



## Georgia Board for Physician Workforce

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State of Georgia

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

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

**Applicable Rules to be Amended:**

- 195-11-.01 (General Definitions)

Rules and Regulations of the Georgia Board for Physician Workforce are being amended. The information is 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 for 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 this action to the Board may do so in writing no later than January 20, 2014 or make comments at the public hearing during the January 30, 2014 GBPW Board meeting. 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 December 5, 2013 and intends to adopt the amended Rules at the January 30, 2014 meeting following any public comment.

Date: December 19, 2013

Signed: Cherri Tucker

Cherri Tucker  
Executive Director

## 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 located in the United States 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 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~~ Composite Medical Board.
- (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, and 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.~~

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(121) “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~~ Public Health, 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 or a facility operated by or 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.

(132) “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, 2011 through December 31, 2020, the 2010 Census Count shall serve as the authority for populations regarding eligibility of practice locations. 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.

(143) “Contract Renewal” means the yearly renewal of the scholarship contract between the recipient and the Board provided the recipient is not repeating coursework. 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.

(154) “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~~ Official Transcript from Medical School
- (f) Continued interest and recommitment to rural practice

(165) “Board Approval” refers to the action of the Board on matters including, but not 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.

(176) “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

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Assembly for the fiscal year. Said amount shall be set forth in the official minutes of the Board. (187) "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.

(198) "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."

(2019) "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.

(210) "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.

(221) "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 Medicine, General Internal Medicine, and General Pediatrics, Obstetrics/Gynecology, and General Surgery. State General Appropriations will be used to fund scholarships for these specialties only.

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

(243) "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.

(254) "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.

(275) "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.

(276) "Full Time" refers to the minimum number of hours of work required per week to fulfill ~~services~~ service 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 ~~provided~~ 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 Medicine 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

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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.

(27) "Practice" refers to providing direct patient care in Board approved rural areas located within the State of Georgia.

(28) "Direct Patient Care" refers to hands on, face-to-face contact with patients for the purpose of diagnosis, treatment and monitoring.

(29) "Inability to Obtain License to Practice Medicine in Georgia" refers to failing to complete the Steps 1, 2 (clinical skills and clinical knowledge components) and 3 of the United States Medical Licensing Examination (USMLE) or Levels 1, 2 (cognitive evaluation and performance evaluation components), and 3 of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) by the time the scholarship recipient completes their primary care residency training program.

**Authority** O.C.G.A. Sec. 20-3-510 et seq **History:** Original Rule entitled "General Definitions" adopted. F. Nov. 27, 2012; eff. Dec. 17, 2012