

# Georgia Board for Physician Workforce



**O.C.G.A.**

**TITLE 20 Chapter 3**

**TITLE 31 Chapter 7 Section 95**

**TITLE 31 Chapter 34**

**TITLE 49 Chapter 10**

## Code Sections for the Georgia Board for Physician Workforce

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### **§ 20-3-510. “Board” defined**

As used in this part, the term “board” means the Georgia Board for Physician Workforce created by Code Section 49-10-1.

**HISTORY:** Code 1981, § 20-3-510, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 2011, p. 459, § 1/HB 509.

### **§ 20-3-511. Transfer of powers, rights, and duties to the Georgia Board for Physician Workforce**

(a) In addition to those powers, rights, and duties provided by Chapter 10 of Title 49, Chapter 34 of Title 31, and elsewhere by law, the board shall succeed to the powers, rights, and duties of the former State Medical Education Board as provided by this part.

(b) The rights and obligations of parties to contracts, leases, agreements, and other transactions entered into before July 1, 2011, by the former State Medical Education Board shall continue to exist; and none of such rights and obligations shall be impaired or diminished by reason of the transfer of the functions to the board. In all such instances, the board shall be substituted for the former State Medical Education Board, and the board shall succeed to the rights and obligations under such contracts, leases, agreements, and other transactions.

(c) The board shall succeed to all rules, regulations, policies, procedures, and administrative orders of the State Medical Education Board that were in effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which relate to the functions transferred to the board pursuant to this part. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect unless and until amended, repealed, superseded, or nullified by the board by proper authority or as otherwise provided by law.

**HISTORY:** Code 1981, § 20-3-511, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 1988, p. 545, § 1; Ga. L. 2000, p. 15, § 1; Ga. L. 2011, p. 459, § 1/HB 509.

### **§ 20-3-512. Powers as to medical student loans and scholarships**

(a) It shall be the duty of the board to receive and pass upon, allow or disallow all applications for loans made to or scholarships given to students who are bona fide citizens and residents of the State of Georgia and who desire to become doctors of medicine and who are acceptable for enrollment in an accredited medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education or the Bureau of Professional Education of the American Osteopathic Association for a program in medical education designed to qualify the graduate for licensure by the Georgia Composite Medical Board. The purpose of such loans shall be to enable such applicants to obtain a standard medical education from a medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education or the Bureau of Professional Education of the American Osteopathic Association which will qualify them to become licensed to practice medicine in the State of Georgia. It shall be the duty of the board to 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 or

scholarship, and for such purpose the board may propound such examination to each applicant which it deems proper. The board may also prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this part. The investigation of the applicant shall include an investigation of the ability of the applicant, and of the parents of such applicant, to pay his or her own tuition at such medical school, and the board in granting such loans and scholarships shall give preference to qualified applicants who, and whose parents, are unable to pay the applicant's tuition at such a medical school.

(b) The board shall have authority to grant to each applicant deemed by the board to be qualified to receive the same a loan or scholarship on a one-year renewable basis for the purpose of acquiring a medical education from a medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education or the Bureau of Professional Education of the American Osteopathic Association, upon such terms and conditions as in the judgment of the board may be necessary or desirable. The board is authorized to consider, among other criteria, the home area of the student and the likelihood, if determinable, that the student will practice medicine in an area of this state which may entitle the student to repay the loan through services rendered as provided in this part.

**HISTORY:** Code 1981, § 20-3-512, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 2009, p. 859, § 2/HB 509; Ga. L. 2011, p. 459, § 1/HB 509; Ga. L. 2014, p. 333, § 1/HB 998.

### **§ 20-3-513. Determination of amount by board; terms and conditions; repayment in services**

Students whose applications are approved shall receive a loan or scholarship in an amount to be determined by the board to defray the tuition and other expenses of the applicant in an accredited medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education or the Bureau of Professional Education of the American Osteopathic Association for a program in medical education designed to qualify the graduate for licensure by the Georgia Composite Medical Board. The loans and scholarships shall be paid in such manner as the Georgia Board for Physician Workforce shall determine and may be prorated so as to pay to the medical college or school to which any applicant is admitted such funds as are required by such college or school with the balance being paid directly to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the board. The loans or scholarships to be granted to each applicant shall be based upon the condition that the full amount of the loans or scholarships shall be repaid to the State of Georgia in services to be rendered by the applicant by practicing his or her profession in an area of this state which is rural and underserved by primary care physicians as determined by the board, in a regional area of this state composed of rural counties where an unmet need for certain primary care and other critical need specialty physicians exists as determined by the board and approved by the commissioners of community health and public health, or at any hospital or facility operated by or under the jurisdiction of the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, the Department of Corrections, or the Department of Juvenile Justice. For each year of practicing his or her profession in such board approved location, the applicant shall receive credit for the amount of the scholarship received during any one year in medical school, with the interest due on such amount.

