



## Georgia Board for Physician Workforce

State of Georgia

### **NOTICE OF INTENTION TO ADOPT RULES AND REGULATIONS OF THE GEORGIA BOARD FOR PHYSICIAN WORKFORCE**

The Georgia Board for Physician Workforce hereby gives notice of its intention to adopt the Rules and Regulations of the Board as follows:

**Applicable Chapters to be adopted:**

- Chapter 195-11 (Scholarship Program)
- Chapter 195-12 (Physicians for Rural Areas Assistance Program)

This Notice, together with an exact copy of the proposed Rules and a synopsis of the proposed Rules, is being distributed electronically to interested parties. The information is also posted at [www.gbpw.georgia.gov](http://www.gbpw.georgia.gov) or 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 Board for Physician Workforce, 2 Peachtree Street, NW, 36<sup>th</sup> Floor, Atlanta, Georgia 30303.

Any interested person wishing to make objections or present their views on these Rules to the Board may do so in writing no later than July 16, 2012 or make comments at the public hearing during the GBPW Board meeting on July 19, 2012 at 1:00PM. Comments may be directed to Cherri Tucker, Georgia Board for Physician Workforce, 2 Peachtree St., NW, 36<sup>th</sup> Floor, Atlanta, Georgia 30303. Comments may be received by the Board via e-mail to [ctucker@dch.ga.gov](mailto:ctucker@dch.ga.gov) or by calling (404) 232-7972.

The Board voted to adopt this Notice of Intent on January 26, 2012 and intends to adopt the attached Rules at the July 19, 2012 meeting following any public comment.

Date:

June 12, 2012

Signed:

Cherri Tucker

Cherri Tucker  
Executive Director

**RULES OF  
GEORGIA BOARD FOR PHYSICIAN WORKFORCE  
NOTICE OF INTENTION TO ADOPT RULES AND REGULATIONS  
SYNOPSIS OF PROPOSED RULE CHANGES**

This synopsis outlines the proposed changes to the *Rules of the Georgia Board for Physician Workforce*. The intent is to adopt the Rules and Regulations of the State Medical Education Board which was abolished by House Bill 509 and whose duties and responsibilities were transferred to GBPW. The governing Rules are based on the authority of O.C.G.A. §20-3-510 *et seq.*

The enclosed document represents an exact copy of the proposed *Rules for the Scholarship Program*.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.01 General Definitions**

- (1) "Georgia Board for Physician Workforce (GBPW)" means the organization and its office created under O.C.G.A. § 20-3-510 et seq. and authorized to administer a medical scholarship program.
- (2) "Scholarship Program" refers to that program of the GBPW authorized under O.C.G.A. § 20-3-512 et seq., which awards financial scholarships to medical students who, in return, agree to become practicing physicians in rural areas of Georgia.
- (3) "Scholarship Contract" refers to the legally binding agreement between the Georgia Board for Physician Workforce and the medical student recipient.
- (4) "Scholarship Award" means the amount of state appropriated funds available to be awarded through contracts between the Georgia Board for Physician Workforce and medical student recipients.
- (5) "Bona fide Citizen of the United States and Legal Resident of Georgia" refers to, as minimum qualification, any eligible applicant for scholarship funds who is a citizen of the United States and who has established residence in the State of Georgia. Residence is verified by submission of a *Certification of Residency* form duly executed by the Clerk of Court in the county of the applicant's legal Georgia residence.
- (6) "Eligible and Qualified Student" refers to any bona fide citizen of the United States and Georgia resident who has been accepted into an accredited medical school seeking either the degree of Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.).
- (7) "Scholarship Recipient" refers to an applicant who has received and accepted the award of a scholarship and signed a contract and other required documents agreeing to practice such specialty in a rural location in Georgia, as approved by the Board.
- (8) "Medical School" means an institution of medical education that has received accreditation or provisional accreditation by the Liaison Committee on Medical Education of the American Medical Association (LCME) or the Bureau of Professional Education of the American

## **195-11-.01 General Definitions (Page 2)**

Osteopathic Association (AOA) for a program in medical education designed to qualify the graduate for licensure by the Composite State Board of Medical Examiners of Georgia.

(9) "Service Obligation" means the period of service completed by the scholarship recipient in a practice location approved by the Board in a rural area of Georgia or in a designated state facility as required under the provisions of the scholarship contract. The service obligation must begin within ninety (90) days of the completion of an accredited graduated medical education program.

(10) "Strong Commitment" means evidence from interviews, personal statements, letters of reference, tests or other instruments that the Board, in its sole judgment, deems to be predictive of the student's future practice of medicine in a rural community in Georgia.

(11) "Service Obligation" means the period of service completed by the scholarship recipient in a practice location approved by the Board in a rural area of Georgia or in a designated state facility as required under the provisions of the scholarship contract. The service obligation must begin within ninety (90) days of the completion of a Board approved graduate medical education program.

(12) "Approved Practice Location" means the Board has approved a practice location for service repayment in a county in the State of Georgia with a population of 35,000, or fewer, persons according to the latest United States census count, or a hospital or facility operated by or under the jurisdiction of the Department of Human Resources, or a facility operated by or under the jurisdiction of the Department of Corrections, or a facility operated by or under the jurisdiction of the Department of Juvenile Justice. Facilities falling under jurisdiction of the mentioned state agencies must include physician employment by approved agency or, in the case of contracted employment, the physician must be treating patients of the approved agency with equal provisions given to that agency's missions.

(13) "Census Count" means the population figures published by the United States Decennial Census of the United States Bureau of the Census. For Scholarship Agreements signed during the period of January 1, 2001 through December 31, 2010, the 2000 Census Count shall serve as the authority for populations regarding eligibility of practice locations. For Scholarship Agreements signed during the period of January 1, 1991 through December 31, 2000, the 1990 Census Count shall serve as the authority for populations regarding eligibility of practice locations. For Scholarship Agreements signed during the period of January 1, 1981 through December 31, 1990, the 1980 Census Count shall serve as the authority for populations regarding eligibility of practice locations.

(14) "Contract Renewal" means the yearly renewal of the scholarship contract between the recipient and the Board. The contract shall not be renewed more than three times for a total of four years of medical school obligation. The contract shall not be renewed if the recipient fails to submit the Annual Report by June 15th of each year.

