

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
William J. Butler, MD

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>
E-Mail: medbd@dch.ga.gov

GEORGIA COMPOSITE MEDICAL BOARD NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to amend **360-3-.02, "Unprofessional Conduct Defined."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules, are being emailed to all persons who have requested, in writing, that they be placed on the mailing list. A copy of this notice, an exact copy of the proposed rules, and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **August 31, 2012**, or make comments at the public hearing. Comments may be directed to Carol Dorsey, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465, or may be sent to the Board by e-mail at cdorsey@dch.ga.gov.

A public hearing is scheduled to begin at **8:00 a.m. on September 13, 2012** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent at its **July 12, 2012** meeting. The Board will consider, at its meeting on **September 13, 2012 at 8:00 a.m.**, the comments from the public hearing, whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity, and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally, at its meeting on **September 13, 2012**, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A)(B)(C)(D).

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The authority for promulgation of these rules is O.C.G.A. Sections 43-34-5(c)(1), 43-34-23 and 43-34-25, 43-34-103 and 43-34-105 and the specific statutes cited in the proposed rules.

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: July 19, 2012

Signed: LaSharn Hughes
LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO RULE CHAPTER 360-3

Investigations and Discipline

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee, and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

360-3-.02 Unprofessional Conduct Defined.

Purpose/Main Feature: The amendment to this rule clarifies under what circumstances medical practice by electronic means (commonly referred to as “telemedicine”) is within the minimum standards of practice.

O.C.G.A. Sections 43-34-5(c)(1), 43-34-23 and 43-34-25, 43-34-103 and 43-34-105.

360-3-.02 Unprofessional Conduct Defined.

(6) Providing treatment and/or consultation recommendations via electronic or other means unless ~~a history and physical examination of the patient has been performed by a Georgia licensee. This shall not prohibit a licensee who is on call or covering for another licensee from treating and/or consulting a patient of such other licensee. Also, this paragraph shall not prohibit a patient's attending physician from obtaining consultations or recommendations from other licensed health care providers.~~ all the following conditions have been met:

(a) All treatment and/or consultations must be done by Georgia licensed practitioners;

(b) A Georgia licensed physician, physician assistant or advanced practice registered nurse has personally seen and examined the patient and provides ongoing or intermittent care by electronic means, or the medical care being provided by electronic means is requested by a physician, physician assistant or advanced practice registered nurse licensed in Georgia who has personally seen and examined the patient;

(c) A history and physical examination of the patient is available to the Georgia licensed physician, physician assistant or advanced practice

registered nurse who is providing treatment or consultation via electronic means;

(d) The treatment or consultations being provided by electronic or other means are documented in the medical record with copies of the evaluation and treatment maintained by the Georgia licensed provider along with the identity of the practitioners providing the service by electronic or other means, and if there is a referring practitioner, a copy of this record is provided to the referring physician, physician assistant or advanced practice registered nurse;

(e) When Georgia licensed physician assistants or advanced practice registered nurses are providing care by electronic or other means, such physician assistants or advanced practice registered nurses may only do so after the supervising or delegating physicians have seen or examined the patient in person or have provided the initial treatment or consultation for the patient via electronic or other means;

(f) Patients treated via electronic or other means are given name, credentials and emergency contact information for the Georgia licensed physician, physician assistant and/or advanced practice registered nurse providing the treatment or consultation. For physician assistants and advanced practice

registered nurses, "credentials" must include the name of the delegating physician or supervising physician; and

(g) The patient being treated via electronic or other means is provided with clear, appropriate, accurate instructions on follow-up in the event of needed emergent care related to the treatment.

O.C.G.A. Sections 43-34-5(c)(1), 43-34-23 and 43-34-25, 43-34-103 and 43-34-105.