**HISTORY:** Code 1981, § 20-3-513, enacted by Ga. L. 2014, p. 333, § 2/HB 998.

#### **§ 20-3-514. Contract provisions for loan or scholarship**

(a) Each applicant before being granted a loan or scholarship shall enter into a contract with the State of Georgia agreeing to the terms and conditions upon which the loan or scholarship is granted, including such terms and provisions as will carry out the full purpose and intent of this part. The form of such contract shall be prepared and approved by the Attorney General, and each contract shall be signed by the chairperson of the board, countersigned by the executive director of the board, and shall be signed by the applicant. For the purposes of this part, the disabilities of minority of all applicants granted loans or scholarships pursuant to this part are removed, and such applicants are declared to be of full lawful age for the purpose of entering into the contract provided for in this Code section; and such contract so executed by an applicant is declared to be a valid and binding contract the same as though such applicant were of the full age of majority. The board is vested with full and complete authority to bring an action in its own name against any applicant for any balance due the board on any such contract.

(b) An applicant who has entered into a loan or scholarship contract with the board and who:

(1) Is dismissed for either academic or disciplinary reasons from the college or school of medicine he or she is attending;

(2) Voluntarily terminates his or her training and education in such institution for any reason prior to completion of training; or

(3) Is unable to obtain licensure from the Georgia Composite Medical Board to practice medicine shall be immediately liable to the board for all sums advanced with interest at the minimum rate of 12 percent per annum from the date of each payment by the board and compounded annually to the date the scholarship or loan is paid in full; provided, however, that the board may consent or agree to a lesser measure of damages for compelling reasons as determined by the board. The board is authorized to increase annually such rate of interest due on loans granted to new recipients; provided, however, that the increased rate of interest shall not exceed by more than 2 percent the prime rate published by the Board of Governors of the Federal Reserve System and in effect at the time of the increase.

(c) An applicant who has entered into a loan or scholarship contract with the board and who breaches such contract by either failing to begin or failing to complete his or her service obligation under such loan or scholarship contract or who fails to obtain licensure from the Georgia Composite Medical Board to practice medicine shall be immediately liable to the board for three times the total uncredited amount of all such scholarship or loan payments paid to the applicant, such uncredited sums to be prorated on a monthly basis respecting the applicant's actual service and total service obligation. The board may consent or agree to a lesser measure of damages for compelling reasons as determined by the board.

(d) The board shall have the authority to cancel the loan or scholarship contract of any applicant at any time for any cause deemed sufficient by the board, provided that such authority may not be arbitrarily or unreasonably exercised. Upon such cancellation by the board, the total uncredited amount of the scholarship paid to the applicant shall at once become due and payable to the board in cash with interest at the minimum rate of 12 percent per annum from the date of each payment by the board and compounded annually to the date the scholarship or loan is paid in full. The board is authorized to

increase annually such rate of interest, subject to the limitations set forth in subsection (b) of this Code section.

**HISTORY:** Code 1981, § 20-3-514, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 1985, p. 1122, § 2; Ga. L. 1999, p. 402, § 3; Ga. L. 2011, p. 459, § 1/ HB 509; Ga. L. 2014, p. 333, § 3/ HB 998.

#### **§ 20-3-515. Power of board as to arranging payment of tuition and fees for students granted loans or scholarships**

It shall be the duty of the board to make inquiry of such four-year medical schools as it deems proper and make arrangements, within the limitations as to cost as provided for in Code Section 20-3-513, for the payment of tuition or matriculation fees of enrolled students granted loans or scholarships by the board.