(15) "Annual Report" means a report the recipient must provide each year by the deadline as designated by the Board. The contract will not be renewed if the scholarship recipient fails to submit the Annual Report by the due date. The Annual Report must include:

(a) Name

(b) Address

(c) Enrollment status and verification of good academic standing at the medical school

(d) Graduation date

(e) Plans for specialization

(f) Continued interest and recommitment to rural practice

(16) "Board Approval" refers to the action of the Board on matters including, but not

### 195-11-.01 General Definitions (Page 3)

limited to:

(a) Practice Location

(b) Deferment of Contractual Obligation for:

1. Medical school enrollment beyond four years

2. Relinquishing scholarship award; declining scholarship funds

3. Chief resident year

4. Additional Graduate Medical Education training beyond the initial residency

5. Special deferment requests approved on a case by case basis by the Board.

(17) "Award Amount" refers to the annual award provided to a scholarship recipient. At its annual meeting, the Georgia Board for Physician Workforce may, within its discretion, set the award amount for new scholarships within the limit of funds appropriated by the General Assembly for the fiscal year. Said amount shall be set forth in the official minutes of the Board.

(18) "Interest" refers to the rate of interest, as it applies to default in the event the scholarship recipient does not complete a medical degree. The Board shall set the interest rate at its annual meeting and the interest shall be no less than twelve percent (12%) per annum compounded annually.

(19) "Internship" means the first year of post-graduate medical training after recipient obtains an osteopathic medical school degree. The official use of the terms "intern" and "internship" was discontinued in allopathic medical education in 1976 in favor of referring to all physicians enrolled in graduate medical education programs as "residents."

(20) "Residency Training and Graduate Medical Education" means an Accreditation Council on Graduate Medical Education (A.C.G.M.E.) or American Osteopathic Association (A.O.A.) accredited education program after graduation from medical school that provides resident physicians, under supervision, with the practice experience, knowledge and skills necessary to become independent practitioners in a specified area of medical practice.

(21) "Metropolitan Statistical Areas (MSAs)" refers to those Georgia counties that the Board will not approve for service repayment for contracts written July 1, 1992 through June 30, 1999 by virtue of being deemed by the Board as not rural.

(22) "Residency in Graduate Medical Education" refers to those graduate medical education training programs, which lead to board certification in specialties most often recruited and retained in rural areas of Georgia. Such specialties may include, but are not be limited to: Family Practice, General Internal Medicine, General Pediatrics, Obstetrics/Gynecology and General Surgery.

(23) "Default" means breach of contract by the recipient.

(24) "Ad Damnum or Triple Damages" refers to the penalty resulting from a scholarship recipient defaulting on the contractual service obligation. Default requires immediate repayment of triple the total principal amount received less any pro-rated amount for repaid service as provided in the contract.

(25) "Student Default" refers to scholarship recipients who withdraw from medical school and will not practice medicine. These persons are not liable for triple damages and repay only the principal amount received plus accrued interest at the rate stated in the contract.

(26) "Cancellation of Contract" refers to the discretionary power of the Georgia Board for Physician Workforce to cancel any contract for cause deemed sufficient by the Board, provided such authority is not exercised unreasonably or arbitrarily.

(27) "Full Time" refers to the minimum number of hours of work required per week to fulfill services obligation. Full time is considered at least 32 clinical hours providing direct patient care

#### **195-11-.01 General Definitions (Page 4)**

during normal clinic hours at the approved practice site. Remaining hours must be spent providing inpatient care to patients and/or in practice-related administrative activities. On-call hours are not considered part of the full time requirement. Full time hours for an OBGYN or Family Practice physicians who practice OB are considered at least 21 of the minimum 40 hours work week must be spent providing direct patient care during normal clinic hours at the approved practice site. The remaining hours must be spent providing inpatient care to patients of the approved site, and/or in practice related administrative activities not to exceed 8 hours per week. 40 hours per week for General Surgery is combined clinical/office hours and surgery/inpatient care with no more than 8 hours per week devoted to practice related administrative duties. For all specialties employed under state jurisdiction, the full time equivalent as recognized by the respective state or federal agency is acceptable. No more than 7 weeks (35 workdays) per year can be spent away from the practice for vacation, holidays, continuing professional education, illness or any other reason. Absences greater than 7 weeks in a service year will extend the service commitment.

**CHAPTER 195-11**  
**SCHOLARSHIP PROGRAM**

**195-11-.02 Eligibility Criteria for Initial Scholarship Awards.**

(1) Scholarships recipients must be bonafide citizens of the United States and legal residents of Georgia at the time of the initial scholarship award.

(2) Applicants must have received a letter of acceptance to an accredited four-year medical school offering an education program leading to the Doctor of Medicine or Doctor of Osteopathy degree.

(3) Applicants must demonstrate a strong commitment to specialize in a field of medicine appropriate to meeting the needs of rural communities in Georgia. Such specialties are determined at the sole discretion of the Georgia Board for Physician Workforce, and are typically in primary care or generalist fields of medicine such as family practice, internal medicine, pediatrics, obstetrics/gynecology, and general surgery.

(4) Applicants must demonstrate a strong commitment to practice medicine on a full-time basis, at least 40 hours per week, in a practice location approved by the Georgia Board for Physician Workforce. Practice locations approved by the Board include medical practices in Georgia counties of 35,000 or fewer persons as determined by the U.S. Bureau of the Census or in designated state facilities operated under the jurisdiction of the Georgia Department of Public Health, Georgia Department of Juvenile Justice, Georgia Department of Behavioral Health and Developmental Disabilities, or the Georgia Department of Corrections.

a. Financial need shall be used as one criterion for the award of scholarships. In considering financial need, the Board shall take into account the financial resources of the applicant and the total cost of tuition, books, fees, and other expenses at the medical school in which the applicant is enrolled. Reporting of financial resources shall be based on information submitted by the applicant and his/her parents on the financial disclosure forms provided with the scholarship application along with a copy of the most recent federal tax return.

(5) Applicants must be of good character and be academically and emotionally well qualified to prepare for a career in medicine, with special attention to attributes, experience, and qualities determined by the Board to be necessary for successful medical practice in rural communities. Life experience in a rural community is one factor often considered by the Board in determining an applicant's qualifications for the scholarship award.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.03 Application Process for Initial Scholarship Awards.**

(1) The application form for the Georgia Board for Physician Workforce Scholarship program must be completed and postmarked or hand delivered by the date designated by the Board of the year application is made.

(2) The application form will not be considered complete unless all required documents and materials are submitted, including:

(a) Documentation of U.S. citizenship and status as a legal resident of Georgia.

