

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
David W. Retterbush, MD

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>
E-Mail: medbd@dch.ga.gov

GEORGIA COMPOSITE MEDICAL BOARD 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, **Rule 360-2-.07 "Reinstatement."** 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 is forwarded to all persons who have requested, in writing, that they be placed on the interested parties' mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303. These documents will also be available for review on the Board's website at www.medicalboard.georgia.gov.

A public hearing is scheduled to begin at **8:00 a.m. on October 9, 2014** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person who will be affected by these rules may present his or her comments to the Board no later than **October 1, 2014** or make comments at the public hearing. Comments may be directed to Diane Atkinson, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at mdatkinson@dch.ga.gov.

The proposed amendments will be considered for adoption by the Board at its meeting scheduled to begin at **8:00 a.m. on October 9, 2014** at the Board offices on the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303

The Board voted to adopt this Notice of Intent on **August 7, 2014** meeting. The Board will consider at its meeting on **October 9, 2014 at 8:00 a.m.** the comments from the public hearing 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 at its meeting on **October 9, 2014** the Board will consider

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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)(D).

The authority for promulgation of these rules is O.C.G.A. Authority Secs. 43-1-2, 43-1-4, 43-1-7, 43-1-19, 43-24-5, 43-24-8, 43-34-9, 43-34-24, 43-34-24.1, 43-34-37

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.

Date: _____

8/20/14

Signed: _____

LaSharn Hughes

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Executive Director
Georgia Composite Medical Board

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-2 LICENSING REQUIREMENTS

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 this rule does 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 at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS

Rule Chapter 360-2-.07 Reinstatement

Purpose/Main Feature:

The purpose of this rule change is to set new requirements and fee for reinstatement of licensure.

Authority O.C.G.A. Secs. 43-1-2, 43-1-4, 43-1-7, 43-1-19, 43-24-5, 43-24-8, 43-34-9, 43-34-24, 43-34-24.1, 43-34-37.

360-2-.07 Reinstatement.

(1) A minimum of two (2) years shall pass from the date of any revocation of a license before the Board will consider an application for reinstatement. If the Board denies any application for reinstatement, the Board may require that a minimum of two (2) years pass from the date of the denial before the Board will consider subsequent applications for reinstatement. This two-year requirement shall only apply in those instances in which the license in question was revoked for reasons other than failure to renew.

(2) In order to reinstate a license to practice medicine, an applicant must be able to demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill and proficiency in the practice of medicine and that he or she is mentally and physically able to practice medicine with reasonable skill and safety. The Board may also require the applicant to meet with the Board or a committee of the Board. In addition, the Applicant must submit an application for reinstatement and comply with the following:

(a) If the license has been expired for twelve or fewer months, and the applicant has practiced medicine in Georgia on any occasion after the expiration date of the license, the applicant must pay a reinstatement fee of \$1,000.00 and provide proof of ten additional continuing education hours over the required forty for renewal.

(b) If it the license has been expired more than twelve months, and the applicant has practiced medicine in Georgia on any occasion after the expiration date of the license, the applicant must pay a reinstatement fee of \$2,000.00 and provide proof of 40 hours of additional continuing education over the forty required for renewal.

(c) If the applicant has not practiced medicine in Georgia on any occasion after the expiration date of the license, the applicant must pay a reinstatement fee of \$500.00 and provide proof of 40 hours of continuing education within the past two years of application.

~~(a) If it the license has been expired four to six months, the applicant must submit an application for reinstatement, pay a reinstatement fee of \$,1000.00 and provide proof of ten additional continuing education hours over the forty required for renewal;~~

~~(b) If it the license has been expired over six months but not greater than one year, the applicant must submit an application for reinstatement, pay a reinstatement fee of \$1,500.00 and provide proof of 20 hours of additional continuing education over the forty required for renewal; or~~

~~(c) If it the license has been expired over one year, the applicant must submit an application for reinstatement, pay a reinstatement fee of \$2,000.00 and provide proof of 40 hours of additional continuing education over the forty required for renewal.~~

(3) The Board, in its discretion, may impose any remedial requirements for applicants who have previously engaged in the practice of medicine and who have not practiced for a period greater than thirty (30) consecutive months as approved by the Board. The Board may require the passage of an examination, such as SPEX, PLAS, or other competency assessments as approved by the Board

(4) Prior to reinstatement of a license, the Board must have received an affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified

alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the **DHS-USCIS SAVE** (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(5) This provision of this rule shall not be construed to limit the ability of the Board to impose sanctions for continuing to practice with an expired license.

(6) Reinstatement of the license is within the discretion of the Board.

(7) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of medicine or being mentally or physically unable to practice medicine with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-34-8.

(8) The denial of reinstatement is not a contested case, but the applicant shall be entitled to an appearance before the Board.

Authority O.C.G.A. Secs. 43-1-2, 43-1-4, 43-1-7, 43-1-19, 43-24-5, 43-24-8, 43-34-9, 43-34-24, 43-34-24.1, 43-34-37.