**HISTORY:** Code 1981, § 20-3-515, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 2011, p. 459, § 1/ HB 509.

#### **§ 20-3-516. Funds for loans or scholarships**

The funds necessary for the loans or scholarships provided for by this part and to administer the terms of this part shall come from funds made available to the board from appropriations to the Department of Community Health for medical scholarships or other purposes.

**HISTORY:** Code 1981, § 20-3-516, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 1999, p. 296, § 2; Ga. L. 2011, p. 459, § 1/ HB 509.

#### **§ 20-3-517. Biennial report of board to General Assembly**

The board shall make a biennial report to the General Assembly of its activities, loans or scholarships granted, names of persons to whom granted and the institutions attended by those receiving the same, the location of the applicants who have received their education and become licensed to practice medicine within this state, and where they are practicing, and shall make a full report of all its expenditures for loans or scholarships and expenses incurred pursuant to this part.

**HISTORY:** Code 1981, § 20-3-517, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 1984, p. 22, § 20; Ga. L. 2011, p. 459, § 1/ HB 509.

#### **§ 20-3-518. Legislative purpose**

It is the purpose and intent of this part to bring about an adequate supply of persons licensed to practice medicine in the more sparsely populated areas of the State of Georgia by increasing the number of medical students from Georgia with scholarships awarded by the board pursuant to this part attending the various medical schools and inducing a sufficient number of the graduates from medical schools to

return to Georgia and practice their profession in rural and underserved areas, thus affording adequate medical care to the people of Georgia.

**HISTORY:** Code 1981, § 20-3-518, enacted by Ga. L. 1983, p. 951, § 1; Ga. L. 2011, p. 459, § 1/ HB 509; Ga. L. 2014, p. 333, § 4/ HB 998.

**§ 31-7-95. Funding of medical education provided by hospital authorities and designated teaching hospitals**

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

(1) “Designated teaching hospital” means a teaching hospital operated by other than a hospital authority, which hospital agrees to contract with the state to offer or continue to offer a residency program approved by the American Medical Association, which program has at least 50 residents and which hospital operates a 24 hour, seven-day-per-week emergency room open to the public and which hospital files a semiannual statistical report consistent with those filed by other state funded tertiary, neonatal, obstetrical centers with the Department of Community Health.

(2) “Hospital authority” means a hospital authority operating a teaching hospital which offers a residency program approved by the American Medical Association.

(3) “Resident” means a physician receiving medical education and training through a teaching hospital operated by a hospital authority or designated teaching hospital.

(b) The General Assembly finds that the major hospital authorities and designated teaching hospitals in this state provide a valuable service benefiting the entire state by operating teaching hospitals which provide necessary medical education and training for physicians; this service is provided through residency programs offered by these teaching hospitals. By the provision of residency programs operated by state teaching hospitals, the state has recognized its responsibility to fund the cost of training physicians; and it is the purpose of this Code section to recognize that the state has a similar responsibility when the medical education and training are provided by teaching hospitals operated by hospital authorities or by designated teaching hospitals.

(c) For each resident receiving medical education and training through a teaching hospital operated by a hospital authority or designated teaching hospital, the Department of Community Health shall pay no more than \$10,000.00 per annum to the hospital authority or designated teaching hospital. Such payments shall be made based upon certifications by the hospital authorities or designated teaching hospitals to the Department of Community Health. The Department of Community Health is authorized to designate the Georgia Board for Physician Workforce to promulgate rules and regulations specifying procedures for making the certifications provided for in this Code section and to establish a procedure for making payments to hospital authorities and designated teaching hospitals as provided in this Code section.

(d) The funds necessary to carry out this Code section shall derive from funds appropriated for such purpose to the Department of Community Health. In the event the funds appropriated by the General Assembly are insufficient to fund the full amount payable to hospital authorities or designated teaching hospitals under subsection (c) of this Code section, the amount otherwise payable thereunder shall be

reduced pro rata in accordance with the funds actually appropriated for such purpose. The Department of Community Health shall have the authority to promulgate rules and regulations to carry out the provisions of this Code section. No additional teaching hospitals will be added until such funds have been made available for any additional teaching hospitals.

(e) Nothing in this Code section shall be construed to amend, modify, supersede, or repeal Chapter 10 of Title 49.

**HISTORY:** Code 1933, § 88-1825, enacted by Ga. L. 1980, p. 1040, § 1; Ga. L. 1984, p. 585, § 2; Ga. L. 1991, p. 94, § 31; Ga. L. 1998, p. 193, § 1; Ga. L. 2000, p. 1421, § 1; Ga. L. 2009, p. 453, § 1-29/HB 228.

