

Georgia Rules and Regulations

Administrative Bulletin for September 2020

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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290. RULES OF DEPARTMENT OF HUMAN SERVICES	290-2-3-.04 , 290-2-3-.07 , 290-2-3-.10 , 290-2-3-.11 , 290-2-3-.14	amended	Aug. 31, 2020	Sep. 20
375. RULES OF DEPARTMENT OF DRIVER SERVICES	375-1-1-.03	amended	Aug. 12, 2020	Sep. 1
	375-1-1-.04	repealed	Aug. 12, 2020	Sep. 1
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	<u>375-3-3-.04</u>	repealed	Aug. 12, 2020	Sep. 1
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591. RULES OF BRIGHT FROM THE START GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING	<u>591-1-1-.15</u> --- <u>591-1-1-.17, 591-1-1-.29, 591-1-1-.32</u>	amended	Aug. 31, 2020	Sep. 20

Department 53. GEORGIA BOARD OF ATHLETIC TRAINERS

Chapter 53-1. ORGANIZATION

53-1-.01 [Effective 10/14/2020] Administration

All Rules and Regulations pertaining to the Administration of the Georgia Board of Athletic Trainers shall be administered by the Joint Secretary of the Professional Licensing Boards Division of the Office of the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 53-1-.01

AUTHORITY: O.C.G.A. §§ [43-1-2\(a\)\(1\)](#), [43-1-25](#), [43-5-6\(a\)](#).

HISTORY: Original Rule entitled "Organization of Board" was filed on June 8, 1978; effective June 28, 1978.

Amended: Filed July 21, 1983; effective August 10, 1983.

Repealed: New Rule entitled "Administration" adopted. F. Apr. 28, 1989; eff. May 18, 1989.

Amended: F. Sep. 24, 2020; eff. Oct. 14, 2020.

Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

Chapter 110-9. JOB TAX CREDIT PROGRAM

Subject 110-9-1. JOB TAX CREDIT PROGRAM REGULATIONS

110-9-1-.02 Designation of Tier Status of Georgia Counties/Designation of Less Developed Census Tract Areas

(1) Timetable and Effective Dates for Designation of Tier Status of Georgia Counties/Designation of Less Developed Census Tract Areas. Using the most current data available from the Department of Labor and the United States Department of Commerce, the commissioner of community affairs shall rank and designate all 159 counties in Georgia. And using the most current data available from the Department of Labor and the United States Department of Commerce, the commissioner of community affairs shall rank and designate certain less developed census tract areas.

(a) For the purpose of determining the number of new jobs created, business enterprises shall use their first tax year that begins on or after January 1 of the calendar year in which a census tract is designated as less developed or in which a county is designated as a tier 1, tier 2, tier 3, or tier 4 county, unless otherwise approved by the commissioner of community affairs.

(2) Ranking and Designation of Tier Status of Georgia Counties. A combination of the following factors will be used in ranking counties: highest unemployment rate for the most recent 36-month period; lowest per capita income for the most recent 36-month period; and highest percentage of residents whose incomes are below the poverty level according to the most recent data available.

(a) Counties ranked and designated as the first through seventy-first least developed counties shall be classified as tier 1, counties ranked and designated as the seventy-second through one hundred sixth least developed counties shall be classified as tier 2, counties ranked and designated as the one hundred seventh through one hundred forty-first least developed counties shall be classified as tier 3, and counties ranked and designated as the one hundred forty-second through one hundred fifty-ninth least developed counties shall be classified as tier 4.

(b) The factors used in ranking counties will all be given equal weight.

(c) In the case of a tie that would place tied counties in two different categories (tier 1, tier 2, tier 3, or tier 4), the tie will be broken in the following manner: the county with the highest average unemployment rate will be in the lower category (e.g., tier 1 if the split is between tier 1 and tier 2). If the counties are tied on highest average unemployment rate, the county with the lowest average per capita income will be in the lower category. If the counties are tied on both highest average unemployment rate and lowest average per capita income, the county with highest percentage of poverty will be in the lower category. If the counties are tied on all three categories, the commissioner of community affairs shall determine which county falls into each category.

(3) Ranking and Designation of Ten or More Contiguous Census Tracts as Less Developed Areas. Using data from the Department of Labor and the United States Department of Commerce, a combination of the following factors will be used in ranking counties in order to help determine the less developed census tract areas: highest unemployment; lowest per capita income; and highest percentage of residents whose income is below the poverty level. The county that ranks seventy-first from the bottom on these factors will be the benchmark county used to determine which census tracts are potentially eligible for inclusion in a less developed census tract area.

