

House Bill 1265 (AS PASSED HOUSE AND SENATE)

By: Representative Childers of the 13th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to physicians, so as to change certain provisions relating to practicing medicine
3 without a license; to provide for the issuance of temporary postgraduate training permits; to
4 provide for definitions; to provide for the application for such permit; to provide for
5 conditions relating to such permit; to provide for disciplinary actions against permit holders;
6 to provide for the refusal, suspension, revocation, or limitation of a permit; to provide for a
7 hearing before the Composite State Board of Medical Examiners; to provide certain reporting
8 requirements relating to permits; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
13 physicians, is amended by striking subsection (b) of Code Section 43-34-26, relating to
14 practicing medicine without a license, and inserting in lieu thereof the following:

15 "(b) Nothing in this chapter shall be construed to prohibit:

16 (1) Gratuitous services in cases of emergency;

17 (2) The practice of the religious tenets or general beliefs of any church whatsoever;

18 (3) The requiring of a fee for examination by opticians, at their established places of
19 business, who do not prescribe or use drugs or medicines or attach to their names titles
20 indicative that any such persons are engaged in the practice of medicine, as defined in this
21 chapter;

22 (4) The performance of their duties for the federal government by federal physicians,
23 both military and civilian;

24 ~~(5) The practice of medicine, by an individual appointed as an intern or accepted for~~
25 ~~specialty or residency training in programs approved by the board, for a period of two~~
26 ~~years or for such additional period as the board, by application, may determine;~~

~~(6)~~(5) The consultation on special cases in this state of regularly licensed physicians from other states or territories;

~~(7)~~(6) The licensed practice of dentistry, optometry, psychology, or chiropractic;

~~(8)~~(7) The licensed practice of midwifery or nursing;

~~(9)~~(8) The utilization of a physician's assistant to perform tasks approved by the board, and the performance of such tasks by the physician's assistant; the delegation by a physician to a qualified person other than a physician's assistant of any acts, duties, or functions which are otherwise permitted by law or established by custom; and the performance of such acts, duties, or functions by such a person other than a physician's assistant; or

~~(10)~~(9) The performance of:

(A) Any medical task by a student enrolled in a medical college, osteopathic college, or physician's assistant training program approved by the board; or

(B) Any dental task by a student enrolled in a dental college approved by the Georgia Board of Dentistry where either type task is performed under the supervision of an authorized instructor lawfully licensed in this state to perform such tasks."

SECTION 2.

Said article is further amended by adding a new Code Section 43-34-47 to the end of such article, to read as follows:

"43-34-47.

(a) As used in this Code section, the term:

(1) 'Program director' means a physician licensed in this state who is responsible for screening, selecting, and supervising physicians enrolled in one or more of an institution's postgraduate training programs.

(2) 'Temporary postgraduate training permit' means a permit issued by the board to a graduate of a board approved medical or osteopathic school who is enrolled in a postgraduate training program deemed acceptable by the board and who does not currently hold a full and unrestricted license in this state.

(3) 'Training institution' means an institution that sponsors and conducts a postgraduate training program approved by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or other program approved by the board for the training of interns, residents, or postresidency fellows.

(b)(1) An individual seeking to pursue postgraduate medical training in this state who does not hold a license to practice medicine issued under this chapter shall apply to the board for a temporary postgraduate training permit. The application shall be made on

forms that the board shall furnish and shall be accompanied by the application and permit fees set by the board. Such application shall include the following:

(A) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate at a training institution in this state in one of the following:

(i) An internship or residency program accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association; or

(ii) A clinical fellowship program at an institution with a residency program accredited either by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association that is in a clinical field the same as or related to the clinical field of the fellowship program;

(B) Information satisfactory to the board that identifies the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program; and

(C) Any other information that the board requires.

Nothing in this Code section shall prohibit an individual from obtaining a full and unrestricted license to practice medicine under this article.

(2) If the applicant meets the requirements of paragraph (1) of this subsection, the board shall issue a temporary postgraduate training permit to the applicant. A temporary postgraduate training permit issued pursuant to this subsection shall be valid only for a period of one year but may, in the discretion of the board and upon application duly made and payment of the renewal fee required by the board, be renewed annually for the duration of the postgraduate training program for a period not to exceed seven years. The board shall maintain a registry of all individuals who hold temporary postgraduate training permits.

(3) The holder of a valid temporary postgraduate training permit shall be entitled to perform such acts as may be prescribed by or incidental to the holder's postgraduate residency training program, but the holder shall not be entitled otherwise to engage in the practice of medicine in this state. The holder shall train only under the supervision of the physicians responsible for supervision as part of the postgraduate training program. The temporary postgraduate training permit shall authorize the person receiving the permit to practice in facilities affiliated with the postgraduate training program only if such practice is part of the training program.

(4) Prior to participating in a postgraduate medical training program in this state, individuals must either hold a license to practice medicine or a temporary postgraduate training permit issued by the board or have applied for a temporary postgraduate training permit. The board shall issue temporary postgraduate training permits to applicants

meeting the board's qualifications within 30 days of receipt by the board of the application.

(5) A temporary postgraduate training permit issued pursuant to this Code section shall expire upon the permit holder's withdrawal or termination from, or completion of, the postgraduate training program or upon obtaining a license to practice medicine under this article.

(6) The board shall have the authority to discipline the holder of a temporary postgraduate training permit in the same manner and based upon any ground or violation enumerated in Code Sections 43-1-19 and 43-34-37.

(7) By obtaining a temporary postgraduate training permit, the permit holder consents to the release of information pursuant to subsection (d) of this Code section from program directors and supervising physicians and authorizes the president of the board to be an agent for service.

(c)(1) The board shall have the authority to refuse to issue or renew or to suspend, revoke, or limit a temporary postgraduate training permit based upon any of the grounds or violations enumerated in Code Sections 43-1-19 and 43-34-37.

(2) The refusal, suspension, revocation, or limitation of a temporary postgraduate training permit shall not be deemed to be a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and notice and a hearing within the meaning of such chapter shall not be required. The individual or permit holder shall be allowed to appear before the board if he or she so requests regarding such refusal, suspension, revocation, or limitation.

(d)(1) It is the responsibility of the program director for the training program to notify the board upon the permit holder's withdrawal or termination from, or completion of, the postgraduate training program.

(2) Program directors shall comply with all other reporting requirements which the board by rule and regulation may require.

(3) Failure to comply with the board's reporting requirements shall be grounds for disciplinary action by the board.

(e) The board may adopt such rules and regulations as necessary to effect the purpose of this Code section."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.