### **§ 31-34-1. Short title**

This article shall be known and may be cited as the “Physicians, Dentists, Physician Assistants, and Advanced Practice Registered Nurses for Rural Areas Assistance Act.”

**HISTORY:** Code 1981, § 31-34-1, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2017, p. 397, § 1/HB 427; Ga. L. 2018, p. 132, § 6/HB 769.

### **§ 31-34-2. Purpose and intent of article**

It is the purpose of this article to increase the number of physicians, dentists, physician assistants, and advanced practice registered nurses in underserved rural areas of Georgia by making loans to physicians, dentists, physician assistants, and advanced practice registered nurses who have completed their medical or health care education and allowing such loans to be repaid by such physicians, dentists, physician assistants, and advanced practice registered nurses agreeing to practice medicine or provide health care services in such rural areas and by making grants to hospitals and, as determined by the Georgia Board for Physician Workforce, other health care entities, local governments, and civic organizations in underserved rural areas of Georgia that agree to provide matching funds to the grant, with the intent to enhance recruitment efforts in bringing physicians, dentists, physician assistants, and advanced practice registered nurses to such areas. It is the intent of the General Assembly that if funds are available to the Georgia Board for Physician Workforce to make loans, grants, or scholarships under this article or under other applicable state law, the Georgia Board for Physician Workforce shall give priority to loans and scholarships under Part 6 of Article 7 of Chapter 3 of Title 20 and to loans under Code Section 31-34-4.

**HISTORY:** Code 1981, § 31-34-2, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2006, p. 152, § 2B/HB 1178; Ga. L. 2009, p. 8, § 31/SB 46; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2011, p. 459, § 2/HB 509; Ga. L. 2017, p. 397, § 2/HB 427; Ga. L. 2018, p. 132, § 6/HB 769.

### **§ 31-34-3. Administration by Georgia Board for Physician Workforce**

This article shall be administered by the Georgia Board for Physician Workforce, and, as used in this article, the word “board” means the Georgia Board for Physician Workforce created in Code Section 49-10-1.

**HISTORY:** Code 1981, § 31-34-3, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2011, p. 459, § 2/HB 509; Ga. L. 2018, p. 132, § 6/HB 769.

#### **§ 31-34-4. Loan applicant qualifications; rules and regulations**

(a) A physician, dentist, physician assistant, or advanced practice registered nurse who receives a loan under the program provided for in this article shall be a citizen or national of the United States licensed to practice his or her health care profession within the State of Georgia at the time the loan is made, and shall be a graduate of an accredited graduate medical education program or other applicable accredited health care education program located in the United States which has received accreditation or provisional accreditation by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or such other applicable accreditation for other health care education programs, as determined by the board.

(b) The board shall make a full investigation of the qualifications of an applicant for a loan under the provisions of this article to determine the applicant's fitness for participation in such loan program, and for such purposes, the board may propound such examinations to applicants as the board deems proper. The board's investigation shall include a determination of the outstanding medical or health care education loans incurred by the applicant while completing his or her medical or health care education and training.

(c) The board is authorized to consider among other criteria for granting loans under the provisions of this article the state residency status and home area of the applying physician, dentist, physician assistant, or advanced practice registered nurse and to give priority to those applicants who are physicians, dentists, physician assistants, and advanced practice registered nurses actively practicing or beginning active practice in specialties experiencing shortages or distribution problems in rural areas of this state as determined by the board pursuant to rules and regulations adopted by it in accordance with this article.

(d) The board may adopt and prescribe such rules and regulations as it deems necessary or appropriate to administer and carry out the loan program provided for in this article. Such rules and regulations shall provide for fixing the rate of regular interest to accrue on loans granted under the provisions of this article. Such regular rate of interest shall not exceed by more than 2 percent the prime rate published from time to time by the Board of Governors of the Federal Reserve System. Within such limitation, the regular rate of interest may be increased for new recipients of loans under this article.

**HISTORY:** Code 1981, § 31-34-4, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2006, p. 152, § 2C/HB 1178; Ga. L. 2009, p. 859, § 2/HB 509; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2017, p. 397, § 3/HB 427; Ga. L. 2018, p. 132, § 6/HB 769.

