

House Bill 492

By: Representatives Keown of the 173<sup>rd</sup>, Chambers of the 81<sup>st</sup>, Parsons of the 42<sup>nd</sup>, and Wilkinson of the 52<sup>nd</sup>

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 provide for legislative findings; to increase the membership  
3 of the Composite State Board of Medical Examiners; to provide for the qualifications of such  
4 members; to provide for initial and subsequent terms of office of the new members; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds and declares that access to high quality health care for Georgia  
9 citizens is a top priority; that the practice of medicine is a privilege granted by the people  
10 acting through their elected representatives and is not a natural right of individuals; that it is  
11 in the interests of public health, safety, and welfare to protect the public from the  
12 unprofessional, improper, incompetent, unlawful, fraudulent, and/or deceptive practice of  
13 medicine; that it is necessary to provide laws and regulations to govern the granting and  
14 subsequent use of the privilege to practice medicine; and that the primary responsibility of  
15 the Composite State Board of Medical Examiners is to protect the public. Further, the  
16 General Assembly finds that expanded representation of persons on the Composite State  
17 Board of Medical Examiners who are not engaged in the practice of medicine or in the  
18 delivery of health care is in accord with the recommendations of the Federation of State  
19 Medical Boards, and that such expanded representation is intended to foster the public  
20 interest in improved health care quality in this state.

21 **SECTION 2.**

22 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
23 physicians, is amended by revising Code Section 43-34-21, relating to the creation of the  
24 Composite State Board of Medical Examiners, as follows:

1 "43-34-21.

2 (a) A board is established to be known as the Composite State Board of Medical  
3 Examiners to be made up of 15 members. All members of the board shall be citizens of  
4 the United States and residents of this state. All appointments to the board shall be made  
5 by the Governor and confirmed by the Senate.

6 (b) ~~Twelve~~ Thirteen of the members shall be practicing physicians of integrity and ability  
7 and shall be duly licensed to practice in this state. ~~Ten of the 12~~ Eleven of the 13 physician  
8 members shall be graduates of reputable medical schools conferring the M.D. degree; the  
9 other two physician members shall be graduates of reputable osteopathic schools conferring  
10 the D.O. degree. All of the physician members shall have been engaged in the active  
11 practice of their profession within this state for a period of at least five years. Any vacancy  
12 occurring in a post held by a holder of the D.O. degree shall be filled by a D.O. from the  
13 state at large.

14 (c) The ~~thirteenth member~~ fourteenth and fifteenth members of the board shall be  
15 appointed from the state at large and shall have no connection whatsoever with the practice  
16 of medicine or the provision of health care services. Such public members of the board  
17 shall be persons of recognized ability and integrity, but shall not be licensed physicians or  
18 other health care providers, shall have no substantial personal or financial interest in the  
19 practice of medicine, the provision of other health care services, or affiliation with any  
20 organization regulated by the board, and shall have no familial relationships with  
21 individuals involved in the practice of medicine, the provision of health care services, or  
22 affiliation with any organization regulated by the board.

23 (d) The board shall perform such duties and possess and exercise such powers relative to  
24 the protection of the public health and the control of regulation of the practice of medicine  
25 and osteopathy as this chapter prescribes and confers upon it and shall have the power to  
26 carry out investigations, either through the executive director or independently; ~~provided,~~  
27 ~~however, that the member of the board who is not a practicing physician may vote only on~~  
28 ~~matters relating to administration and policy which do not directly relate to practical and~~  
29 ~~scientific examination of physicians in this state.~~

30 (e)(1) The board shall appoint a Physician's Assistants Advisory Committee composed  
31 of four physicians, at least two of whom shall be members of the board, and four licensed  
32 physician's assistants, who shall each serve for terms of office of two years and until their  
33 successors are appointed and qualified. The committee shall review matters to come  
34 before the board which relate to physician's assistants, including but not limited to  
35 applicants for physician's assistant licensure and relicensure and education requirements  
36 therefor, and proposed board regulations concerning physician's assistants. The  
37 committee shall periodically make recommendations to the board regarding matters

1 reviewed. Each member of the advisory committee shall be entitled to the same expense  
2 allowances, mileage allowances, and reimbursement as members of the board as provided  
3 for in subsection (f) of Code Section 43-1-2.

