

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 New Rule Chapter 360-40 "Interstate Medical Licensure Compact." 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 **January 9, 2020** at the Board offices, 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303 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 **January 6, 2020 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 **December 9, 2019**. Upon conclusion of the public hearing on **January 9, 2020**, 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. §§ 33-24-56.4, 43-34-31.1 and 50-13-3.

Issued this day, December 9, 2019.


LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR

RULE CHAPTER 360-40

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 Chapter 360-40 “Interstate Medical Licensure Compact”

Purpose/Main Features: The purpose of the proposed rules is to address Senate Bill 16, which will authorize Board to administer the compact in this state.

O.C.G.A. §§ 43-34-13, 43-34-28, 43-34-300, 43-34-301, 43-34-302 and 43-34-303

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Rule 360-40-.01 Definitions

(1) "Board" means the Georgia Composite Medical Board.

(2) "Expedited License" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.

(3) "IMLC" means the Interstate Medical Licensure Compact.

(4) "Letter of Qualification" a letter issued after the state of principal license has verified the physician's eligibility for the compact. The letter is valid for 365 days.

(5) "Member Board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(6) "State of Principal License" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

Rule 360-40-.02 Requirements for Licensure through the IMLC with Georgia as your State of Principal license

1. An applicant seeking licensure through the Compact shall file an application for an expedited license through the Interstate Medical Licensure Compact, and must meet the requirements listed in at www.imlcc.org website.

2. A physician shall designate Georgia as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in this state, and if Georgia is:

- (a) the state of primary residence for the physician, or
- (b) the state where at least 25% of the practice of medicine occurs, or
- (c) the location of the physician's employer, or
- (d) if no state qualifies under the designated as state of residence for purpose of federal income tax.
- (e) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements.

3. Upon receipt of an application for an expedited license, the board shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission. Application must be completed in 60 days.

4. The board shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S. C.F.R. §731.202.

5. Once the application is approved and the license is issued, the Board will report the licensure to the IMLCC.

6. Within 30 days of license, the applicant must provide the following additional information:

- Your current CV or resume (also, provide information for any date gaps in the CV or resume)
- Form B, Reference Form (three references are required)
- Form D, Affidavit of Applicant
- Form D2, Affidavit for Medical Board License
- A copy of a secure and verifiable document from the list following Form
- Form E, Malpractice Questionnaire, including documentation of any cases
- National Practitioner Data Bank (NPDB) and Health Integrity and Protection Data Bank (HIPDB) Self-Query and Reports, if you have ever held a license in the US or Canada (not including training licenses). Order it at https://www.npdb-hipdb.hrsa.gov/ext/RulesOfBehaviorSQ.jsp?SUBJECT_TYPE=I.
- Military discharge documentation, if you have ever been discharged from US military service.

- Form G, Specific Power of Attorney, if you want to authorize anyone else to make inquiries about your application.

7. Physicians licensed in the state of Georgia with a DEA number **must** register with the Prescription Drug Monitoring Program. You have 30 days from the initial date of your licensure to register. <https://dph.georgia.gov/pdmp>

8. Fees will be set by the IMLC and are non-refundable.

9. An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

Rule 360-40-.03 Applicants Applying for Licensure to Georgia through IMLC

1. An applicant seeking licensure through the Compact shall file an application for an expedited license through the Interstate Medical Licensure Compact, and must meet the requirements listed in at www.imlcc.org website.

2. Applicants must have a Letter of Qualification (LOQ) to qualify for licensure from their principal home state. The Letter of Qualifications will be valid for 365 days from the date of issue. In addition to the LOQ must provide the following additional information within 30 days of licensure:

- Your current CV or resume (also, provide information for any date gaps in the CV or resume)
- Form B, Reference Form (three references are required)
- Form D, Affidavit of Applicant
- Form D2, Affidavit for Medical Board License
- A copy of a secure and verifiable document from the list following Form
- Form E, Malpractice Questionnaire, including documentation of any cases
- National Practitioner Data Bank (NPDB) and Health Integrity and Protection Data Bank (HIPDB) Self-Query and Reports, if you have ever held a license in the US or Canada (not including training licenses). Order it at https://www.npdb-hipdb.hrsa.gov/ext/RulesOfBehaviorSQ.jsp?SUBJECT_TYPE=I.
- Military discharge documentation, if you have ever been discharged from US military service.
- Form G, Specific Power of Attorney, if you want to authorize anyone else to make inquiries about your application.

3. Physicians licensed in the state of Georgia with a DEA number **must** register with the Prescription Drug Monitoring Program. You have 30 days from the initial date of your licensure to register. <https://dph.georgia.gov/pdmp>

4. Applicants ineligible for licensure through IMLC will receive a notification from the IMLC.

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

Rule 360-40-.04 Renewal and Continued Participation

1. A license renewal notice will be sent 90 days prior to expiration date to direct the physician to renew through the Compact's website. A second license renewal notice will be sent 60 days prior to renewal.

2. A physician seeking to renew an expedited license granted in a member state may complete a renewal process with the IMLC website www.imlcc.org if the physician:

(a) Maintains a full and unrestricted license in a state of principal license;

(b) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(c) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(d) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

3. Physicians shall comply continuing education requirements for renewal as outlined in Rule Chapter 360-15 "Continuing Education."

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

Rule 360-40-.05 Investigations

1. Licensure and disciplinary records of physicians are deemed investigative records.

2. In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

3. A subpoena issued by a member state shall be enforceable in other member states.

4. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

5. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

5. An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

Rule 360-40-.06 Disciplinary Actions

1. Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

2. If a license granted to a physician by the member board in the state of principal licenses revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

3. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(a) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or

(b) Pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.

(c) If a license granted to a physician by a member board is revoked, surrendered or

relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state.

(d) A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

Authority OCGA Secs. 43-34-28 , 43-34-300, 43-34-301, 43-34-302 and 43-34-303

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