##### **§ 31-34-4.1. Grants to hospitals and other entities; use of funds; rules and regulations authorized**

(a) After providing priority consideration to granting loans pursuant to Code Section 31-34-4, the board is authorized to make grants to hospitals and, as determined by the board, other health care entities, local governments, and civic organizations in underserved rural areas of Georgia, provided that any such

hospital, health care entity, local government, or civic organization matches such grant in an amount not less than such grant. Such grants shall be for the purpose of enhancing recruitment efforts in bringing physicians, dentists, physician assistants, and advanced practice registered nurses to such areas.

(b) Acceptable expenditures of grant funds by a hospital or other health care entity, local government, or civic organization include, but are not limited to, medical or health care education loan repayment, salary supplements for physicians, dentists, physician assistants, and advanced practice registered nurses, and additional support staff for a physician's, dentist's, physician assistant's, or advanced practice registered nurse's office. Grant funds shall not be used for hiring or paying a recruiting firm or individual recruiter.

(c) The board is authorized to give priority over other grant applicants to applicant hospitals and other health care entities, local governments, and civic organizations in rural areas of this state experiencing shortages or distribution problems of certain specialties as determined by the board pursuant to rules and regulations adopted by the board in accordance with this article.

(d) The board may adopt and prescribe such rules and regulations as it deems necessary or appropriate to administer and carry out the grant program provided for in this article. Such rules and regulations shall provide for the criteria that must be met by an applicant and the penalties that shall be incurred for failure to comply with the grant requirements.

**HISTORY:** Code 1981, § 31-34-4.1, enacted by Ga. L. 2010, p. 322, § 1/ HB 866; Ga. L. 2017, p. 397, § 4/ HB 427; Ga. L. 2018, p. 132, § 6/ HB 769.

#### **§ 31-34-5. Service cancelable loan; amount; repayment; determination of underserved rural areas**

(a) (1) The board shall have the authority to grant to each applicant approved by the board on a one-year renewable basis a service cancelable loan for a period not exceeding four years. The amount of the loan shall be determined by the board, but such amount shall be related to the applicant's outstanding obligations incurred as a direct result of completing medical or health care education and training.

(2) A loan or loans to each approved applicant shall be granted on the condition that the full amount of the loan or loans shall be repaid to the State of Georgia in services to be rendered by the applicant's practicing his or her profession in a board approved physician, dentist, physician assistant, or advanced practice registered nurse underserved rural area of Georgia. For each full year of practicing his or her profession in such underserved rural area, the physician, dentist, physician assistant, or advanced practice registered nurse who obtained the loan shall receive credit for the full amount of one year's loan plus regular interest which accrued on such amount.

(b) (1) The board shall have the authority to make grants to each applicant hospital or other health care entity, local government, or civic organization approved by the board on a yearly basis, renewable each year at the discretion of the board. The amount of the grant shall be determined by the board, but such amount shall be related to and shall not exceed the applicant's proposed expenditures to enhance recruitment efforts in bringing one or more physicians, dentists, physician assistants, or advanced practice registered nurses to the underserved rural area.

(2) A grant to an approved applicant shall be made on any condition or conditions determined by the board, which may include, but not be limited to, that one or more physicians, dentists, physician assistants, or advanced practice registered nurses are employed and retained in the underserved rural area for a prescribed minimum length of time.

(c) In making a determination of physician, dentist, physician assistant, or advanced practice registered nurse underserved rural areas of Georgia, the board shall seek the advice and assistance of the Department of Public Health, the University of Georgia Cooperative Extension Service, the Department of Community Affairs, and such other public or private associations or organizations as the board determines to be of assistance in making such determinations. Criteria to determine physician, dentist, physician assistant, or advanced practice registered nurse underserved rural areas shall include, but shall not be limited to, relevant statistical data related to the following:

(1) The ratio of physicians, dentists, physician assistants, or advanced practice registered nurses to population in the area;

(2) Indications of the health status of the population in the area;

(3) The poverty level and dependent age groups of the population in the area;

(4) Indications of community support for more physicians, dentists, physician assistants, or advanced practice registered nurses in the area; and

(5) Indications that access to the physician's, dentist's, physician assistant's, or advanced practice registered nurse's services is available to every person in the underserved area regardless of ability to pay.

