



Georgia Board for Physician Workforce

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
- 195-11-.02
- 195-11-.13

Rules and Regulations of the Georgia Board for Physician Workforce are being amended. The information is posted at 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, 36th 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 December 3, 2015 or make comments at the public hearing during the December 9, 2015 GBPW Board meeting at 1:00 pm. Comments may be directed to Cherri Tucker, Georgia Board for Physician Workforce, 2 Peachtree St., NW, 36th Floor, Atlanta, Georgia 30303. Comments may be received by the Board via e-mail to ctucker@dch.ga.gov or by calling (404) 232-7972.

The Board voted to adopt this Notice of Intent on October 22, 2015 and intends to adopt the amended Rules at the January 28, 2016 meeting following any public comment.

Date: 11/4/15

Signed: 

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 (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 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, 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) "Approved Practice Location" means the Board has approved a practice location for service repayment for the primary care specialties of family medicine, general internal medicine, and general pediatrics in a 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 in an area of this state which is rural and underserved by primary care physicians as determined by the Board, or a hospital or facility operated by or under the jurisdiction of the Department of Public

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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.

(12) "Underserved and Rural Area for the primary care specialty of Obstetrics/Gynecology and other critical need specialties" is defined as a regional area composed of counties located in rural Georgia where an unmet need for physicians in the primary care specialty of Obstetrics/Gynecology and other critical needs specialties exists as determined by the Georgia Board for Physician Workforce and approved by the commissioners of Community Health and Public Health.

(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, 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.

(14) "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.

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

(16) "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

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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. 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. 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 or is unable to obtain licensure from the Georgia Composite Medical Board. 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 to the date the scholarship or loan is paid in full; provided, however, that the Board may consent to or agree to a lesser measure of damages for compelling reasons as determined by the Board.

(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 or 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. For scholarship recipients receiving the initial award after July 1, 2014, such specialties are limited to: Family Medicine, General Internal Medicine, and General Pediatrics. State General Appropriations will be used to fund scholarships for these specialties only.

(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. The Board may consent or agree to a lesser measure of damages as determined by the Board.

(25) "Student Default" refers to scholarship recipients who are dismissed for either academic or disciplinary reasons from the college or school of medicine he or she is attending; voluntarily terminates his or her training and education in such institution for any reason prior to completion of training; or are unable to obtain licensure from the Georgia Composite Medical Board to

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practice medicine. These persons are 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.

(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 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 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 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 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.

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

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

(30) "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.

(31) "Compelling reasons" refers to conditions such as a life threatening illness or loss of ability to practice medicine or to be gainfully employed due to illness or accident. The Board may consent to a lesser measure of damages for compelling reasons.

Authority O.C.G.A. Sec. 20-3-510 et seq

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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 medical school in the United States, 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 as of July 1, 2014 for new scholarship recipients, include family medicine, general internal medicine, and general pediatrics. State General Appropriations will be used to fund scholarships for these specialties only.
- (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 for the primary care specialties of family medicine, general internal medicine, and general pediatrics include rural counties in Georgia of 35,000 population or less according to the United States decennial census of 1990 or any future census, or in an area of this state which is rural and underserved by primary care physicians as determined by the Board, 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. For scholarship recipients receiving initial awards prior to July 1, 2014 and have not yet begun their service obligation, practice locations for Obstetrics/Gynecology and other critical need specialties include regional areas composed of counties located in rural Georgia where an unmet need for physicians exists as determined by the Board and approved by the commissioners of Community Health and Public Health.
 - 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.

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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 an area of this state which is rural or 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 in a medical 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 the primary care specialties of family medicine, general internal medicine, and general pediatrics, rural and underserved area is defined as a 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 an area of this state which is rural and underserved by primary care physicians as determined by the Board. For scholarship recipients receiving awards prior to July 1, 2014, practice locations for Obstetrics/Gynecology and other critical need specialties include regional areas composed of counties located in rural Georgia where an unmet need for physicians exists as determined by the Board and approved by the commissioners of Community Health and Public Health.

(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. Regional areas shall be determined by the Board, and approved by the Commissioners of Community Health and Public Health, on the basis of where an unmet need for Obstetrics/Gynecology and other critical need specialties exist.

(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 mailing address, email 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

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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.

Authority O.C.G.A. Sec. 20-3-510 et seq