

Georgia Composite Medical Board

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LaSharn Hughes, MBA



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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 360-10-.01 "Institutional Licenses," Rule 360-10-.05(2) "Termination of Institutional Licenses," and Rule 360-10-.07 Limitations Upon Institutional Licenses."** 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 <http://medicalboard.georgia.gov/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m. on March 4, 2021 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 5 minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **March 2, 2021 to lhughes@dch.ga.gov** via mail to the Georgia Composite Medical Board Rules Committee at 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **January 7, 2021**. Upon conclusion of the public hearing on **March 4, 2021** 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 are Authority: O.C.G.A. §§ 43-34-5(c)(1), 43-34-8, 43-34-25 and 43-34-33.

Issued this day February 2, 2021.


LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR

RULE 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 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 360-10-.01 “Requirements for Licensure”

Purpose/Main Features: The purpose of this Rule amendment is to modify the definition of “institution” for the purposes of issuing the institutional license. The Rule amendment affords the Board discretion in the issuance of institutional licenses. The Rule further eliminates the language that in order to be eligible for the issuance of an institutional license the physician must show evidence that the applicant is from a war torn country. The Rule also lays out the exceptional circumstances that an institution must demonstrate for the issuance of an institutional license:

Authority O.C.G.A. § 43-34-5(c)(1), 43-34-25 and 43-34-33

Rule 360-10-.05(2) “Termination of Institutional License”

Purpose/Main Features: The purpose of the proposed amendment is regarding the termination of institutional licenses.

Authority O.C.G.A. § 43-34-8

Rule 360-10-.07 “Limitations Upon Institutional Licenses”

Purpose/Main Features: The purpose of the proposed amendment is to define who may serve as a supervisor.

Authority O.C.G.A. § 43-34-8

Chapter 360-10 INSTITUTIONAL LICENSES

Rule 360-10-.01 Institutional Licenses

(1) Definitions:

- (a) "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 board approved medical school or teaching hospital within this State.
- (b) "Institution" means a hospital licensed by the Department of Community Health, a board approved medical school, ~~or a teaching hospital within this State, or a clinic that services areas of critical need as determined by the US Department Health and Human Services, Health Resources and Services Administration, as displayed at <https://data.hrsa.gov/tools/shortage-area/hpsa-find> or any other institution the Board feels appropriate for institutional license.~~

(2) The Georgia Composite Medical Board may issue institutional licenses in its discretion under exceptional circumstances to graduates of international medical schools who 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 and the practice is limited as provided in Rule [360-10-.07](#).

(3) If the institution is a hospital licensed by the Department of Community Health but is not a teaching hospital, to qualify for Exceptional Circumstances consideration the institution must be in a medically underserved area with deficient physician staff to service the health care needs of the population. The applicant must be a graduate of an international medical school, and the applicant must be unable to qualify for licensure under the provisions of O.C.G.A. Section [43-34-26](#). The institution must also demonstrate failed attempts over not less than a six-month period to recruit licensed physicians to satisfy the deficiency. The institution and the applicant must submit evidence acceptable to the Board to demonstrate exceptional circumstances. ~~Such evidence should include, but not be limited to:~~

- ~~(a) Applicant is from a war-torn country; and~~
- ~~(b) Applicant has applied for political asylum in the United States.~~

(4) If the institution is a board-approved medical school, or teaching hospital within this state, to qualify for Exceptional Circumstances consideration, the institution and the applicant must submit evidence acceptable to the Board to demonstrate exceptional circumstances. Such evidence shall include but not be limited to:

- (a) Applicant has exceptional or unusual expertise not otherwise available to the institution;
- (b) The institution can demonstrate failed attempts to recruit licensed physicians to satisfy the deficiency;

