

The House Committee on Health and Human Services offers the following substitute to HB 492:

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 change the name of the Composite State Board of Medical Examiners to the Georgia
6 Composite Medical Board; to amend various titles of the Official Code of Georgia Annotated
7 so as to change provisions for conformity purposes; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

SECTION 2.

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

4 "43-34-21.

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

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

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

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

33 (e)(1) The board shall appoint a Physician's Assistants Advisory Committee composed
34 of four physicians, at least two of whom shall be members of the board, and four licensed
35 physician's assistants, who shall each serve for terms of office of two years and until their
36 successors are appointed and qualified. The committee shall review matters to come
37

1 before the board which relate to physician's assistants, including but not limited to
 2 applicants for physician's assistant licensure and relicensure and education requirements
 3 therefor, and proposed board regulations concerning physician's assistants. The
 4 committee shall periodically make recommendations to the board regarding matters
 5 reviewed. Each member of the advisory committee shall be entitled to the same expense
 6 allowances, mileage allowances, and reimbursement as members of the board as provided
 7 for in subsection (f) of Code Section 43-1-2.

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

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

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

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

28 SECTION 3.

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

31 "43-34-22.

32 (a) The terms of office of members of the Composite State Board of Medical Examiners,
 33 now known as the Georgia Composite Medical Board, in office on June 30, 1999, shall
 34 expire July 1, 1999, except that the Governor by executive order may provide that such
 35 terms expire after July 1, 1999, but no later than July 1, 2000, and upon the appointment
 36 and qualification of their respective successors. Those successors shall be appointed by the

1 Governor for terms of office beginning on the later of July 1, 1999, or the date immediately
 2 following the expiration of the terms of office of those members in office on June 30, 1999,
 3 with four of such successors to have initial terms of one year, four of such successors to
 4 have initial terms of two years, and five of such successors to have initial terms of three
 5 years. The Governor shall specify the initial terms of office for each of those successors
 6 at the time of their appointment. Upon the expiration of such initial terms, successors to
 7 members of the board whose terms of office expire shall serve for terms of four years each.

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

14 (c) The terms of office of the new nonphysician member and the additional new physician
 15 member, as of July 1, 2008, of the board appointed pursuant to subsections (b) and (c) of
 16 Code Section 43-34-21 shall be made in accordance with this Code section. Such new
 17 members shall be appointed by the Governor to serve as members of the board for terms
 18 of office beginning on July 1, 2008, and the physician member shall be appointed for an
 19 initial term of one year and the additional new nonphysician member shall be appointed for
 20 an initial term of two years. Upon the expiration of such initial terms, successors to such
 21 members of the board whose terms of office expire shall serve for terms of four years
 22 each."

23 SECTION 4.

24 Said article is further amended by revising Code Section 43-34-29, relating to reciprocity of
 25 physicians' licenses, as follows:

26 "43-34-29.

27 The board may grant a license without examination to licensees of boards of other states
 28 requiring equal or higher qualifications, upon the same basis as such states reciprocate with
 29 this state, all upon the following terms and conditions:

30 (1) If the date of the license from the board of such other state is on or before January 1,
 31 1967, no proof of interning in an approved hospital need be submitted to obtain a license
 32 from the board giving the applicant absolute authority to practice medicine in this state;

33 (2) The applicant shall prove to the satisfaction of the board that the applicant has
 34 graduated from a medical or osteopathic college approved by the board on the date of
 35 application, for the purposes of this chapter, provided that the applicant shall not be
 36 granted a license by reciprocity if the date of such applicant's graduation from such

1 medical or osteopathic college shall have occurred prior to July 1, 1963, unless such
 2 medical or osteopathic college was approved for the purposes of this chapter by the
 3 Composite State Board of Medical Examiners, now known as the Georgia Composite
 4 Medical Board, or the State Board of Osteopathic Examiners as of the date of such
 5 graduation; and

6 (3) If the date of the license from the board of such other state is after April 18, 1967, the
 7 applicant shall submit proof that he or she has had the same training as is required for
 8 applicants for examination in paragraph (2) of subsection (a) of Code Section 43-34-27,
 9 in which event the board shall grant the applicant a license from the board giving the
 10 applicant absolute authority to practice medicine in this state, provided that if the date of
 11 completion of such internship program occurred prior to July 1, 1963, the board shall not
 12 grant such license by reciprocity, except as allowed pursuant to the final proviso of this
 13 paragraph, unless the internship program was approved by the board as of the date of
 14 completion of such internship program by the applicant; and provided, further, that the
 15 board may, in its discretion, waive the requirements of this paragraph after determining
 16 that an applicant licensed to practice medicine in another state which does not require an
 17 internship or residency has been actively engaged in the practice of medicine in such
 18 other state for at least two years."