**HISTORY:** Code 1981, § 31-34-5, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2011, p. 459, § 3/HB 509; Ga. L. 2011, p. 705, § 6-3/HB 214; Ga. L. 2017, p. 397, § 5/HB 427.

**§ 31-34-6. Contract between applicant and state agreeing to terms and conditions of loan; breach of contract; service cancelable contracts**

(a) (1) Before being granted a service cancelable loan provided for in this article, each applicant therefor shall enter into a contract with the State of Georgia agreeing to the terms and conditions upon which the loan is granted, which contract shall include such terms and conditions as will carry out the purposes and intent of this article. The chairperson of the board and the executive director of the board, acting for and on behalf of the State of Georgia, shall execute the contract for the board. The contract shall also be properly executed by the applicant. The board is vested with full and complete authority to bring an action in its own name against any recipient of a loan under the provisions of this article for the performance of the contract and to collect any amount that may be due under the contract.

(2) Any recipient of a loan under the provisions of this article who breaches the contract for such loan by either failing to begin or failing to complete the rural practice service obligation under the contract shall be immediately liable to the board for twice the total uncredited amount of all loans contracted for with the recipient, such uncredited amount to be prorated on a monthly basis respecting the recipient's

actual service rendered and the total service obligation. For compelling reasons provided for in rules or regulations of the board, the board may agree to and accept a lesser measure of damages for the breach of a contract.

(b) (1) Before receiving a grant under this article, each approved applicant hospital or other health care entity, local government, or civic organization shall enter into a service cancelable contract with the State of Georgia agreeing to the terms and conditions upon which the grant is made, which contract shall include such terms and conditions as will carry out the purposes and intent of this article. The chairperson of the board and the executive director of the board, acting for and on behalf of the State of Georgia, shall execute the contract for the board. The contract shall also be properly executed by the applicant. The board is vested with full and complete authority to bring an action in its own name against any recipient of a grant under the provisions of this article for the performance of the contract and to collect any amount that may be due under the contract.

(2) Any recipient of a grant under the provisions of this article who breaches the contract for such grant shall be liable for the measure of damages specified in the contract for the breach of such contract.

**HISTORY:** Code 1981, § 31-34-6, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2018, p. 132, § 6/HB 769.

#### **§ 31-34-7. Cancellation of contract**

(a) The board shall have the authority to cancel the contract of any recipient of a loan under this article for cause deemed sufficient by the board, provided that such authority shall not be arbitrarily or unreasonably exercised. Upon such cancellation, the total uncredited amount paid to the recipient shall at once become due and payable to the board in cash, and interest at the rate of 12 percent per annum shall accrue on such total uncredited amount from the date of cancellation to the date of payment.

(b) The board shall have the authority to cancel the contract of any recipient of a grant under this article for cause deemed sufficient by the board, provided that such authority shall not be arbitrarily or unreasonably exercised. Upon such cancellation, the grant recipient shall not be eligible to receive further grant funds pursuant to this article.

**HISTORY:** Code 1981, § 31-34-7, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2018, p. 132, § 6/HB 769.

#### **§ 31-34-8. Funding**

The funds necessary to carry out the loan and grant program authorized by this article may come from funds made available to the board from private, federal, state, or local sources. Funds appropriated by the General Assembly for the purposes of this article shall be appropriated to the Department of Community Health for the specific purpose of the cancelable loan and grant program authorized by this article. The board shall be assigned to the Department of Community Health for administrative purposes only, except that such department shall prepare and submit the budget for that board in concurrence with that board.

**HISTORY:** Code 1981, § 31-34-8, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 1999, p. 296, § 10; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2018, p. 132, § 6/HB 769.

### **§ 31-34-9. Biennial report to General Assembly**

The board shall make a biennial report to the General Assembly of its activities under the provisions of this article. Such report shall include the name of each recipient of a loan made under the provisions of this article, the amount of each such loan, and the rural area in which the recipient is practicing medicine. Such report shall include the name of each recipient of a grant made under the provisions of this article, the amount of each such grant, and the rural area in which the recipient is located. Such report shall also report the amount of administrative expenses incurred by the board in carrying out the provisions of this article.

**HISTORY:** Code 1981, § 31-34-9, enacted by Ga. L. 1989, p. 1234, § 1; Ga. L. 2010, p. 322, § 1/HB 866; Ga. L. 2018, p. 132, § 6/HB 769.