(a) All census tracts in the state and the benchmark county will be ranked using the following factors: highest unemployment; lowest per capita income; and highest percentage of residents whose income is below the poverty level. Data used to rank the tracts and the benchmark county will be from the Department of Labor and the United

States Department of Commerce. All census tracts that are equal or lower in rank than the benchmark county will be eligible for inclusion in a less developed census tract area if they can be grouped as part of 10 or more contiguous census tracts that are also eligible for inclusion in a less developed census tract area.

(b) Groupings of 10 or more eligible census tracts will be determined according to the following rules:

1) all eligible census tracts will be grouped into less developed census tract areas that are as large as possible but never in groupings of less than 10;

2) groupings may cross county boundaries; and

3) all census tracts in a grouping must be contiguous.

(c) All factors used in ranking census tracts and counties for the purpose of determining less developed census tract areas will be given equal weight.

(4) Redesignation of Tier Status of Georgia Counties/Designation of Less Developed Census Tract Areas Based on a Period of Economic Distress.

Any tier 3 county which, in the opinion of the commissioner of community affairs, undergoes a sudden and severe period of economic distress caused by the closing of one or more business enterprises located in such county may be eligible for tier 2 designation. Also, any tier 2 county which, in the opinion of the commissioner of community affairs, undergoes a sudden and severe period of economic distress caused by the closing of one or more business enterprises located in such county may be eligible for tier 1 designation. In addition, any area composed of ten or more contiguous census tracts which undergoes a sudden and severe period of economic distress caused by the closing of one or more business enterprises located in such area may be eligible for designation as a less developed census tract area; or any area composed of one or more contiguous census tracts which, in the opinion of the commissioner of community affairs, with the agreement of the commissioner of economic development, is or will be adversely impacted by the loss of one or more jobs, businesses, or residences as a result of an airport expansion, including noise buy-outs, or the closing of a business enterprise located within such area which, in the opinion of the commissioner of community affairs, with the agreement of the commissioner of economic development, results or will result in a sudden and severe period of economic distress.

(a) In order to receive consideration for designation as a tier 2 or tier 1 county based on a sudden and severe period of economic distress caused by the closing of one or more business enterprises, a county must request designation from the commissioner of community affairs and must show actual job losses that exceed the following threshold criteria:

1) If the unemployment rate of the county has exceeded the state's average unemployment rate for the previous 3 months, the dislocation must amount to at least 2 percent of the county's labor force.

2) If the unemployment rate of the county was equal to or less than the state's average unemployment rate for any of the previous 3 months, the dislocation must amount to at least 4 percent of the county's labor force.

3) Documentation of the closing of the business enterprise must generally be provided in the form of a letter from such business enterprise validating the closure, documentation of the closure on the web site (for business enterprises subject to the WARN ACT) for the State Entity designated to receive WARN ACT notices, and local press releases announcing such closure and the effect of such closure on the community. For purposes of this provision, a closure will be defined based on the WARN ACT; Public Law 100-379 Section 2(a)(2) as the permanent shutdown of a single business establishment, or one or more facilities or operating units within such establishment, if the shutdown results in an employment loss at the establishment during any 30-day period for 50 or more employees excluding any part-time employees.

(b) Counties/census tract areas designated as tier 2 or tier 1 counties or as less developed census tract areas under the provisions of this paragraph will remain designated for one year. After one year, such counties/census tract areas may ask the commissioner of community affairs to be redesignated for additional years if documentation is provided that demonstrates a continuing period of economic distress. Documentation of continuing distress should include:

- 1) Information on the local community's efforts to fill the affected space and create new jobs;
- 2) Details on the impact of the business loss on: (a) the local community; and (b) the state;
- 3) Information on the current job market in the affected area of the local community; and
- 4) Any additional information to be considered for such designation.

(c) No designation pursuant to this paragraph shall displace or remove any other county/census tract area designated as a tier 2 or tier 1 county or as a less developed census tract area pursuant to paragraphs (2) or (3) of Department Rule 110-9-1-.02.

(d) In order to receive consideration for designation as a less developed census tract area based on the closing of one or more business enterprises, an area must request designation from the commissioner of community affairs and must provide documentation sufficient to support that major job losses have occurred or will occur within such area. Any portion of one or more such contiguous census tracts may be currently designated as part of an existing less developed census tract area. In addition, one or more such contiguous census tracts must meet the criteria in paragraph (3)(b) 2) and (3)(b) 3) of Department Rule 110-9-1-.02. Notwithstanding any provision of this subparagraph to the contrary, any area composed of one or more contiguous census tracts which is or will be adversely impacted by the loss of one or more jobs, businesses, or residences as a result of an airport expansion, including noise buy-outs, may be designated as a less developed census tract area. In order to be considered for designation as a less developed census tract the area requesting designation must show actual job losses that exceed the following threshold criteria:

