



Chapter: Administrative Issues Related to Behavioral Health & Developmental Disabilities Service Delivery
Subject: Professional Licensing and Certification Requirements and the Reporting of Practice Act Violations

Applicability: DBHDD State & Regional Offices, Hospitals, and State-Operated Community Services; Community Providers of DBHDD Services

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Approved:

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. Optometrists: Title 43 Chapter 30 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. Certified Addiction Counselors: Title 43 10A of Georgia Code (exemptions), 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.

Handwritten signatures and dates: Audrey Sumner 3/18/10, Gregory C. Hoyt 3/18/10, Beverly D. Rollins 3/23/10, Cassandra Price 3/23/10, Frank E. Shelp 3/25/10

Attachments:

None

PROFESSIONAL LICENSING AND CERTIFICATION REQUIREMENTS AND THE REPORTING OF PRACTICE ACT VIOLATIONS

POLICY

It is the policy of DBHDD that possession of a valid professional license or certification issued by the respective State Licensing Board or nationally recognized Certification Board is required for anyone occupying a position of employment and performing a function that by State law requires a valid professional license or certification issued by the respective State Licensing Board or nationally recognized Certification Board (ADACB-GA/IC&RC or GACA/NAADAC). It is the responsibility of the employing or contracting agency to verify and maintain a current copy of the person's license or certification 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 or certification, 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 DBHDD as outlined in this policy.

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APPLICABILITY

This policy is applicable to State and Regional Offices of the DBHDD, State Hospitals, State-operated Community Services, and Provider Agencies with a contract, letter of agreement, or provider agreement with DBHDD 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, optometry, podiatry, physical therapy, speech pathology and audiology, occupational therapy, dentistry, dietician, psychology, addiction counseling, professional counseling, social work and/or marriage and family therapy.

PROCEDURES

1. If any employee of DBHDD or any contractor acting on behalf of DBHDD receives information that indicates there is reason to believe that an individual employed by DBHDD or a Provider Agency may be providing professional services governed by the state's practice acts without a valid license or certification 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 DBHDD program/facility and the DBHDD Provider Network Management (PNM) Section must be notified within three (3) business days.
2. If a Provider Agency or DBHDD have 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 DBHDD funds (including but not limited to state contracted, fee-for-service, and/or Medicaid), the Provider Agency or DBHDD facility/program director is required to report such activity to PNM at the DBHDD 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 or the certifying Certification Board within 3 business days of the discovery and provide PNM with a copy of the complaint.
3. If the individual in question is a DBHDD employee, the employee's clinical supervisor and the administrator of the DBHDD facility/program 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 or the certifying Certification Board within 3 business days. A copy of the complaint is provided to PNM.
4. When a formal complaint is filed with the Professional Licensing Boards Division or certifying Certification Board ("the Board"), the Provider Agency or DBHDD

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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 Provider Agency or DBHDD facility/program making the complaint, PNM 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 DBHDD program/facility has reason to believe an employee may have engaged in unlicensed or uncertified professional practice or if the Professional Licensing Boards Division or the certifying Certification Board confirms that unlicensed or uncertified practice has occurred, the Provider Agency or DBHDD program/facility employing the individual in question is required to do the following:
 - a. provide PNM with a 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, Provider Agency or DBHDD program/facility may not submit claims or encounters for services provided by practitioners in violation of the practice acts.
 - b. provide PNM and the DBHDD 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.
7. 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 DBHDD program/facility of such order or communication, PNM staff immediately notify DBHDD Regional and State offices and facilities and DBHDD's providers of the order.
8. PNM maintains records of all reports received, complaints filed, and related Professional Licensing Board Division or Certification Board determinations.
9. Any and all reimbursement for services provided by practitioners not having the required professional license or credential is subject to recoupment by DBHDD and DCH.
10. It is the responsibility of the employer to verify licensure and/ or certification status.