### **§ 31-34-20. Grant program for physicians serving underserved rural areas; eligibility qualifications; time of practice; rules and regulations**

(a) Subject to appropriations, the Georgia Board for Physician Workforce shall establish a grant program for the purpose of increasing the number of physicians who remain in Georgia to practice in medically underserved rural areas of the state. The grant program shall provide medical malpractice insurance premium assistance for physicians practicing in such medically underserved rural areas of the state, as identified by the Georgia Board for Physician Workforce pursuant to Code Section 49-10-3.

(b) To be eligible to receive a grant under the grant program, a physician shall meet the following qualifications:

- (1) Maintain a practice in a medically underserved rural area of the state;
- (2) Be licensed to practice in this state and board certified;
- (3) Complete a minimum of 100 hours of continuing medical education as approved by the Georgia Composite Medical Board;
- (4) Provide weekend or extended hours; and
- (5) Accept Medicaid and medicare patients.

(c) A physician receiving a grant pursuant to the grant program shall agree to practice medicine in such medically underserved rural areas of the state for a period of time determined by the Georgia Board for Physician Workforce.

(d) The Georgia Board for Physician Workforce may adopt and prescribe such rules and regulations as it deems necessary or appropriate to administer and carry out the grant program provided for in this

chapter. In establishing the amount of grants, the Georgia Board for Physician Workforce shall determine the average insurance premium rates for physicians in rural areas of this state.

**HISTORY:** Code 1981, § 31-34-20, enacted by Ga. L. 2018, p. 132, § 6/HB 769.

**§ 49-10-1. Board for physician workforce; composition; expense allowances; staffing; advisory committees**

(a) (1) The Joint Board of Family Practice which existed on January 1, 1998, is continued in existence but on and after July 1, 1998, shall become and be known as the Georgia Board for Physician Workforce. The Georgia Board for Physician Workforce, referred to in this chapter as the “board,” shall be attached to the Department of Community Health for administrative purposes only, as defined by Code Section 50-4-3, except that such department shall prepare and submit the budget for that board in concurrence with that board.

(2) The Georgia Board for Physician Workforce shall be composed of 15 members, all of whom are residents of this state, as follows:

(A) Five members shall be primary care physicians, at least three of whom shall be from rural areas;

(B) Five members shall be physicians who are not primary care physicians, at least three of whom shall practice in rural areas;

(C) Three members shall be representatives of hospitals which are not teaching hospitals, with at least two of those three members being representatives of rural, nonprofit hospitals;

(D) One member shall be a representative from the business community;

(E) One member shall have no connection with the practice of medicine or the provision of health care; and

(F) The physicians on the board shall represent a diversity of medical disciplines, including, but not limited to, women’s health, geriatrics, and children’s health. The board shall represent the gender, racial, and geographical diversity of the state.

(3) All members of the board shall be appointed by the Governor and confirmed by the Senate. The terms of office of all the members of the Joint Board of Family Practice shall expire July 1, 1998, but only at such time on or after that date when all 15 of the initial members of the Georgia Board of Physician Workforce have been appointed and qualified. No such initial member shall exercise any power under this chapter until all 15 members have been appointed and qualified. The initial members of the board who are appointed thereto shall take office for initial terms of office as follows:

(A) Two primary care physicians, two physicians who are not primary care physicians, and one representative of a hospital which is not a teaching hospital shall be appointed to two-year terms of office;

(B) Two primary care physicians, two physicians who are not primary care physicians, and one representative of a hospital which is not a teaching hospital shall be appointed to four-year terms of office; and

(C) The remainder of the board shall be appointed to six-year terms of office.

Thereafter, successors to such members shall be appointed for terms of six years. The Governor shall designate the term to which each initial member is appointed. All members shall serve until their successors are appointed and qualified. Members appointed under this paragraph shall be eligible to serve on the board until confirmed by the Senate at the session of the General Assembly next following their appointment.