(b) Letter of acceptance to an accredited medical school.

(c) Complete Applicant's Financial Information Form and submit copy of most recent Federal Income Tax Return.

(d) Academic records, including undergraduate major and grade point average, Medical College Admission Test scores, and copy of the personal statement from the medical school application.

(e) Selective Service Form.

(f) Background Check Authorization.

(g) Other instruments provided by the Board that are shown to predict rural medical practice interests.

(h) Authorization and Release Form to allow GBPW access to financial and other information for fact checking purposes.

(i) Transcript from medical school if currently enrolled.

(3) A personal interview with the Board is required for all scholarship applicants.

Interviews are usually conducted at the same meeting at which the Board considers and acts upon scholarship applications. In rare cases where it is not feasible for a scholarship applicant to attend the Board meeting, such as when an applicant is out of the country at the time of the meeting, the Board may allow videotaped or videoconference interviews. If the board permits a videotaped interview, the interview will take place at the Georgia Board for Physician Workforce offices and will be conducted by the Executive Director of the Board.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.04 Administrative Review Process for Initial Scholarship Awards.**

- (1) Board staff shall review all scholarship applications to ensure eligibility requirements are met and all required documentation has been received by the application deadline as designated by the Board for that application year.
- (2) Board staff shall notify applicants when their complete application has been received and eligibility requirements have been met.
- (3) Board staff shall notify applicants who do not meet eligibility requirements or who do not submit complete scholarship applications by the application deadline that their applications will not be considered.
- (4) Board staff may interview applicants to clarify information submitted.
- (5) Board staff shall compile the information on each scholarship applicant and shall prepare a summary report for review by the Board.
- (6) Board staff shall notify applicants in writing of the time, place, and process for interviews required by the Board.

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SCHOLARSHIP PROGRAM**

**195-11-.05 Board Review and Action Process for Initial Scholarship Awards.**

- (1) The Board shall receive and act upon all complete applications for the Scholarship Program made by eligible and qualified applicants.
- (2) The Board shall make a careful and full investigation of the ability, character, and qualifications of each applicant for the Scholarship Program.
- (3) The Board may employ such methods of evaluating applicants, as it deems appropriate. In addition to the review of the information submitted in the application, the Board generally employs personal interviews as part of the review process. The interview shall be conducted utilizing a standard set of questions designed to assess the qualifications of the applicant, the applicant's understanding of the goals and requirements of the scholarship program, and the applicant's commitment to fulfill the goals and requirements of the scholarship program. The Board may videotape interviews to provide a record for subsequent review.
- (4) The Board shall rank order scholarship applicants using a scoring system based on the applicants' qualifications and character, commitment to rural medical practice, commitment to practice in a medical specialty needed in rural Georgia and financial need. In the event of a tie score between two or more applicants, the Board shall conduct additional rounds of scoring until a final rank order has been determined and agreed upon by a majority vote of the members of the Board present.
- (5) The final rank order of applicants shall be recorded in the minutes of the Board.
- (6) The number of scholarships to be awarded shall be determined based on total funding appropriated by the General Assembly for the scholarship program and the amount of the scholarship award as determined by the Board.
- (7) The Board shall take action awarding the scholarships available based on the rank order of scholarship applicants approved for awards.
- (8) The Board shall not discriminate on the basis of race, color, sex, religion, national origin, age or handicap in decisions involving the award of scholarships.

**CHAPTER 195-11**  
**SCHOLARSHIP PROGRAM**

**195-11-.06 Notification, Acceptance, and Payment Process for Initial Scholarship Awards.**

- (1) The Board staff shall notify each applicant in writing of the Board's decision within 10 business days following the Board's decision.
- (2) Successful applicants will be asked to accept or decline the award of a scholarship by signing and submitting an Acceptance Form within 10 business days of receiving notice of the award from the Board. Said Acceptance Form must be notarized and shall be incorporated as an addendum to the official contract.
- (3) Scholarship awards that are declined shall be automatically offered to the next applicant on the Board's rank order list. If no applicant is available on the rank order list, the Board shall consider additional applicants at the next regularly scheduled meeting of the Board using the same Board Review and Action Process.
- (4) If the scholarship award is accepted, Board staff will contact the applicant's medical school to verify that the student has enrolled on a full-time basis.
- (5) Upon verification of enrollment, Board staff shall issue a scholarship contract to the scholarship recipient.
- (6) Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Chairman of the Board. Such documents shall be notarized and the official seal of the Board affixed.
- (7) One of the two fully executed copies of the scholarship contract shall be returned to the scholarship recipient and one kept in the permanent records of the Georgia Board for Physician Workforce.
- (8) Board staff shall submit appropriate paperwork to the Department of Community Health within 10 business days of the execution of the scholarship contract requesting payment of the scholarship award.
- (9) The Board staff shall request the check be made payable to the scholarship recipient through the financial aid or student affairs officer of the medical school in which the recipient is enrolled. The Board reserves the right to pay the student's tuition and fees directly to the medical school in which the recipient is enrolled, with the balance, if any, being paid directly to the scholarship recipient for books and other educational expenses.
- (10) The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Scholarship Program.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.07 Application Process for Renewal Scholarship Awards.**

(1) The application form for annual renewal of the Georgia Board for Physician Workforce program must be completed and postmarked or hand delivered by the date designated by the Board of the year application is made.

(2) The application form will not be considered complete unless the scholarship recipient submits the annual report required in the scholarship contract.

(3) The scholarship recipient's annual report shall include the following information:

(a) Documentation of continued enrollment in medical school, such as an official transcript or letter from the registrar or student affairs officer of the school.

(b) Graduate medical education interest survey.

(c) Georgia rural county interest survey.

**195-11-.08 Administrative Review Process for Renewal Scholarship Awards.**

(1) Board staff shall review all applications for renewal scholarships to ensure that all required documents have been submitted and applications are complete.

(2) Board staff shall notify applicants when their complete application has been received.

(3) Board staff shall notify applicants who do not meet eligibility requirements or who do not submit complete renewal scholarship applications by the application deadline as designated by the Board that their applications will not be considered.

(4) Board staff shall prepare a summary report of all applicants for renewal scholarships for consideration by the Board.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.09 Board Review and Action Process for Renewal Scholarship Awards.**

- (1) The Board shall receive and act upon all complete applications for renewal scholarships at the Board's Annual Meeting.
- (2) The Board shall determine the number of renewal scholarships and the amount of the scholarship award based on funding appropriated for the Scholarship Program by the General Assembly. It should be noted that the amount of the scholarship might vary from year to year based on availability of funds.
- (3) The Board shall take action to award renewal scholarships to applicants who have submitted a complete application, who are enrolled in good standing in medical school, and who continue to demonstrate the characteristics and qualities the Board deems necessary for the award of the scholarship.

