

Senate Bill 427

By: Senators Watson of the 1st, Kirkpatrick of the 32nd, Hufstetler of the 52nd, Jackson of the 41st, Anavitarte of the 31st and others

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 medical practice relative to physicians, so as to provide for limited provisional
3 licenses and a pathway to licensure for certain internationally trained physicians; to provide
4 for definitions; to provide for qualifications and conditions; to provide for penalties, license
5 sanctions, and enforcement; to provide for one or more medical directors; to provide for
6 annual reports; to provide for rules, regulations and procedures; to provide for conditional
7 automatic repeal; to provide for related matters; to provide for a contingent effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
12 medical practice relative to physicians, is amended by adding a new Code section to read as
13 follows:

14 "43-34-34.1.

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

16 (1) 'Foreign jurisdiction' means any jurisdiction other than a state of the United States.

17 (2) 'Internationally trained physician' means an individual who received a degree of
18 doctor of medicine or its equivalent, as approved by the board or provided by rule, from
19 a medical school in a foreign jurisdiction.

20 (3) 'Limited provisional license' means a license to practice medicine issued to an
21 internationally trained physician and permitting supervised medical practice as provided
22 in this Code section.

23 (4) 'Medical director' means a physician with a full, unrestricted license in this state who
24 oversees the development, establishment, and implementation of the limited provisional
25 license and pathway to licensure, as provided for in this Code section.

26 (5) 'Pathway to licensure' means the requirements an internationally trained physician
27 holding a current, valid limited provisional license shall complete in order to obtain a full
28 license to practice medicine in this state.

29 (6) 'Rural county' means a county in this state having a population of less than 50,000
30 according to the United States decennial census of 2020 or any future such census;
31 provided, however, that, for counties which contain a military base or installation, the
32 military personnel and their dependents living in such county shall be excluded from the
33 total population of such county for purposes of this definition.

34 (7) 'Supervising physician' means a physician with a full, unrestricted license in this state
35 who physically practices at the medical practice located in a rural county or a licensed
36 hospital where an internationally trained physician is employed, provides on-site clinical
37 supervision of a limited provisional licensee, and attests to the competence of such
38 licensee in accordance with board rules. Such physician's specialty shall be comparable
39 to that of the internationally trained physician applying for a limited provisional license
40 as determined by a medical director.

41 (b) The board may issue a limited provisional license to practice medicine in this state to
42 an internationally trained physician when the board receives satisfactory verification that
43 the applicant:

- 44 (1) Has been offered full-time employment under a supervising physician either at a
45 medical practice located in a rural county or a hospital licensed pursuant to Chapter 7 of
46 Title 31;
- 47 (2) Has a current and active license in good standing to practice medicine in a foreign
48 jurisdiction or had such a license that expired no more than three years prior to the
49 submission of an application for a limited provisional license to the board;
- 50 (3) Has not had a license to practice medicine revoked, suspended, restricted, denied, or
51 otherwise acted against in any state, federal, or foreign jurisdiction, including, but not
52 limited to, the voluntary relinquishment of a license or relinquishment of a license by
53 stipulation, consent order, or other settlement in response to or in anticipation of the filing
54 of administrative charges or disciplinary action against a license, and is not the subject
55 of any pending investigations by a licensing authority;
- 56 (4) Completed 130 weeks of medical education at a medical school listed in the World
57 Directory of Medical Schools or its successor organization; is certified or eligible for
58 certification by the Educational Commission for Foreign Medical Graduates or other
59 credential evaluation service approved by the board; and actively practiced medicine
60 either:
- 61 (A) For at least five years after completing two years of postgraduate training in a
62 graduate medical education program approved by the applicant's foreign jurisdiction
63 of licensure; provided that such practice is in the same specialty as such training; or
- 64 (B) For at least ten years after graduating from medical school in a foreign jurisdiction;
- 65 (5) Demonstrated competency to practice medicine by:
- 66 (A) Successfully passing each part of an examination approved by the board;
- 67 (B) Successfully passing each part of a nationally recognized standard medical
68 licensing examination from a foreign jurisdiction that is a member of the International
69 Association of Medical Regulatory Authorities that includes an interactive testing
70 component and tests for the ability to practice medicine; medical knowledge, skills and

71 understanding of clinical science essential for providing patient care, as prescribed by
72 the board in rules; and communication and interpersonal skills; provided, however, that
73 the examining body shall provide verification in English directly to the board that the
74 applicant has successfully passed an examination that satisfies each of the requirements
75 of this subparagraph;

76 (C) Receiving specialty board certification approved by the American Board of
77 Medical Specialties, the Bureau of Osteopathic Specialist of the American Osteopathic
78 Association, the Royal College of Physicians and Surgeons of Canada, or any other
79 specialty board prescribed by board rules; or

80 (D) Submitting to a comprehensive assessment demonstrating clinical competence by
81 a program prescribed by board rules;

82 (6) Has not been convicted in any state, federal, or foreign jurisdiction of any felony, any
83 criminal offense involving moral turpitude, or a violation of law relative to the practice
84 of medicine; provided, however, that the applicant shall submit to the board a background
85 screening in English from the foreign jurisdiction in which such applicant is licensed;

86 (7) Has successfully passed an English proficiency examination that includes the
87 components of reading, speaking, writing, and listening, as prescribed by board rules;

88 (8) Is legally authorized to work in the United States; provided, however, that an
89 applicant may apply for a limited proficiency license prior to receiving federal work
90 authorization but shall not begin employment in a medical practice located in a rural
91 county or a licensed hospital as provided for in paragraph (1) of this subsection until the
92 applicant receives legal work authorization from the relevant federal agency and an
93 approved license from the board;

94 (9) Submits an application and pays any application fees to the board; and

95 (10) Participates in an interview at the discretion of the board prior to consideration of
96 the application.

