

Chapter 360-8

PAIN MANAGEMENT CLINICS

Rule 360-8-.02 Standards of Operation

- (1) Each location of a clinic where a physician practices pain management must be licensed.
- (2) A new pain management clinic license must be obtained if there is a change in ownership or a change in location.
- (3) No pain management clinic shall provide medical treatment or services unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic. This rule shall not apply to a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1, so long as
 - (a) the patient has previously been examined by a physician and such physician has issued a written order for such patient to receive medical treatment or services and
 - (b) the pain management clinic has obtained written consent of the patient prior to any medical treatment or services being provided by the certified registered nurse anesthetist regarding the medical treatment or services to be performed, the risks of the medical treatment or services to be performed, and that a physician may or may not be on-site.
- (4) No licensed physician can own a pain management clinic if the physician, during the course of his or her practice, has been denied the privilege of prescribing, dispensing, administering, supplying or selling any controlled substance, or has had board action against his or her medical license as a result of dependency on alcohol or drugs.
- (5) No person can own a pain management clinic if he or she has been convicted of a felony. For purposes of this rule, the term "convicted of a felony" shall include a conviction of an offense which if committed in this state would be deemed a felony under either state or federal law, without regard to its designation elsewhere. As used in this paragraph, the term "conviction" shall include a finding or verdict of guilt, a plea of guilty resulting in first offender status, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon.
- (6) The owner of the clinic and the physicians practicing in the clinic shall be responsible for compliance with all the laws and rules and regulations regulating the practice of medicine and the laws and rules and regulations pertaining to the controlled substances.
- (7) The license issued by the Board shall be displayed in a conspicuous place.
- (8) All pain management clinics that dispense controlled substances or dangerous drugs shall be registered with the Georgia State Board of Pharmacy as required by Chapter 4 of Title 26.
- (9) Each physician owning or practicing in a pain management clinic must register with the Georgia Prescription Monitoring Program ("PDMP"). See link www.gdna.ga.gov. Each physician practicing at a pain clinic must regularly check the PDMP on all new and existing patients.
- (10) The Board shall have the power to reprimand, cancel, suspend, revoke, or otherwise restrict any license or permit issued by the Board.
- (11) Any person who operates a pain management clinic in the State of Georgia without a license shall be guilty of a felony.

Rule 360-8-.05 Notifications to the Board

- (1) The licensee shall notify the Board **within ten business days** upon the occurrence of any of the following:
 - (a) Permanent closing of a licensed pain management clinic;
 - (b) Any theft or loss of drugs or devices of a licensed pain management clinic;
 - (c) Any known conviction of any employee of a licensed pain management clinic of any state or federal drug laws;
 - (d) Any known conviction based upon charges of fraud of any employee of a licensed pain management clinic; or
 - (e) Disasters, accidents, theft, destruction, or loss of records of a licensed pain management clinic required to be maintained by state or federal law or the rules of the board.
 - (f) If there is a death of a patient due to medication.
 - (g) Any malpractice settlements or disciplinary actions imposed against the owners or physicians practicing in the clinic
 - (h) Impairment of any physician, physician assistant or advanced practice registered nurse practicing in the clinic.
 - (i) Revocation of the license of another pain management clinic in this or other states owned by the same owners.
 - (j) Notification if the DEA of an owner of physician, physician assistant or advanced practice registered nurse is revoked or surrendered.
 - (k) Termination of employment of a physician, physician assistant and advanced practice registered nurse from a licensed pain management clinic;

- (2) The licensee must notify the Board at least ten (10) days **prior to the occurrence** of the following:
 - (a) Change of ownership, name, management, or location of a licensed pain management clinic; the license is non-transferrable so the license immediately becomes void and inactive upon a change in ownership or location.
 - (b) Employment of a new physicians, physician assistant, or advanced practice registered nurse in a licensed pain management clinic. The notification must be on a form approved by the Board and must include appropriate supplemental documentation including a criminal background check. Although prior approval by the Board is not required, the employment of a person who does not qualify for employment at a pain clinic under the law and rules of the Board is grounds for disciplinary action against the clinic license. A clinic license holder may voluntarily submit notification with a request for prior Board approval to verify that a person does qualifies for employment under the laws and rules of the Board.

Rule 360-8-.06 Renewals and Continuing Education

- (1) All active licenses must be renewed every two years. This may be done through mail. A pain management clinic may not operate after the expiration date of the license. A license must be renewed biennially by June 30th, and the licensee must establish satisfaction of Board-approved continuing education requirements to be eligible for renewal.
- (2) All physicians owning and/or practicing in a pain management clinic must biennially document competence to the Board for purposes of renewal by providing one of the following:
 - (a) evidence of having obtained during the preceding two (2) years, twenty (20) hours of continuing medical education ("CME") pertaining to pain management or palliative medicine except as provided below. Such CME must be an AMA/AOA PRA Category I CME, a board approved CME program, or any federally approved CME. The CME obtained pursuant to this rule may count towards the CME required for individual physician license renewal; or
 - (i) All physicians owning and/or practicing in a pain management clinic that has a pain clinic license that has been active less than two years, must provide evidence of having obtained during that time, at least ten (10) hours of CME pertaining to pain management or palliative medicine. Such CME must be an AMA/AOA PRA Category I CME, a board approved CME program, or any federally approved CME. The CME obtained pursuant to this rule may count towards the CME required for individual physician license renewal;
 - (b) evidence of current certification or eligibility for certification in pain management or palliative medicine as approved by the Board. The Board recognizes certifications in pain medicine or palliative medicine by the American Board of Medical Specialties or the American Osteopathic Association, the American Board of Pain Medicine and the American Board of Interventional Pain Physicians.
- (3) Licensees have the right to obtain a late renewal of their licenses during the three (3) month period immediately following the expiration date. During this period, the penalty for late renewal applies. A pain management clinic may not operate after the expiration date of the license.
- (4) The fee for renewals and late renewals shall be designated in the fee schedule.
- (5) The Board shall administratively revoke any license not renewed prior to the expiration of the late renewal period. Such revocation removes all rights and privileges to operate a pain management clinic in this State. A license that is so revoked may only be reinstated in the sole discretion of the Board. Revocation for failure to renew may be reported to the public and to other state licensing boards, and will be reported as a revocation for failure to renew. Revocation for failure to renew is not considered a disciplinary revocation. However, the license may only be reinstated through application.