**195-11-.10 Notification, Acceptance, and Payment Process for Renewal Scholarship Awards.**

- (1) The Board staff shall notify each applicant in writing of the Board's decision within 10 business days of the Board's Annual Meeting.
- (2) Successful applicants will be asked to accept or decline the award of a scholarship by signing and submitting an Acceptance Form within 10 business days of receiving notice of the award from the Board. Acceptance Forms shall be notarized and incorporated as an addendum to the official contract.
- (3) Scholarship awards that are declined shall be made available to initial scholarship applicants.
- (4) If the scholarship award is accepted, Board staff shall issue a scholarship contract to the scholarship recipient. Each recipient will be allowed 10 days in which to review the contract and consult with an attorney as to its contents if they so choose.
- (5) Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Chairman of the Board. Such documents shall be notarized and the official seal of the Board affixed.
- (6) One of the two fully executed copies of the scholarship contract shall be returned to the scholarship recipient and one kept in the permanent records of the Georgia Board for Physician Workforce.
- (7) Board staff shall submit appropriate paperwork to the Department of Community Health within 10 business days of the execution of the scholarship contract requesting payment of the scholarship award.

**195-11-.10 Notification, Acceptance, and Payment Process for Renewal Scholarship Awards. (Page 2)**

(8) The Board staff shall request the check be made payable to the scholarship recipient through the financial aid or student affairs officer of the medical school in which the recipient is enrolled. The Board reserves the right to pay the student's tuition and fees directly to the medical school in which the recipient is enrolled, with the balance, if any, being paid directly to the scholarship recipient for books and other educational expenses.

(9) The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Scholarship Program.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.11 Length of the Scholarship Contract.**

(1) The term of the initial scholarship award contract is one year.

(2) The term of each annual renewal scholarship award contract is one year.

(3) Three (3) is the maximum number of renewal scholarship contracts that any one recipient may receive. Together with the initial scholarship award, a recipient may receive a maximum of four years of funding for their medical education through the scholarship program.

**CHAPTER 195-11  
SCHOLARSHIP PROGRAM**

**195-11-.12 Board Approval of Recipient's Graduate Medical Education Program.**

(1) Scholarship recipients must notify the Board of their intent to enter a graduate medical education program prior to enrollment in that program in order to ensure that recipients enter medical specialties deemed by the Board to be able to sustain full time practices in rural communities in Georgia.

(2) Payment of the service obligation or monetary obligation of the scholarship contract is deferred during the recipient's graduate medical education, provided the scholarship recipient is enrolled in a graduate medical education program which is officially recorded in the Board meeting minutes and provided the recipient submits the annual report required by the contract. Failure to submit annual reports required by the contract shall constitute a breach of contract by the recipient.

(3) The annual report during the recipient's graduate medical education shall include the following information:

(a) Current contact information including address, phone number, email address, social security number, name change and other pertinent information;

(b) Documentation from the recipient's Program Director, Department Chair, or other appropriate institutional official indication that the recipient is enrolled in the graduate medical education program in good standing.

(4) Scholarship recipients must secure Board approval to change their graduate medical education program, including any extension of training that is the result of pursuing training in a fellowship or subspecialty.

(5) In instances where a scholarship recipient fails to secure approval from the Board to change or extend the graduate medical education program, the Board shall require the recipient to begin practice in a Board approved community in the specialty previously approved by the Board within 90 days of the scheduled completion of the original graduate medical education program.

(6) Failure by the scholarship recipient to begin practice within 90 days of the scheduled completion date of the original graduate medical education program or within 90 days of a Board approved extension of training shall constitute a breach of contract by the recipient and will authorize the Board to seek cash repayment, plus all applicable damages and fees.

**CHAPTER 195-11**  
**SCHOLARSHIP PROGRAM**

**195-11-.13 Service Obligation and Board Approval of Practice Location.**

- (1) The initial scholarship award and each subsequent annual renewal of the scholarship award requires a one year service obligation upon completion of the recipient's graduate medical education. The scholarship recipient is required to practice medicine on a fulltime basis (at least 40 hours per week) in a practice location approved by the Board in a Georgia county of 35,000 or fewer people or in a medical facility operated by the State of Georgia.
- (2) The scholarship recipient must begin practice in a location approved by the Board within 90 days of completion of graduate medical education.
- (3) Counties eligible as practice locations shall be determined on the basis of the county population published in the official census of the United States for the decade in which the recipient's initial scholarship award contract was signed.
- (4) Payment of the service obligation of the scholarship contract is calculated on the basis of one year (12 calendar months) of service for the initial scholarship contract, and one year of service for each renewal scholarship contract. Credit toward meeting the service obligation is calculated on a daily basis from the date the recipient begins practice in a Board approved practice location.
- (5) Leave of absence for more than 7 weeks (35 workdays) per year from the medical practice for medical, personal, formal education, or other reasons is not credited toward meeting the service obligation of the contract. Vacation, holidays, and time for continuing medical education shall not be construed to be "leave of absence" unless it extends past the 7 week period.
- (6) Board approval in writing is required for all practice locations the recipient selects to meet the service obligation of the scholarship contract.
- (7) Recipients may change practice locations with written approval of the Board.
- (8) The recipient must submit an annual report in order to receive credit toward meeting the service obligation of the scholarship contract. The annual report shall include the following information:

  - (a) Current address and phone number.
  - (b) Documentation of full-time practice acceptable to the Board, such as a letter from a partner or owner of the medical practice or medical facility if the recipient is employed, or a sample of the recipient's office schedule.
  - (c) Other information the recipient may wish to provide to the Board on the practice or on other aspects of the scholarship program.
- (9) Board staff may conduct on-site visits of the recipient's medical practice location in order to verify compliance with scholarship contract requirements.
- (10) Board staff will provide an annual report to the recipient to document completion of the service obligation of the scholarship contract.
- (11) The scholarship recipient must accept Medicaid and Medicare and actively treat patients on both of these programs.

