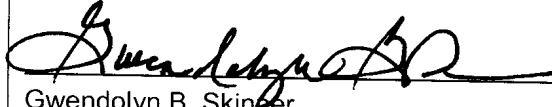


Georgia Department of Human Resources Division of Mental Health, Developmental Disabilities & Addictive Diseases	DHR Online Directive Information System (ODIS) Directive # 6001-901 <div style="text-align: right;">Page 1 of 3</div>
DHR ODIS Policy: Maintenance of Safety for Division of MHDDAD Consumers and Staff Subject: Professional Licensing Requirements and the Reporting of Practice Act Violations	
Applicability: MHDDAD State & Regional Offices, Hospitals, and State-Operated Community Services; Community Providers of MHDDAD Services with contract, letter of agreement or provider agreement	Effective Date: November 1, 2008 Scheduled Review Date: November 2010
References: Physicians: Title 43 Chapter 34 Articles 1 and 2 of the Georgia Code. Registered Nurses: Title 43 Chapter 26 Article 1 of the Georgia Code. LPN's: Title 43 Chapter 26 Article 2 of the Georgia Code. Psychologists: Title 43 Chapter 39 of the Georgia Code. Professional Counselors, Social Workers, Marriage and Family Therapists: Title 43 Chapter 10A of the Georgia Code. Dentists, Dental Hygienists, Dental Assistants: Title 43 Chapter 1. Dietetics: Title 43 Chapter 11A. Occupational Therapists: Title 43 Chapter 28. Physical Therapists: Title 43 Chapter 33. Physicians' Assistants: Title 43 Chapter 34 Article 4. Respiratory Care: Title 43 Chapter 34 Article 6. Orthotics and Prosthetics: Title 43 Chapter 34 Article 8. Podiatry: Title 43 Chapter 35. Speech-Language Pathologists and Audiologists: Title 43 Chapter 44.	Approved:  Gwendolyn B. Skinner Director, Division of MHDDAD <u>10/31/08</u> Date Signed
Attachments: None	

PROFESSIONAL LICENSING REQUIREMENTS AND THE REPORTING OF PRACTICE ACT VIOLATIONS

POLICY

It is the policy of DMHDDAD that possession of a valid professional license issued by the respective state licensing board is required for anyone to occupying a position of employment and performing a function that by State law requires a valid professional license issued by the respective State Licensing Board. It is the responsibility of the employing or contracting agency to verify the validity of the person's license prior to employment and at least annually thereafter. If the individual is providing one of the professional services covered by the practice acts but is doing so pursuant to a stated exception in the act, such as those for students, interns and others who may work under direction and/or supervision while working toward licensure, it is the responsibility of the employing or contracting agency to ensure compliance with any requirements for supervision and/or direction of this work. Upon knowledge of the potential violation of this requirement, the agency head is to report that to the respective licensing board as outlined in its regulations and to the DMHDDAD as outlined in this policy.

APPLICABILITY

This policy is applicable to State and Regional Offices of the DMHDDAD, State Hospitals, State-operated Community Services, and Provider Agencies with a contract, letter of agreement, or provider agreement with DMHDDAD to provide mental health, addictive diseases and/or developmental disabilities services. This policy covers services which require a professional license or qualification according to the practice acts of the state of Georgia and includes, but is not limited to, the practice of law, medicine, nursing, psychology, professional counseling, social work and/or marriage and family therapy.

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PROCEDURES

1. If any employee of the DMHDDAD or the Division's contracted External Review Organization receives information that indicates there is reason to believe that an individual employed by the DMHDDAD or a Provider Agency that has a contract, letter of agreement or a provider agreement with DMHDDAD may be providing professional services governed by the state's practice acts without a valid license or without meeting one of the listed exceptions to licensure and/or any associated restrictions on such practice (e.g. only under supervision and/or direction), the administrator of the Provider Agency or DMHDDAD program/facility and the Provider Network Management (PNM) Section at the Division office must be notified within three (3) business days.
2. If an agency under contract, letter of agreement or provider agreement with the Division has reason to believe that an individual under contract or in its employment may have provided professional services in violation of practice act requirements and the services were funded in whole or in part by DMHDDAD funds (state contracted, fee-for-service, and/or Medicaid), the agency is required to report such activity to the PNM Unit at the DMHDDAD state office and immediately restrict the practitioner's job duties until such time as it is determined that the practitioner is in compliance with practice act requirements. The agency also must report such activities to the Professional Licensing Boards Division of the Georgia Secretary of State's Office within 3 business days of the discovery and provide the Division's PNM Section with a copy of the complaint.
3. If the individual in question is a DMHDDAD employee, the employee's clinical supervisor and the administrator of the DMHDDAD program and/or facility for which the employee works are responsible for filing the complaint with the Professional Licensing Boards Division of the Georgia Secretary of State's Office within 3 business days. A copy of the complaint is provided to the PNM Section.
4. When a formal complaint is filed with the Professional Licensing Boards Division ("the Board"), the contractor or DMHDDAD facility/program filing the complaint supplies the Board with information that may assist the Board in making a determination regarding possible unlicensed practice.
5. Once the Board's investigation of the complaint is complete and the Board's findings are received by the agency making the complaint, the PNM Section is provided with a copy of the results. PNM staff notify the Program Integrity Unit at the Department of Community Health (DCH) of the results of the Board's investigation if the agency is a provider of Medicaid services.
6. When a Provider Agency or DMHDDAD program/facility has reason to believe an employee may have engaged in unlicensed professional practice or if the Professional Licensing Boards Division confirms that unlicensed practice has occurred, the agency employing the individual in question is required to provide the PNM Section with a

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written attestation that they have taken appropriate action to limit the individual's duties to services consistent with the individual's credentials and in compliance with the practice acts within three business days. In addition, providers may not submit claims or encounters for services provided by practitioners in violation of the practice acts.

7. When a Provider Agency or DMHDDAD program/facility has reason to believe that an employee may have engaged in unlicensed professional practice or if the Professional Licensing Boards Division confirms that unlicensed practice has occurred, the agency employing the individual in question is required to provide the PNM Section and the DMHDDAD Regional Office with a corrective action plan that addresses the operation deficiencies in the organization that resulted in the unlicensed practice within 10 business days.
8. If the Board issues a public order or any other public communication regarding a sanction against the subject of the complaint as part of its handling of the complaint and informs the Provider Agency or DMHDDAD program/facility of such order or communication, the PNM staff immediately notify the Division's regional and state offices and facilities and DMHDDAD's providers of the order.
9. The PNM Section maintains records of all reports received, complaints filed, and related Professional Licensing Board Division determinations.
10. Any and all reimbursement for services provided by practitioners not having the required professional license or credential is subject to recoupment by the DMHDDAD and DCH.
11. It is the responsibility of the employer to verify licensure status.