- (c) Applicant is a graduate of an international medical school; and
 - (d) Applicant cannot qualify for licensure under the provisions of O.C.G.A. Section [43-34-26](#).
- (5) If the institution is a clinic that services predominantly Medicaid, indigent, and underserved populations, to qualify for Exceptional Circumstances consideration, the institution and the applicant must submit evidence acceptable to the Board to demonstrate exceptional circumstances. Such evidence shall include but not be limited to:
- (a) Applicant has exceptional or unusual expertise not otherwise available to the institution or;
 - (b) The institution can demonstrate failed attempts to recruit licensed physicians to satisfy the deficiency;
 - (c) Applicant is a graduate of an international medical school; and
 - (d) Applicant cannot qualify for licensure under the provisions of O.C.G.A. Section [43-34-26](#); and
 - (e) The institution is a 501(c)(3) nonprofit organization approved by the board or services underserved areas or populations as designated by the or services underserved areas or populations as designated by the US Department Health and Human Services, Health Resources and Services Administration, as displayed at [https://
https://data.hrsa.gov/tools/shortage-area/hpsa-find](https://data.hrsa.gov/tools/shortage-area/hpsa-find) or any other institution the Board feels appropriate for institutional license.

Authority Secs 43-34-5(c)(1), 43-34-26, 43-34-33

Rule 360-10-.05 Termination of Institutional License

- (1) An institutional license shall be considered void and shall terminate whenever the holder ceases to be employed by the institution.
- (2) The Board has the right to refuse to renew or to suspend or revoke an institutional license based on any of the grounds enumerated in O.C.G.A. Section [43-34-8](#).
- (3) Should any institutionally licensed physician wish to surrender the license, he/she shall notify the Georgia Composite Medical Board of this intention in writing by certified mail

or by hand delivery and shall immediately return his/her license to the Board. Should a disciplinary proceeding by the Board be pending at the time of such surrender, such surrender shall have the same effect as a revocation of a license and be reportable as a disciplinary action.

Authority Sec. 43-34-8

Rule 360-10-.07 Limitations Upon Institutional Licenses

(1) Definitions:

- (a) "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 board approved medical school or teaching hospital within this State.
- (b) "Institution" means a hospital licensed by the Department of Community Health, a board approved medical school, ~~or~~ a teaching hospital within this State, or a clinic that services areas of critical need as determined by the US Department Health and Human Services, Health Resources and Services Administration, as displayed at <https://data.hrsa.gov/tools/shortage-area/hpsa-find> or any other institution the Board feels appropriate for institutional license.
- (c) "Supervisor" means a physician who has an unrestricted license to practice medicine in this state and whose ~~medical specialty is the same as~~ scope of practice is similar to that of the applicant physician.
- (d) "Supervisory Oversight" means the onsite direction of the supervisor with immediate physical availability.

- (2) In the event in institutional license is granted to an applicant, it shall be restricted in scope and shall authorize the applicant to practice medicine under the supervision of a Georgia licensed physician and practice within the scope of the supervisor's practice, except for documented emergency situations in which no other fully licensed physician is available. The physician licensee must remain an employee of the institution and be paid on a salary basis.
- (3) Applicant is not eligible for a DEA permit and must use the institutional DEA.
- (4) A supervisor may only supervise one institutionally licensed physician at a time, but an institutionally licensed physician may have more than one approved supervisor.
- (5) An institutionally licensed physician may not practice in a remote site where the supervising physician is not on site.

- (6) All institutions holding an institutional license shall post in a prominent place that institutionally licensed physicians practice in this facility. These physicians must wear a name tag as follows:

Name of physician

Degree

Institutional Licensee

- (7) All charges for services rendered by the institutionally licensed physician must be by and through the institution named in the application on file with the Board.
- (8) A person issued an institutional license shall not engage in the private practice of medicine.
- (9) Any other provisions of the Medical Practice Act (O.C.G.A. 43-34) not inconsistent with the intent and purpose of the institutional license statute shall be fully applicable to all institutionally licensed physicians.

Authority Secs. 43-34-5, 43-34-33