## CHAPTER 195-11 SCHOLARSHIP PROGRAM

### 195-11-.14 Contract Default and Penalties.

(1) Student Default. In the event a scholarship recipient is dismissed from medical school for either academic reasons or disciplinary reasons, or if a recipient voluntary withdraws from medical school prior to completion of the requirements for the M.D. or D.O. degree, the scholarship funds received, plus interest at 12 percent per annum from the date of each payment by the Board compounded annually to the date the scholarship is paid in full for each scholarship contract year shall be repaid to the Board, with interest to be calculated as follows.

(a) Interest is calculated on an annual basis, with interest compounded onto the outstanding principal owed by the student.

(b) Interest compounds onto the principal owed, meaning that interest accrues onto the outstanding principal with each annual calculation.

(c) In order to calculate an interest for a partial year, the annual interest is calculated fully and divided by 12. That calculation is then multiplied by the number of months from the last interest calculation to the month the funds are paid in full.

(d) The number of months to use in this calculation is determined as the number of months that have passed since the GBPW submitted payment on behalf of the student and the anticipated month that funds shall be received in full.

(e) Interest calculations made for the initial month of receipt of GBPW funds and the month in which these funds are repaid in full is calculated for an entire month, regardless of the length of time a recipient actually held debt from the GBPW during those two months.

(f) In cases involving long-term repayment, a one time charge of 15% will be added to the total debt owed by the student to account for the costs of servicing this debt repayment.

(2) Default. A scholarship recipient shall be considered in breach of contract in the following circumstances which lead to the triple damage penalty:

(a) Recipient fails to submit the annual report while enrolled in a graduate medical education program.

(b) Scholarship recipient fails to begin full-time medical practice in a Board approved practice location within 90 days after completing graduate medical education.

(c) Scholarship recipient fails to complete all or a portion of the service obligation of the scholarship contracts, including the requirement for full-time practice and the submission of the required annual report.

(d) Scholarship recipient fails to obtain and maintain a Georgia medical license during the service obligation period of the initial scholarship contract and any renewal scholarship contracts.

(3) Triple Damages Penalty. In the event of default or breach of contract by the recipient, the recipient shall be immediately liable to the Board for three times (3x) the total amount of funding received from the initial scholarship award and all renewal scholarship awards. The total amount on which the triple damages penalty is calculated shall be reduced by credit for fulfillment of any portion of the service obligation.

## 195-11-14 Contract Default and Penalties (Page 2)

Example:

Initial Scholarship Award: \$ 20,000

Renewal Scholarship Award: 20,000

Renewal Scholarship Award: 20,000

Renewal Scholarship Award: 20,000

Total funding received: \$ 80,000

Penalty for default: \$240,000

(4) Georgia Board for Physician Workforce may consent to a lesser measure of damages for compelling reasons, such as life threatening illness or loss of ability to practice medicine due to illness or accident.

(5) In the event the scholarship recipient disputes the findings of the Board with regard to breach of contract, the scholarship recipient may elect to file an appeal in accordance with the Board's policy for due process. It is incumbent upon the recipient to provide the Board with the recipient's most current mailing address and telephone number.

(6) **Board Cancellation of Contract.** The Georgia Board for Physician Workforce may cancel the scholarship of any applicant at any time for any cause deemed sufficient by the Board, provided such authority is not used arbitrarily or unreasonable. In such cases as the Board cancels the contract, the penalty for cancellation is the principal paid to the recipient plus 12% interest per annum from the date of each payment by the Board compounded annually to the date the scholarship is paid in full.

**CHAPTER 195-11**  
**SCHOLARSHIP PROGRAM**

**195-11-.15 Due Process and Collection Provisions in the Event of Default.**

**A. Intent and General Approach.** It is the intention of the Georgia Board for Physician Workforce to carry out the purpose of the Scholarship Program to recruit physicians in medically underserved rural areas of Georgia. It is also the intention of the Georgia Board for Physician Workforce to assure due process in the enforcement of the provisions of the Scholarship program contract. Therefore, in the event of default by the recipient of the service obligations of the contract, the Board will take reasonable steps to negotiate completion of the service obligation by the recipient prior to enforcement of the penalty provisions of the contract.

**B. Assessment of Default.** Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default and report to the Board.

**C. Notification and Due Process Procedures.** In the event the Board determines a recipient to be in default, the following steps shall be taken:

**(1) Notification of Default.** The Executive Director of the Board shall notify the recipient by certified mail of the Board's finding that the recipient is in default. The letter of notification shall include the facts upon which the Board made its finding of default. The letter of notification shall provide information on the penalty provisions of the contract, including the total penalty due and payable, the Board's procedures for enforcement of the penalty provisions, and the opportunity for the recipient to obtain a hearing before the Board to appeal the finding of default.

**(2) Opportunity for a Hearing prior to enforcement of penalty provisions.** Upon receipt of a notice of default, the scholarship recipient will be allowed thirty (30) days from the mailing date of the default notice to request a hearing before the Board to dispute the finding of default or to provide information to the Board as to why the penalty provisions of the contract should not be enforced. Said hearing shall take place within sixty (60) days of receipt by the Board of a clearly written request for a hearing from the recipient.

**(3) Hearing.**

a. The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice Chair shall preside.

b. The recipient shall have a reasonable amount of time during the hearing to present information relevant to the issue of default to the Board. The presiding officer of the hearing shall determine the length of the hearing and shall have the sole authority to bring the hearing to closure.

c. Testimony of individuals with knowledge relevant to the recipient's case is requested to be submitted in writing to the Board at least one week prior to the date of the hearing. The presiding officer of the hearing may permit live testimony if, in the sole opinion of the presiding officer, the information to be presented by witnesses is relevant and useful to assist the Board in making an appropriate decision.

d. Neither the Board nor the recipient shall be represented by legal counsel at the hearing.

e. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by majority vote of the Board members present. The decision of the Board shall be final.

f. The recipient shall be notified in writing of the Board's decision within ten days of the date of the hearing.

g. If the recipient declines the offer of a hearing before the Board or fails to appear as scheduled, the penalty provisions of the contract shall be enforced immediately.

**195-11-15 Due Process and Collection Provisions in the Event of Default (Page 2)**

**D. Enforcement of Penalty Provisions.**

(1) In the event of default and following implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.

(2) In the event legal action is instituted to collect any amount under the contract, the recipient shall pay attorney's fees incurred in the collection in an amount equal to fifteen percent (15%) of the unpaid balance of principal and interest.

(3) Principal and penalties collected through the courts shall be used to pay the balance of any costs of collection, with the balance returned to the State of Georgia Treasury.

