

GCMB FAQ and Answers

1. Question: What happens to a doctor that is found to be working in a Pill Mill when it is shut down? What kind of punishment or penalty do they usually get?

Answer: What happens to a physician working in a pill mill is typically dictated by the evidence developed during the investigation. Depending on the evidence, penalties (actions) could potentially range from criminal prosecution (fines, probation, incarceration and/or other sanctions) to licensure disciplinary actions such as practice restrictions, loss of DEA registration, suspension and/or revocation.

2. Question: What are the specific codes/rules/regulations invoked, and what are the possible sanctions/fines/sentences?

Answer: There are several code sections and rules governing the practice of medicine and controlled substances. Below are some broad code sections and rules to assist you.

- a. OCGA 43-34-8 (Medical Practice Act on our website; recommend reading the chapter in its entirety)
- b. Board Rule 360-3-.02 (Unprofessional Conduct Defined; on our website)
- c. OCGA 16-13-41 (Criminal Code; Controlled Substances Act)
- d. There are also some federal statutes and rules governing this activity however I am not familiar with the specific citations
- e. Violations of the Medical Practice Act and Board Rules may result in disciplinary action taken against the license such as fines, practice restrictions, revocation.
- f. Violations of criminal statutes may result in a felony conviction, fines, probation, incarceration.

3. Question: Who actually investigates the doctors?

Answer: A physician is subject to investigation by virtually any law enforcement agency as well as the GA Medical Board. Quite often, especially in these type investigations, the law enforcement agencies work side by side. The GCMB will bring disciplinary action and the other law enforcement agencies i.e. DEA will bring criminal charges if the evidence dictates.

4. Question: What are the rates of accused to being found guilty for the doctors?

Answer: There are not specific numbers on this. The pill mill cases are just now being criminally prosecuted and these cases take considerable time. Several of these cases are making their way through the GCMB disciplinary process and the discipline rate has been steady.

5. Question: Who can open a Pain Clinic in the state of Georgia? How does a person go about doing so? What law/s do they have to follow? What are specific codes and the possible sanctions to the owner if they are found to be running a Pill Mill?

Answer: There are no specific laws or rules governing who can open a pain clinic. Several of them are owned by non-physicians and they employ the physician. Legislation was introduced last session that would address this however the bill failed to pass. There is an expectation it will be reintroduced next session. It was HB 972. The GCMB has promulgated rules concerning pain clinics as well as rules concerning prescribing for pain and they can be found on our website. Non physician clinic owners who are convicted of criminal statutes would be subject to the penalties associated with the specific statute (probation, fines, incarceration).

(Answers last updated on 8-2-12. Answers supplied by Jeffrey D. Lane, M.S., Director of Investigations, O. (404) 463-0635, E-mail jlane@dch.ga.gov . Mr. Lane is the Director of Investigations and supervises the Enforcement and Investigative Unit)