



Top 10 of the Most Common Disciplinary Actions Against Healthcare Professionals

To help physicians and healthcare professionals in Georgia navigate common pitfalls that can lead to disciplinary action, we'd like to share some insights into how the Georgia Composite Medical Board (GCMB) works to protect the public. We'll explain how complaints and investigations are handled and outline the "Top 10" key missteps that practitioners should be mindful of.

Most of us interact with the GCMB primarily when applying for or renewing our licenses. However, understanding the Board's role in regulating healthcare professionals is crucial, as its mission is to protect the public by promoting safe healthcare delivery to Georgia's patients and citizens.

The **Investigative Committee (IC)** addresses and investigates all complaints made against healthcare professionals. It is a subcommittee of the full Composite Board, appointed by the Chairman of the GCMB. The IC is supported by GCMB Medical Directors, office staff, Peace Officer Standards and Training (POST) certified investigators, and lawyers from the Attorney General's office. The IC meets monthly to evaluate all complaints.

Understanding the Complaint Process

Anyone can file a complaint with the GCMB. The laws governing medical practice in Georgia are detailed in 10 Articles (§§ 43-34-1 – 43-34-290) ¹. Article 1 describes how the GCMB is organized and defines its disciplinary authority (§ 43-34-8). The sections commonly referred to as the **Medical Practice Act** (§§ 43-34-20 – 43-34-48) outline the detailed legal parameters of the GCMB.

While many healthcare professionals may not have read § 43-34-8 in its entirety, understanding the intent of these laws and the processes surrounding the GCMB's actions can help us avoid unintended interactions with the Board. As the saying goes, *ignorantia juris non excusat* (ignorance of the law is no excuse).

Complaints to the GCMB can be submitted electronically or by paper through the GCMB website: <https://medicalboard.georgia.gov/consumer-resources/file-complaint>. Complaints are grouped into five general categories:

1. **Substandard medical care**
2. **Missed or delayed diagnoses and medical errors**
3. **Inappropriate or excessive prescribing**
4. **Unprofessional or unethical conduct** (e.g., misrepresenting credentials, violating patient confidentiality, billing for undelivered services, addiction, felonies)
5. **Sexual assault or other sexual misconduct by a physician or medical professional**

There is no statute of limitations for complaints filed with the GCMB, but timely reporting enhances the investigative process.

Once a complaint is filed, it is assigned to an agent, and an investigation is initiated. Some investigations are straightforward and can be concluded quickly, while others are more complex and may involve other state and federal agencies. Our investigators are well-trained and POST certified, meaning they have met the standards set by our state's law enforcement agency.

It's important to note that while anyone can file a complaint about any issue connected to medical care, there are some matters the Board does not handle. These include:

- **Billing or fee disputes**
- **Worker's compensation complaints**
- **Legal or medical advice**
- **Complaints about unlicensed individuals over whom the GCMB has no jurisdiction** (e.g., dentists, insurance companies, PhDs, hospitals, laboratories, podiatrists, chiropractors, pharmacists, social workers, doctors' office staff, clinics)

The Top 10 Key Missteps to Avoid

Below is a list of the top 10 common disciplinary pitfalls that we, as physicians and medical professionals, should be careful to avoid. These are presented in no specific order.

Number 1: Avoid Sexual or Romantic Relationships with Patients

The Federation of State Medical Boards (FSMB) published a report and recommendations on "Physician Sexual Misconduct" in May of 2020², redefining our understanding of sexual misconduct and boundary issues. They define sexual misconduct as "behavior that exploits the physician-patient relationship in a sexual way." This behavior may be verbal or physical and could occur in person or over the internet. It may include innuendo, inappropriate humor, or expressions that could be construed as sexual in nature to the patient or their surrogates.

This also includes the absence of trained chaperones when examining the genitalia, performing rectal exams, or conducting female breast exams. Importantly, we have a **duty to report** if we suspect a fellow professional is engaging in a sexual relationship with a patient. Failure to report would be a violation of the Medical Practice Act.

Number 2: Refrain from Writing Prescriptions for Family Members or Without an Established Doctor-Patient Relationship

While it may be tempting to prescribe medications to family members or acquaintances for convenience, doing so is a violation of the Medical Practice Act. This is especially serious when prescribing Schedule II, III, or IV medications due to their higher potential for abuse.