(4) Penalty payments made to the State Treasury shall be duly recorded by the Georgia Board for Physician Workforce and a record of payment maintained in the recipient's permanent file.

**RULES OF  
GEORGIA BOARD FOR PHYSICIAN WORKFORCE  
NOTICE OF INTENTION TO ADOPT RULES AND REGULATIONS  
SYNOPSIS OF PROPOSED RULE CHANGES**

This synopsis outlines the proposed changes to the *Rules of the Georgia Board for Physician Workforce*. The intent is to adopt the Rules and Regulations of the State Medical Education Board which was abolished by House Bill 509 and whose duties and responsibilities were transferred to GBPW. The governing Rules are based on the authority of O.C.G.A. §20-3-510 *et seq.*

The enclosed document represents an exact copy of the proposed *Rules for the Physicians for Rural Areas Assistance Program*.

**CHAPTER 195-12  
PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.01 General Definitions.**

(1) "Georgia Board for Physician Workforce (GBPW)" means the organization and its office created under O.C.G.A. §20-3-510 and authorized under O.C.G.A. §31-34-3 to administer the Physicians for Rural Areas Assistance program.

(2) "Physicians for Rural Areas Assistance Program (PRAA)" refers to that program of the GBPW authorized under O.C.G.A. §31-34-1 through §31-34-9, which awards financial loans to physicians who desire to practice in rural communities of Georgia.

(3) "Loans" refers to the service repayable grant awarded by the Georgia Board for Physician Workforce to applicants who are desirous of becoming practicing physicians in rural areas of Georgia.

(4) "Loan Repayment" refers to repayment of all or a portion of recipient's outstanding medical education and training loan debt. Qualifying debt is held by an established lending institution, identifiable as origination from the debt incurred to obtain a medical education, fully disclosed at the time of application, and is currently in not in default.

(5) "Medical Education and Training Loan Debt" refers to loans incurred by the applicant to finance his/her medical education and training that remain unpaid during the contract period.

(6) "Eligible and Qualified Applicant" as defined under O.C.G.A § 31-34-4 refers to, as minimum qualifications, a physician with outstanding medical education and training loan debt, holding a current, unrestricted licensed to practice medicine in the State of Georgia who desires to serve in a Board-approved, medically underserved rural area of Georgia.

(7) "Medical School" means an institution of medical education that has received

## **195-12-.01 General Definitions (Page 2)**

accreditation or provisional accreditation by the Liaison Committee on Medical Education of the American Medical Association (LCME) or Bureau of Professional Education of the American Osteopathic Association (AOA) for a program in medical education designed to qualify the graduate for licensure by the Composite State Board of Medical Examiners of Georgia.

(8) "Recipient" means any person who receives any amount of funding from the Georgia Board for Physician Workforce/Physicians for Rural Areas Assistance Program.

(9) "Service Repayment" means the period of service earned by the physician, as approved by the Board, toward repayment of the service cancelable loan in professional medical services rendered by the recipient and as required under the provisions of the loan contract.

(10) "Credit" means that the amount of time credited to the recipient for services rendered in compliance with the provisions of the contract. Credit is typically applied one year of funding for each year of service rendered in compliance with the repayment provisions of the contract.

(11) "Underserved Rural Area" as defined by O.C.G.A. § 20-3-513 as a Georgia Board for Physician Workforce approved rural county in Georgia of 35,000 population or less according to the United States decennial census of 1990 or any future such census or at any hospital or facility operated by or under the jurisdiction of Department of Community Health or at any facility operated by or under the jurisdiction of the Department of Corrections or at any facility operated by or under the jurisdiction of the Department of Juvenile Justice or at any facility operated under the jurisdiction of the Department of Behavioral Health and Developmental Disabilities. Facilities falling under jurisdiction of the mentioned state agencies must include physician employment by approved agency or, in the case of contracted employment, the physician must be treating patients of the approved agency with equal provisions given to that agency's missions.

(12) "Contract Renewal" means the yearly renewal of the loan repayment contract between the recipient and the Board. The contract period shall be renewable on a one year basis for a period not exceeding four years and a total amount not exceeding \$100,000.

(13) "Award Amount" refers to the annual amount obligated to a loan repayment recipient. The award amount shall be determined by the Board. At its annual meeting, the Board may, within its discretion, set the award amount for new loans within the limit of the appropriated funds for the budget year. Said amount shall be set forth in the official minutes of the Board.

(14) "Priority of Specialty" refers to the priority of award consideration given to physician applicants as determined on an annual basis by the Board and recorded in the official minutes.

(15) "Georgia Board for Physician Workforce" means that agency of Georgia State Government created under O.C.G.A. §49-10-1, that has responsibility for monitoring the physician workforce needs of Georgia and identifying areas of need by physician specialty and by geographic area.

(16) "Default" means breach of contract by the recipient in failing to begin or failing to complete the contractual service obligation of the Physicians for Rural Areas Assistance Program.

(17) "Ad Damnum or Double Damages" refers to the penalty resulting from a loan repayment recipient defaulting on their contractual obligations. Default requires

### **195-12-.01 General Definitions (Page 3)**

immediate repayment of double the total principal amount received less any pro-rated amount for repaid service as provided in the contract.

(18) "Cancellation of Contract" refers to the discretionary power of the Georgia Board for Physician Workforce to cancel any contract for cause deemed sufficient by the Board provided such authority is not exercised unreasonably or arbitrarily.

(19) "Full Time" refers to the minimum number of hours of work required per week to fulfill services obligation. Full time is considered at least 32 clinical hours providing direct patient care during normal clinic hours at the approved practice site. Remaining hours must be spent providing inpatient care to patients and/or in practice-related administrative activities. On-call hours are not considered part of the full time requirement. Full time hours for an OBGYN or Family Practice physicians who practice OB are considered at least 21 of the minimum 40 hours work week must be spent providing direct patient care during normal clinic hours at the approved practice site. The remaining hours must be spent providing inpatient care to patients of the approved site, and/or in practice related administrative activities not to exceed 8 hours per week. 40 hours per week for General Surgery is combined clinical/office hours and surgery/inpatient care with no more than 8 hours per week devoted to practice related administrative duties. For all specialties employed under state jurisdiction, the full time equivalent as recognized by the respective state or federal agency is acceptable. No more than 7 weeks (35 workdays) per year can be spent away from the practice for vacation, holidays, continuing professional education, illness or any other reason. Absences greater than 7 weeks in a service year will extend the service commitment.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.02 Eligibility Criteria and Application Process.**

