

House Bill 492 (RULES COMMITTEE SUBSTITUTE)

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 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 style="text-align:center">**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.



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.