

## **“Governance of Opioid Over-Prescribing Complaints by the Georgia Composite Medical Board”**

**In response to the recent AJC article, the Georgia Composite Medical Board (GCMB) would like to clarify our role in disciplining physicians who inappropriately prescribe opioids, and explain the administrative process for investigating over-prescribing complaints.**

**Board Mission:** *“To protect the health of Georgians through the proper licensing of physicians and certain members of the healing arts and through the objective enforcement of the Medical Practice Act.”*

The Georgia Composite Medical Board is composed of 15 volunteer board members, 13 physicians, one physician assistant ex-officio member, and two consumer members, appointed by the governor to represent the interests and health of the citizens of Georgia. The members reside all over the state, from Dalton to Valdosta to Savannah and beyond, meeting monthly, often at great expense and time to provide public service for our great state.

The Board takes its responsibility seriously to ensure the public safety of Georgia’s citizens. Each and every complaint is evaluated by the Board to determine if complaints are within the Board’s jurisdiction. The Board handles over two thousand complaints a year and has six agents assigned to cover the entire state of Georgia.

Once a complaint against a licensee is received and the Board believes there may be a violation of the Laws and Rules, the Board may seek sanctions against a physician. However, a medical license is a property right protected by the Constitution and a person cannot be deprived of property without due process. As a result, each physician has a right to due process before any actions may be taken against his/her license. The physician has a right to an opportunity for a hearing, which is similar to actions within a court of law. Some cases may result in the revocation of a license, others may result in restrictions on prescribing opioids and other dangerous drugs.

The Office of the Attorney General represents the Board, and the attorneys from the Attorney General’s office advise the Board members in the disciplinary actions against physicians. The Attorney General’s Office also represents the Board in the

hearings. The State has the burden of proof to prove its case and attorneys often represent the physicians in hearings. During the hearing, the Board has peer reviewers to review the case and testify if the physician's actions are a violation of the Medical Practice Act and below the standard of care. The physician will have its own experts as well. At the end of the hearing, an administrative law judge will independently recommend whether the physician's license should be revoked, suspended, or disciplined, or whether no further action is warranted against the license. The Board cannot automatically change a decision by an administrative law judge from the Office of State Administrative Hearings, as there is a standard set forth by law. There is a right to appeal the Board's Final Decision to Superior Court. Because of the lengthy time involved in this process, many cases are settled through consent orders, where the Board weighs what sanctions will protect the public. It is important to note that the Board does not want to prevent patients that have legitimate pain from receiving and obtaining appropriate pain medications from their physicians. The Board does not want physicians to operate in fear of disciplinary action for treating pain patients within the standard of care.

When the Board does find that physicians are practicing outside of normal practice of medicine, the Board investigates these cases and tries to bring these cases to resolution. In some cases, the Board may not be the only agency investigating these physicians, and will often have to defer action to allow federal or other criminal authorities to make their cases first. The Board's action is administrative and the Board does not want to interfere with a criminal prosecution. In many of these cases, the criminal authorities are maintaining all the evidence for their cases and ask the Board to defer investigation or action. In other cases, the Board has no evidence outside of the criminal prosecution and is unable to proceed. The Board proactively works with local and federal law enforcement agencies to stop physicians from overprescribing and operating pill mills.

With the Prescription Drug Monitoring Program, the Board can proactively look for physicians that are overprescribing and invite these physicians in to discuss their prescribing habits with the Board. The Board may invite a physician to take additional coursework on prescribing as a part of their training.

Effective January 1, 2018, each physician that has a DEA and prescribes controlled substances must take a three-hour course on responsible opioid prescribing, which the Board hopes will help the physician understand the seriousness of overprescribing. The Board does not condone physicians that over prescribe medications. The Board is working within the laws and rules to stop these physicians from prescribing opioids inappropriately.