**(1) Eligibility Criteria.** Program eligibility is limited to applicants who meet the following criteria:

**(a) Licensed with no restrictions and in good standing to practice medicine in Georgia by the Georgia Composite Medical Board.**

**(b) Agree to practice full time (a minimum of forty hours per week) in a Board-approved practice location in a rural community in Georgia designated by the Georgia Board for Physician Workforce.**

**(c) Must maintain a Georgia Medicaid number and actively treat Medicaid patients.**

**(d) Must not have other current contractual service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.**

**(e) Must have medical education loans for repayment in good standing and have not defaulted on any of the loans to be repaid.**

**(f) Must meet all other requirements as set forth by the Georgia Board for Physician Workforce.**

**(2) Application Process.** Each applicant must:

**(a) Submit a completed application form.**

**(b) Submit a full disclosure of all outstanding medical education and training debt.**

**(c) Submit a copy of the contract between the practice entity and the applicant or a letter of attestation from the applicant documenting a commitment to full time (40+ hours per week) practice in the rural community where the practice is located.**

**(d) Attest that the applicant does not have any other current service obligations, such as National Health Service Corps Scholarships or Military Service Obligations.**

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.03 Review Process.**

**(1) Administrative Review.**

(a) The Board staff shall collect and maintain documentation of the following information from PRAA loan repayment program applicants:

1. Application form.

2. Full disclosure of all outstanding medical education and training debt.

3. Documentation of the county and city/town population where the practice is located.

4. Documentation that the practice will be located in a rural Georgia community which needs additional physicians in the applicant's specialty, as determined by the Georgia Board for Physician Workforce.

5. Copy of the contract between the practice entity and the physician or attestation from the physician documenting full time (40+ hours per week) practice in the rural community where the practice is located.

6. Documentation verifying enrollment in the Georgia Medicaid program.

7. Attestation from the applicant that the applicant does not have any other current service obligations.

8. Letter of support for the applicant's intention to establish or maintain a medical practice from the chief executive officer of any hospitals located in the community, from the Chairman of the County Commission where the practice would be located, or from the Chamber of Commerce where the practice would be located.

(i) The Board staff shall review application materials to ensure eligibility requirements are met and all required documentation has been submitted.

(ii) Staff will compile the information and prepare a summary of each applicant for the Board's review.

**(2) Board Review, Criteria for Prioritizing Awards and Approval Process.**

(a) The Board shall receive and act upon all applications for the Physicians for Rural Areas Assistance program made by eligible and qualified physicians.

(b) The Board shall make a careful and full investigation of the ability, character and qualifications of each applicant and determine the applicant's fitness to become the recipient of such loan.

(c) The Board may employ such methods of applicant evaluation that it deems proper.

(d) The Board shall not discriminate or evaluate applicants on the basis of race, religion, gender, or nations origin.

(e) The Board shall review all documentation submitted by the applicant and by the Board staff to assure that the applicant meets all eligibility requirements for the PRAA program.

(f) The Board shall prioritize awards based on the following criteria:

1. All applicants shall be rank ordered on the basis of the relative need for physicians by

## 195-12-.03 Review Process (Page 2)

priority of specialty and by geographic area based on the most recent *Physician Profile Report* or other appropriate report published by the Georgia Board for Physician Workforce.

2. Physicians entering a private medical practice in which the physician has a personal financial investment shall be given the highest priority and may be moved up in the rank order list of applicants at the discretion of the Board.

3. Physicians employed by or closely associated with a rural hospital in Georgia shall be given priority and may be moved up in the rank order list of applicants at the discretion of the Board.

4. Applicants who have prior life experience in rural communities, rural medical practice experience, or special areas of expertise of use to rural communities shall be given priority and may be moved up in the rank order list of applicants at the discretion of the Board.

(g) The Board shall establish a final ranking of all qualified applicants from highest priority to lowest priority and shall allocate awards based on availability of funds and the final rank order of the applicants.

(h) Action approving the applicant ranking and order of awards shall be made upon majority vote of the Board members present.

(i) Action on awards shall be duly recorded in the minutes of the Board meeting.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.04 Award Process.**

- A. The Board staff shall notify each applicant in writing of the Board's decision within ten (10) days following the decision.
- B. The successful applicant will be asked to accept or decline the award of a loan by signing and submitting an *Acceptance Form*.
- C. Those applicants who accept the loan award shall receive a contract for participation in the Physicians for Rural Areas Assistance Program. Each recipient will be allowed 10 days in which to review the contract with an attorney as to its contents if they so choose.
- D. Loan awards that are rejected by the applicant shall be made available to the next highest ranking applicant based on the discussion and action taken by the Board.
- E. The Board staff shall arrange for all valid and approved contracts to be executed by the Executive Director and Board Chairman. Such documents shall be notarized and the official seal affixed.
- F. One of two fully executed copies of each loan contract shall be returned to the applicant and one kept in the permanent records of the GBPW.
- G. Funds shall be paid directly to the financial institution holding the recipient's student loan debt unless payment arrangements are otherwise directed in writing by the Board.
- H. The Board staff shall submit a check request to the Georgia Department of Community Health for payment of loan awards approved by the Board and for which a fully executed contract is on file in the Board offices.
- I. The Board staff shall maintain appropriate records necessary to account for the expenditure of funds for the Physicians for Rural Areas Assistance Program.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.05 Contract Provisions.**

- A. The term of the PRAA contract will be one year.
- B. Awards shall be in an amount determined by the Board at the annual meeting of the Board.
- C. Recipients shall provide one year of service in a practice location approved by the Board for each contract.
- D. The contract may be renewed up to three times, for a total of four contract years.
- E. Recipients of the Georgia Board for Physician Workforce scholarship shall be eligible for loan repayment and receive funds as described in section 195-12-.04 Award Process but with the special proviso that the service obligation shall be added as an extension to any service obligation remaining as a requirement of the recipient's scholarship contract.
- F. Annual documentation of the physician's practice location and other information is required to be submitted by the recipient in the form of an annual report to the Board. Failure to submit the annual report will eliminate eligibility for contract renewal.
- G. Each PRAA loan repayment recipient is responsible for keeping the Board apprised of his/her current address and telephone number at all times. Failure to do so may result in cancellation of contract and request for payment in full.
- H. The Board has the discretionary power to cancel any contract for cause deemed sufficient by the Board. Upon such cancellation by the Board, two times the total uncredited amount of the loan paid on behalf of the recipient shall at once become due and payable to the Georgia Board Physician Workforce.
- I. The Georgia Board for Physician Workforce is vested with full and complete authority to bring an action in its own name against any recipient for any balance due the Georgia Board for Physician Workforce on any such contract.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.06 Contract Default, Penalty, and Appeals.**