97 (c) Any documents required in subsection (b) of this Code section shall be submitted in
98 English or translated by a certified professional translation service, provided that any such
99 translation includes a certification statement and notarized signature.

100 (d) The holder of a limited provisional license issued under this Code section shall not
101 practice medicine outside of a medical practice located in a rural county or a licensed
102 hospital as provided for in paragraph (1) of subsection (b) of this Code section. A person
103 who violates this subsection shall be subject to disciplinary action by the board and shall
104 be guilty of a misdemeanor, and, upon conviction, shall be fined not more than \$500.00 for
105 each.

106 (e) A limited provisional licensee shall be subject to the provisions of this article and the
107 rules of the board in the same manner as a person holding full licensure under this article.
108 Such licensee shall update and maintain a complete public physician profile in compliance
109 with the provisions of Code Section 43-34A-3. The board shall have the authority to issue,
110 deny, renew, revoke, suspend, issue terms and conditions, place on probation, limit, fine,
111 or otherwise sanction the limited provisional licensee for any violation of the provisions
112 of this Code section, this article, or board rules after notice and opportunity for a hearing.

113 (f)(1) A limited provisional license shall become inactive when the holder of such
114 license:

115 (A) Ceases to be employed in a full-time capacity at a medical practice located in a
116 rural county or a licensed hospital as provided for in paragraph (1) of subsection (b) of
117 this Code section;

118 (B) Ceases to be employed under a supervising physician who is physically practicing
119 onsite at a medical practice located in a rural county or a licensed hospital as provided
120 for in paragraph (1) of subsection (b) of this Code section; provided, however, that any
121 supervising physician shall immediately notify the board in writing of any change to
122 the employment status or hours of such physician or the limited provisional licensee at
123 such medical practice or hospital; or

- 124 (C) Obtains any other license to practice medicine issued by the board.
- 125 (2) The board shall retain jurisdiction over the holder of an inactive license for
126 disciplinary purposes.
- 127 (g) An internationally trained physician who holds a current, valid limited provisional
128 license pursuant to this Code section shall be eligible to apply for a full license to practice
129 medicine after four years of active practice at a medical practice located in a rural county
130 or a licensed hospital in this state. The board may grant a full license to practice medicine
131 in this state if such applicant has no disciplinary actions or pending investigations by any
132 state, federal, or foreign regulatory agency against a license held by the applicant; no
133 misdemeanor convictions, excluding minor traffic violations, in any state, federal, or
134 foreign jurisdiction in the two years preceding the application for a full license; no felony
135 convictions or convictions for criminal offenses involving moral turpitude in any state,
136 federal, or foreign jurisdiction; and no adverse actions affecting the applicant's privileges
137 or ability to practice medicine. As a condition of license issuance, the board shall require
138 the licensee to provide two additional years of medical practice in an underserved area as
139 defined by board rules.
- 140 (h) The board shall employ additional administrative, professional, investigative, and legal
141 staff necessary to implement the provisions of this Code section. The board shall employ
142 one or more medical directors who shall oversee the development, establishment, and
143 implementation of the limited provisional license and the pathway to licensure, as provided
144 for in this Code section. Such medical director or directors shall evaluate medical practice
145 and hospital site readiness, audit supervision, review performance, analyze data,
146 recommend disciplinary actions, advise on rule-making, and coordinate with public health
147 partners and other state agencies.
- 148 (i) No later than December 1, 2027, and annually thereafter, the board shall submit a report
149 on the implementation of this Code section to the chairpersons of the House Committee on

150 Health and the Senate Health and Human Services Committee. Such report shall include,
151 but shall not be limited to:

152 (A) The number of applicants for a limited provisional license;
153 (B) The applicant's licensing foreign jurisdiction and the foreign jurisdiction where the
154 applicant attained his or her education and training;
155 (C) The number of limited provisional licenses granted and denied and the reasons for
156 such denials;
157 (D) The counties where limited provisional licensees practice and whether the practice
158 is in a medical practice located in a rural county or a licensed hospital;
159 (E) The number of limited provisional licensees applying for a full license through the
160 pathway to licensure;
161 (F) The number of full licenses granted to limited provisional licensees applying through
162 the pathway to licensure, the number of denials to such licensees, and the reasons for
163 such denials;
164 (G) The number and nature of complaints received by the board or the employing
165 medical practice or hospital regarding a limited provisional licensee and any disciplinary
166 actions taken; and
167 (H) The practice setting and specialty of applicants:
168 (i) In their licensing foreign jurisdiction;
169 (ii) When they were employed under their limited provisional license; and
170 (iii) During the first two years under their full license to practice medicine in an
171 underserved area as provided under subsection (g) of this Code section.
172 (j) The board shall promulgate rules and regulations necessary to implement and
173 administer the provisions of this Code section.
174 (k) The board shall implement this Code section upon the effective date of a specific
175 appropriation of funds for purposes of this Code section as expressed in a line item making
176 specific reference to the full funding of this Code section in an appropriations Act enacted

177 by the General Assembly. This Code section shall stand repealed on the effective date of
178 the appropriations Act for the fiscal year that fails to make specific reference to the full
179 funding of this Code section. The House Budget and Research Office and the Senate
180 Budget and Evaluation Office shall certify any such lack of appropriation to the Code
181 Revision Commission for purposes of updating the Code in accordance with this
182 subsection."

183

SECTION 2.

184 This Act shall become effective only if the Code section provided for in this Act is funded
185 in an appropriations Act making specific reference to such Code section.

186

SECTION 3.

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