

Georgia Composite Medical Board

Executive Director
LaSharn Hughes, MBA



Chairperson
Gretchen Collins, MD

Vice Chairperson
Barby Simmons, DO

2 Peachtree Street, NW • 6th Floor • Atlanta, Georgia 30303 • (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 360-30-.01 “Federal Student Loan Default.” 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., 6th 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 **8:00 a.m.** on **November 7, 2019** at Emory Conference Center, 1615 Clifton Road, NE, Atlanta, GA 30329 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 **October 25, 2019** to lhughes@dch.ga.gov or via mail to the Georgia Composite Medical Board Rule Committee at 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **September 12, 2019**. Upon conclusion of the public hearing on **November 7, 2019**, 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. §§ 43-1-19, 43-1-29, 43-34-1, 43-34-5, 43-34-8, and 50-13-3.

Issued this day, September 19, 2019.

LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR

RULE CHAPTER 360-30

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 360-30-.01 “Federal Student Loan Default”

Purpose/Main Features: The purpose of the proposed amendment is to eliminate the Rule to bring in line with a new statute that prohibits the board from suspending a licenses on the basis of a student loan default.

Authority: O.C.G.A. Secs. 43-1-19, 43-1-29, 43-34-1, 43-34-5, 43-34-8, 50-13-3

~~Rule 360-30-.01. Federal Student Loan Default~~

- ~~(1) A person holding a current license, permit or certificate issued by the Georgia Composite Medical Board ("Board") may have his/her license, permit or certificate indefinitely suspended if he/she is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.~~
- ~~(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:
 - ~~(a) The Board's intended action to suspend the license;~~
 - ~~(b) The licensee's right to request an appearance before the Board;~~
 - ~~(c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and~~
 - ~~(d) The address and telephone number of the Board.~~~~
- ~~(3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board and the license, permit or certificate will be suspended.~~
- ~~(4) If a request to appear is timely received by the Board, the suspension of the license, permit or certificate shall be stayed pending the licensee's appearance before the Board.~~
- ~~(5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:
 - ~~(a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;~~
 - ~~(b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;~~
 - ~~(c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.~~~~
- ~~(6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.~~
- ~~(7) If the license, permit or certificate is suspended, the licensee may not practice during the period of suspension.~~

- ~~(8) A person whose license, permit or certificate was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:~~
- ~~(a) Request in writing to the Board that the suspension be lifted;~~
 - ~~(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;
 - ~~1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.~~~~
 - ~~(c) Demonstrate to the satisfaction of the Board that the license, permit or certificate has been timely renewed and, other than the suspension provided by this rule, is otherwise in good standing; and~~
 - ~~(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.~~
- ~~(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license, permit or certificate; however, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.~~
- ~~(10) If the licensee fails to timely renew his license, permit or certificate during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license, permit or certificate must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program.~~

~~The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.~~

Cite as Ga. Comp. R. & Regs. R. 360-30-.01

Authority: ~~O.C.G.A. Secs. [43-1-19](#), [43-1-29](#), [43-34-1](#), [43-34-5](#), [43-34-8](#), [50-13-3](#).~~