(1) Default - a recipient will be considered in default of the contractual obligations of the Physicians for Rural Areas Assistance program under any of the following situations:

- (a) The recipient loses his/her Georgia medical license; or restrictions are placed on the recipient's license rendering him/her ineligible to practice full time medicine in agreement with the terms of the PRAA contract.
- (b) The recipient fails to begin professional practice in a Board approved practice location in a rural community in Georgia as specified in the contract;
- (c) The recipient fails to complete the full term of the contractual service obligation in the practice location specified in the contract;
- (d) The recipient fails to maintain a full time practice (40+ hours per week) in the Board approved practice location specified in the contract;
- (e) The recipient fails to provide Board staff with access to records or other information necessary to monitor the recipient's compliance with contract terms.

(2) Penalty for Default – upon a finding of default by the Board, the recipient shall immediately be liable to the Board for two times the original principal amount of the loan award provided to the recipient.

(3) Reduction of Penalty - the Georgia Board for Physician Workforce may consent or agree to a lesser measure of damages in recognition of service provided or for other compelling reasons.

(4) Appeal Process – a recipient found to be in default may appeal the finding to the Board in writing. The recipient shall also have the right to request a hearing before the Board to appeal a finding of default or enforcement of the penalty provision. If a recipient fails to appear for a scheduled hearing before the Board, the recipient shall forfeit all rights of appeal. The Board shall consider appeals from recipients prior to enforcement of the penalty provision.

(5) Enforcement of Penalty – the penalty provision for default shall be enforced by a letter of demand for payment from the Board to the recipient. If the recipient fails to respond to the letter of demand for payment, collection shall be pursued through the civil courts.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.07 Monitoring Compliance.**

(1) The Board shall monitor compliance primarily through information submitted by the recipient in an annual report, which shall include information about the recipient and about the recipient's practice as it relates to the service obligations of the contract.

(2) The Board may also monitor compliance through on-site visits by Board staff or contracted compliance officers to the recipient's practice during the contract period. Such on-site visits may be unannounced.

(3) The Board, at its discretion, may monitor compliance through other appropriate means.

**195-12-.08 Allocation of Funds.**

(1) Funds for all awards granted through the Physicians for Rural Areas Assistance program shall be allocated from funding appropriated to the Georgia for Physician Workforce by the Georgia General Assembly for that purpose.

**195-12-.09 Accounting Procedures and Reporting Requirements.**

(1) The Georgia Department of Community Health shall maintain appropriate records in accordance with the provisions of the Georgia Administrative Attachment Statute, O.C.G.A. §50-4-3.

**CHAPTER 195-12**  
**PHYSICIANS FOR RURAL AREAS ASSISTANCE PROGRAM**

**195-12-.10 Due Process and Collection Provisions in the Event of Default.**

**A. Intent and General Approach.** It is the intention of the Georgia Board for Physician Workforce to carry out the purpose of the Physicians for Rural Areas Assistance Program to recruit physicians in medically underserved rural areas of Georgia. It is also the intention of the Georgia Board for Physician Workforce to assure due process in the enforcement of the provisions of the program contract. Therefore, in the event of default by the recipient of the service obligations of the contract, the Board will take reasonable steps to negotiate completion of the service obligation by the recipient prior to enforcement of the penalty provisions of the contract.

**B. Assessment of Default.** Board staff shall investigate potential default situations, obtain information from recipients pertaining to the potential default and report to the Board.

**C. Notification and Due Process Procedures.** In the event the Board determines a recipient to be in default, the following steps shall be taken:

**(1) Notification of Default.** The Executive Director of the Board shall notify the recipient by certified mail of the Board's finding that the recipient is in default. The letter of notification shall include the facts upon which the Board made its finding of default. The letter of notification shall provide information on the penalty provisions of the contract, including the total penalty due and payable, the Board's procedures for enforcement of the penalty provisions, and the opportunity for the recipient to obtain a hearing before the Board to appeal the finding of default.

**(2) Opportunity for a Hearing prior to enforcement of penalty provisions.**

Upon receipt of a notice of default, the recipient will be allowed thirty (30) days from the mailing date of the default notice to request a hearing before the Board to dispute the finding of default or to provide information to the Board as to why the penalty provisions of the contract should not be enforced. Said hearing shall take place within sixty (60) days of receipt of a clearly written request for a hearing.

**(3) Hearing.**

**a.** The Board Chair shall serve as the presiding officer for the hearing. In the absence of the Chair, the Board Vice Chair shall preside.

**b.** The recipient shall have a reasonable amount of time during the hearing to present information relevant to the issue of default to the Board. The presiding officer of the hearing shall determine the length of the hearing and shall have the sole authority to bring the hearing to closure.

**c.** Testimony of individuals with knowledge relevant to the recipient's case is requested to be submitted in writing to the Board at least one week prior to the date of the hearing. The presiding officer of the hearing may permit live testimony if, in the sole opinion of the presiding officer, the information to be presented by witnesses is relevant and useful to assist the Board in making an appropriate decision.

**d.** Neither the Board nor the recipient shall be represented by legal counsel at the hearing.

## **195-12-.10 Due Process and Collection Provisions in the Event of Default (Page 2)**

e. At the conclusion of the hearing, action to accept or reject the recipient's appeal shall be made by majority vote of the Board members present. The decision of the Board shall be final.

f. The recipient shall be notified in writing of the Board's decision within ten days of the date of the hearing.

g. If the recipient declines the offer of a hearing before the Board or fails to appear as scheduled, the penalty provisions of the contract shall be enforced immediately.

### **D. Enforcement of Penalty Provisions.**

(1) In the event of default, and following implementation of the notification and due process procedures, the penalty provisions of the contract shall be enforced through the civil courts.

(2) In the event legal action is instituted to collect any amount under the contract, the recipient shall pay attorney's fees incurred in the collection in an amount equal to fifteen percent (15%) of the unpaid balance of principal and interest.

(3) Principal and penalties collected through the courts shall be used to pay the balance of any costs of collection, with the balance returned to the State of Georgia Treasury.

(4) Penalty payments made to the State Treasury shall be duly recorded by the Georgia Board for Physician Workforce and a record of payment maintained in the recipient's permanent file.