(4) In case of a vacancy on the board by reason of death or resignation of a member or for any other cause other than the expiration of the member's term of office, the board shall by secret ballot elect a temporary successor. If the General Assembly is in session, the temporary successor shall serve until the end of that session. If the General Assembly is not in session, the temporary successor shall serve until the end of the session next following the vacancy or until the expiration of the vacated member's term of office, whichever occurs first. The Governor shall appoint a permanent successor who shall be confirmed by the Senate. The permanent successor shall take office on the first day after the General Assembly adjourns and shall serve for the unexpired term and until his or her successor is appointed and qualified.

(5) The office on the board of a member thereof who fails to attend more than three consecutive regular meetings of the board, without excuse approved by resolution of the board, shall become vacant.

(b) The board shall annually elect from its membership a chair, a vice chair, and a secretary-treasurer by ballot. Meetings shall be held at the call of the chair or upon written request of a majority of the members. A majority of members then in office shall constitute a quorum and shall have the authority to act upon any matter properly brought before the board. The board shall keep permanent minutes and records of all its proceedings and actions.

(c) Each member of the board shall receive the same expense allowance per day as that received by a member of the General Assembly for each day or substantial portion thereof that such member of the board is engaged in the work of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees. No member of the board shall receive the above per diem for more than 30 days in any one calendar year.

(d) The Department of Community Health, with the concurrence of the board, shall have the authority to employ such administrative staff as is necessary to carry out the functions of the board. Such staff members shall be employed within the limits of the appropriations made to the board.

(e) The board, as it deems appropriate, shall have the authority to appoint advisory committees to advise the board on the fulfillment of its duties. The members of the advisory committees shall not receive any per diem or reimbursements; provided, however, that such members shall receive the mileage allowance provided for in Code Section 50-19-7 for the use of a personal car in connection with attendance at meetings called by the board.

**HISTORY:** Code 1981, § 49-10-1, enacted by Ga. L. 1998, p. 616, § 1; Ga. L. 1999, p. 296, § 21; Ga. L. 2000, p. 1421, § 2; Ga. L. 2011, p. 459, § 6/HB 509.

### **§ 49-10-2. Purpose**

The purpose of the board shall be to address the health care workforce needs of Georgia communities through the support and development of medical education programs and to increase the number of physicians and health care practitioners practicing in underserved rural areas.

**HISTORY:** Code 1981, § 49-10-2, enacted by Ga. L. 1998, p. 616, § 1; Ga. L. 2011, p. 459, § 7/HB 509.

### **§ 49-10-3. Powers, duties, and responsibilities**

The board shall have the following powers, duties, and responsibilities:

(1) To locate and determine specific underserved areas of the state in which unmet priority needs exist for physicians and health care practitioners by monitoring and evaluating the supply and distribution of physicians and health care practitioners by specialty and geographical location;

(2) To award service cancelable loans and scholarships pursuant to Part 6 of Article 7 of Chapter 3 of Title 20, Chapter 34 of Title 31, or as otherwise provided by law;

(3) To approve and allocate state appropriations for family practice training programs, including but not limited to fellowships in geriatrics and other areas of need as may be identified by the board;

(4) To approve and allocate state appropriations for designated pediatric training programs;

(5) To approve and allocate any other state funds appropriated to the Georgia Board for Physician Workforce to carry out its purposes;

(6) To coordinate and conduct with other state, federal, and private entities, as appropriate, activities to increase the number of graduating physicians and health care practitioners who remain in Georgia to practice with an emphasis on medically underserved areas of the state;

(7) To apply for grants and to solicit and accept donations, gifts, and contributions from any source for the purposes of studying or engaging one or more contractors to study issues relevant to medical education or implementing initiatives designed to enhance the medical education infrastructure of this state and to meet the physician and other health care practitioners workforce needs of Georgia communities; and

(8) To carry out any other functions assigned to the board by general law.

**HISTORY:** Code 1981, § 49-10-3, enacted by Ga. L. 1998, p. 616, § 1; Ga. L. 2009, p. 77, § 1/HB 49; Ga. L. 2011, p. 459, § 7/HB 509; Ga. L. 2012, p. 775, § 49/HB 942.

### **§ 49-10-4. Power to make contracts; authority to adopt rules and regulations**

The board shall have the power to contract with other state and federal agencies, persons, corporations, associations, institutions, and authorities in carrying out its responsibilities. In addition, the board shall have the authority to adopt reasonable rules and regulations to carry out those responsibilities.

**HISTORY:** Code 1981, § 49-10-4, enacted by Ga. L. 1998, p. 616, § 1.