4 (2) The committee shall appoint a physician's assistant in an advisory capacity to the  
5 board. The advisory person shall serve at the pleasure of the committee as an ex officio  
6 adviser to the board in all matters relating to physician's assistants and shall share in the  
7 privileges and benefits of the board without a vote.

8 (f) The board shall examine applicants to test their qualifications to practice medicine.

9 (g) When funds are specifically appropriated for such purpose, the board shall publish an  
10 informational booklet on breast cancer and the treatment of breast cancer. The booklet  
11 shall contain a summary of the latest information on breast cancer and, in brief form, shall  
12 discuss the generally accepted and widely prevailing medical and surgical treatments for  
13 breast cancer. The booklet shall include a valid assessment of the relative risks and  
14 benefits of the accepted and widely prevailing methods of treatment. A copy of the booklet  
15 shall be made available by the board to every appropriate physician in the state. A letter  
16 by the board shall accompany this booklet stating that the board urges the physician to  
17 distribute a copy of the booklet to each and every patient whose suspected disease, disease,  
18 or course of treatment is covered by the material in the booklet. Copies shall also be  
19 available to any person upon request at a fee prescribed by the executive director sufficient  
20 to cover the cost of printing and distribution. The booklet shall be updated and  
21 redistributed at such times as the board shall deem necessary.

22 (h) The board shall have the authority to contract with medical associations or other  
23 professionally qualified organizations to conduct impaired physicians programs."

### 24 SECTION 3.

25 Said article is further amended by revising Code Section 43-34-22, relating to the terms of  
26 office of members of the Composite State Board of Medical Examiners, as follows:

27 "43-34-22.

28 (a) The terms of office of members of the Composite State Board of Medical Examiners  
29 in office on June 30, 1999, shall expire July 1, 1999, except that the Governor by executive  
30 order may provide that such terms expire after July 1, 1999, but no later than July 1, 2000,  
31 and upon the appointment and qualification of their respective successors. Those  
32 successors shall be appointed by the Governor for terms of office beginning on the later of  
33 July 1, 1999, or the date immediately following the expiration of the terms of office of  
34 those members in office on June 30, 1999, with four of such successors to have initial  
35 terms of one year, four of such successors to have initial terms of two years, and five of  
36 such successors to have initial terms of three years. The Governor shall specify the initial

1 terms of office for each of those successors at the time of their appointment. Upon the  
2 expiration of such initial terms, successors to members of the board whose terms of office  
3 expire shall serve for terms of four years each.

4 (b) Members of the board shall serve for the terms specified and until their respective  
5 successors are appointed and qualified. All reappointments and new appointments shall  
6 be made so that the various geographic regions of the state shall be represented. Any  
7 vacancy that may occur in the board as a result of death, resignation, removal from the  
8 state, or other cause shall be filled for the unexpired term in the same manner as regular  
9 appointments are made.

10 (c) The terms of office of the two new nonphysician members and the additional new  
11 physician member, as of July 1, 2007, of the board appointed pursuant to subsections (b)  
12 and (c) of Code Section 43-34-21 shall be made in accordance with this Code section.  
13 Such new members shall be appointed by the Governor to serve as members of the board  
14 for terms of office beginning on July 1, 2007, and the physician member shall be appointed  
15 for an initial term of one year and the two nonphysician members shall be appointed for  
16 initial terms of two years and three years, respectively, with the Governor to specify the  
17 initial term of office for each new member at the time of his or her appointment. Upon the  
18 expiration of such initial terms, successors to such members of the board whose terms of  
19 office expire shall serve for terms of four years each."

#### 20 SECTION 4.

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