19 SECTION 5.

20 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency
 21 medical services, is amended by revising paragraphs (5) and (6) of Code Section 31-11-2,
 22 relating to definitions, as follows:

23 "(5) 'Cardiac technician' means a person who, having been trained and certified as an
 24 emergency medical technician and having completed additional training in advanced
 25 cardiac life support techniques in a training course approved by the department, is so
 26 certified by the Composite State Board of Medical Examiners, now known as the Georgia
 27 Composite Medical Board, prior to January 1, 2002, or the Department of Human
 28 Resources on and after January 1, 2002.

29 (6) 'Composite board' means the ~~Composite State Board of Medical Examiners~~ Georgia
 30 Composite Medical Board."

31 SECTION 6.

32 The following Code sections of the Official Code of Georgia Annotated are amended by
 33 striking "Composite State Board of Medical Examiners" or "Composite State Board of
 34 Medical Examiners of Georgia" wherever such terms occur and inserting in its place
 35 "Georgia Composite Medical Board":

- 1 (1) Code Section 20-3-476, relating to authorization and administration of loan program
- 2 for attendance at Colleges of Osteopathic Medicine;
- 3 (2) Code Section 20-3-512, relating to powers of the State Medical Education Board as
- 4 to medical student loans and scholarships;
- 5 (3) Code Section 20-3-513, relating to determination of amount of medical student loans
- 6 and scholarships;
- 7 (4) Code Section 31-9-6.1, relating to the disclosure of information to persons
- 8 undergoing certain surgical or diagnostic procedures;
- 9 (5) Code Section 31-11-81, relating to definitions relative to emergency services;
- 10 (6) Code Section 31-34-4, relating to loan applicant qualifications;
- 11 (7) Code Section 31-38-2, relating to exemptions from applicability of chapter on
- 12 tanning facilities;
- 13 (8) Code Section 33-3-27, relating to reports of awards under medical malpractice
- 14 insurance policies;
- 15 (9) Code Section 33-20B-2, relating to definitions relative to essential rural health care
- 16 provider access;
- 17 (10) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- 18 (11) Code Section 43-5-13, relating to exceptions to operation of chapter;
- 19 (12) Code Section 43-34-20, relating to definitions relative to physicians;
- 20 (13) Code Section 43-34-24.1, relating to the board as an independent agency;
- 21 (14) Code Section 43-34-26.1, relating to delegation of authority to nurse or physician's
- 22 assistant;
- 23 (15) Code Section 43-34-62, relating to definitions relative to acupuncture;
- 24 (16) Code Section 43-34-102, relating to definitions relative to physician's assistants;
- 25 (17) Code Section 43-34-122, relating to definitions relative to the use of marijuana for
- 26 treatment of cancer and glaucoma;
- 27 (18) Code Section 43-34-123, relating to the Controlled Substances Therapeutic
- 28 Research Program;
- 29 (19) Code Section 43-34-142, relating to definitions relative to respiratory care;
- 30 (20) Code Section 43-34-171, relating to definitions relative to clinical perfusionist
- 31 licensure;
- 32 (21) Code Section 43-34A-2, relating to definitions relative to the "Patient Right to
- 33 Know Act of 2001";
- 34 (22) Code Section 43-34A-3, relating to physician profiles and the dissemination of such
- 35 profiles to the public;
- 36 (23) Code Section 43-34A-6, relating to a patient's right to file a grievance with the state
- 37 board; and

1 (24) Code Section 43-35-3, relating to definitions regarding the practice of podiatry."

2 **SECTION 7.**

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