primary supervising physician.
  - (b) Alternate supervising physicians, as designated by the primary supervising physician, if applicable.
    1. Unlimited alternate supervising physicians may be added to the approved list by submission of the appropriate form signed by the primary supervising physician, and each alternate to the Board. ~~The Primary Supervising Physician and Physician Assistant signatures must be original however, the Alternate Supervising Physician signatures can be electronic.~~
    2. An alternate supervising physician must have the following relationships with the primary supervising physician:
      - (i) a similar scope of practice and;
      - (ii) an affiliation with the primary supervisory physician's medical practice; or
      - (iii) An established formal call agreement.
  - (c) The name and location of the medical school from which the primary supervising physician was graduated and the date the degree was received.
  - (d) The type of practice in which the physician assistant is to provide services;
  - (e) A Georgia business address for the practice;
  - (f) A current Georgia medical license number.
  - (g) Evidence that the physician assistant is licensed in Georgia;
  - (h) A fee as required by the Board. No fee will be required if the physician assistant will be providing medical services as an employee of the state or of a county government; and
  - (i) A job description meeting the requirements of law and rules.
- (4) Applications submitted to the Board must be completed in every detail. In order for the Board to complete disposition of the application, the Board, at its discretion, may request additional information which shall be submitted in writing by the applicant.
- (5) At the option of the Board, the physician assistant and the applying supervising physician(s) may be required to appear before the Board for a personal interview.
- (6) The primary supervising physician shall at all times maintain on file, readily available for inspection, documentation from the Board evidencing current approval for supervision of the physician assistant, current license status of both parties, and a copy of the applicable approved job description.

(7) After receipt of required documents, the board shall provide notification of approval or disapproval of the physician's application for utilization of a Physician Assistant.

(8) All applications for Board approval should be completed and on file with the Board at least ten (10) days prior to the meeting, in order to be considered by the Physician Assistant Advisory Committee and the Board at the next meeting.

(9) Upon termination of a physician/physician assistant relationship, the physician assistant and supervising physician are required to give notice and date of termination to the board by certified mail or appropriate verifiable method, and in order to continue practicing, the physician assistant must submit an application to the Board for a new supervising physician.

a. An alternate supervising physician may not assume the primary supervising physician's role but must submit the appropriate form to the Board and receive its approval before delegating medical tasks to the physician assistant. Failure to notify the Board immediately may result in disciplinary action against the physician assistant and/or the physician(s). Failure to renew the license because of expiration will not be considered an exception to the requirements of this paragraph.

**Authority: O.C.G.A. §§ 43-1-25, 43-34-5, 43-34-8, 43-34-24, 43-34-102, 43-34-103, 43-34-104, 43-34-108.**