Remember that prior to the COVID-19 pandemic, establishing a doctor-patient relationship in Georgia required an in-person visit. The telemedicine exception, which does not require an initial in-person visit, is still in effect, but laws regarding telemedicine prescribing are currently under review at both the federal and state levels.

Number 3: Be Cautious to Avoid Overprescribing Narcotics or Other Medications

Inappropriate prescribing involves giving medications to a patient when the risks outweigh the benefits. This includes underprescribing, polypharmacy (especially in the elderly), and overprescribing, often associated with narcotic use and "pill mills." Article 10 of Chapter 34 in Georgia law defines pain management clinics (§§ 43-34-280 – 43-34-290).

Number 4: Always Check the PDMP Before Prescribing Narcotics

To prevent multiple narcotic prescriptions and possible inadvertent overprescribing, we should always check the Prescription Drug Monitoring Program (PDMP) before writing a prescription for narcotics. While designated staff may check the PDMP on our behalf, we should never share our PDMP username and password with anyone.

Number 5: Remember to Renew Your Medical License Promptly

Practicing medicine without a valid medical license is a violation of the Medical Practice Act. You may or may not receive a notification to renew your license from the GCMB, depending on factors like keeping your address and email up to date with the Board. Additionally, falsifying a medical license application is considered unprofessional conduct and is a violation of the Act.

Number 6: Sign Death Certificates in a Timely Manner

Georgia death certificates may be signed by attending physicians, physician assistants, or advanced practice registered nurses (APRNs). All of these providers must have access to the deceased patient's medical record, and the death certificate must be signed within 72 hours of the patient's death. Failing to sign a death certificate within the required time can result in being reported to the GCMB for discipline. Unless we willfully misrepresent the cause of death, medical professionals have civil immunity regarding errors in determining the actual cause of death [§ 31-10-15(c)(3)].

Number 7: Report Out-of-State Disciplinary Actions to the GCMB Promptly

If you hold medical licenses in multiple states, either through the Interstate Medical Licensure Compact or directly with another state, and you face disciplinary action in another state, you must report this action to the GCMB. Failure to do so is a violation of the Medical Practice Act, as there is a mandatory duty to report.

Number 8: Be Aware that Convicted Felons Cannot Hold a Georgia Medical License

If you are convicted of a felony in state or federal court, you are likely to lose your medical license. This includes crimes such as domestic violence, felony DUI convictions, drug trafficking, fraud (including Medicare or Medicaid fraud), rape, conviction for child pornography, assault with a deadly weapon, robbery, arson, kidnapping, homicide, involuntary manslaughter, criminal threats, and larceny. These convictions must be reported to the GCMB when docketed.

Number 9: Maintain Medical Practice Above the Standard of Care

In today's litigious world, medical malpractice suits are not uncommon, especially in some high-risk specialties. While not all medical malpractice judgments result in the loss of our privilege to practice medicine in Georgia, multiple and egregious malpractice verdicts or judgments could put our licenses at risk.

Number 10: Understand That Losing Clinical Hospital Privileges Could Affect Your Medical License

If you lose your clinical hospital privileges, you must report this action to the GCMB. Your hospital is also obligated to report your loss of privileges to the National Practitioner Data Bank (NPDB) and the GCMB. Similarly, if you resign your privileges while under investigation by your hospital's medical staff office, this is a mandatory reporting event for the hospital to the NPDB. Before resigning your privileges under any circumstances—especially while under investigation—it is wise to consult with legal counsel.

By being mindful of these common pitfalls and understanding our responsibilities outlined by the GCMB, we can help ensure that we maintain good standing in our professional practice while contributing to the safety and well-being of Georgia's patients and citizens.

REFERENCES

1. **The Medical Practice Act of the State of Georgia**, GA Medical Practice Act, Sections (§§) 43-34-1 – 43-34-290 (November 2013).
https://medicalboard.georgia.gov/sites/medicalboard.georgia.gov/files/related_files/site_page/Medical%20Practice%20Act%202013beta.pdf
2. **Federation of State Medical Boards (FSMB) Working Group on Physician Sexual Misconduct**, FSMB Report on Physician Sexual Misconduct (May 2020).
<http://www.fsmb.org/siteassets/advocacy/policies/report-of-workgroup-on-sexual-misconduct-adopted-version.pdf>