- 1) If the unemployment rate of the area requesting designation has exceeded the state's average unemployment rate for the previous 3 months, the dislocation must amount to at least 2 percent of the area's labor force.
- 2) If the unemployment rate of the area requesting designation was equal to or less than the state's average unemployment rate for any of the previous 3 months, the dislocation must amount to at least 4 percent of the area's labor force.
- 3) Documentation of the closing of the business enterprise must be provided in the form of a letter from such business enterprise validating the closure, documentation of the closure on web site (for business enterprises subject to the WARN ACT) for the State Entity designated to receive WARN ACT notices, and local press releases announcing such closure and the effect of such closure on the community. For purposes of this provision, a closure will be defined based on the WARN ACT; Public Law 100-379 Section 2(a)(2) as the permanent shutdown of a single business establishment, or one or more facilities or operating units within such establishment, if the shutdown results in an employment loss at the establishment during any 30-day period for 50 or more employees excluding any part-time employees.

(e) At any time, a request for designation based on a sudden and severe period of economic distress is sought that meets the criteria established in law and regulation, the commissioner may grant such designation for a specified period of time. At any time, a request for less developed census tract designation based on a sudden and severe period of economic distress is sought that meets the criteria established in law and regulation, the commissioner will determine if the request meets the provision for designation and obtain the agreement of the commissioner of economic development prior to issuing an opinion on the request.

(5) Procedures to Ensure Business Enterprises Can Claim Credits in Future Years. For business enterprises which plan a significant expansion in their labor forces, the following procedures ensure the business can claim credits in future years based on the pre-existing tier status, military zone designation, or less developed census tract designation and without regard to a particular county or census tract being reclassified in the annual ranking. A business enterprise which plans for growth and expansion of its labor force may file a notice of intent with the commissioner of community affairs to preserve the benefits associated with the tier status, military zone designation, or less developed census tract designation in an area that has been reclassified (for example, bottom 40, tier 1, tier 2, or tier 3 county that has received a new ranking, or a less developed census tract in a tier 2, tier 3, or tier 4

community that has lost its designation). The notice of intent shall state the county/census tract area in which the business enterprise plans to locate or expand, the number of new jobs to be created, and the anticipated period in which these jobs will be created. The notice of intent may only be filed for business enterprises which plan to create jobs within three years of the date the notice of intent, except when evidence satisfactory to the commissioner of community affairs is submitted that demonstrates a high probability that significant job creation will result within the time-frame submitted in the notice of intent. Once accepted by the commissioner, the notice of intent will preserve the prior county tier status, military zone designation, or census tract designation and allow the business enterprise to claim the related job tax credits for the three-year time-frame protected by the notice of intent provided all other program requirements are satisfied as specified in these regulations and in the O.C.G.A. § [48-7-40](#), [48-7-40.1](#), and [36-62-5.1](#).

(a) The Notice of Intent procedures described in these regulations are intended to protect companies, for the limited period of three years, from the results of the annual re-ranking of counties and census tracts. These procedures, however, do not protect companies from changes in law unless otherwise specified in law. Protection provided by Notices of Intent include the following potential impacts from re-ranking: changes in business eligibility due to ranking outside of bottom 40 counties, changes in tax credit amount, changes in job threshold, changes in limitations in the amount of tax liability that may be offset, and changes in ability to apply credits against payroll withholding.

(b) Notices of Intent must be filed on or before March 31st of the calendar year first affected by the change in county or census tract designation. The business must include the name of the business, the location address of the business establishment creating the jobs, the type of business establishment including the NAICS code, and a valid contact on the submitted Notice of Intent.

(c) Notices of Intent apply to the three-year period that begins January 1st of the year in which the Notice of Intent is filed, unless evidence satisfactory to the commissioner of community affairs is submitted that demonstrates a high probability that significant job creation will result within a future three-year time frame specifically outlined in the Notice of Intent. However, in no case may the period secured by the Notice of Intent extend beyond three consecutive years nor beyond five years from the date of filing the initial Notice of Intent.

(d) Only new jobs created during the three-year Notice of Intent period are eligible to claim the tax credit benefits preserved by the Notice of Intent. Maintained jobs, which are eligible for five years of credits, may still claim these benefits after the Notice of Intent period has lapsed.

(e) Notices of Intent may be updated or amended by any business enterprise not more often than once a year. Should a county be reclassified to a more beneficial tier status during the Notice of Intent period, the business enterprise may elect to claim tax credits based on the more beneficial ranking for any new jobs created.

(6) Job Tax Credit Program Alternative for Tax Years Beginning 2020 and 2021.

(a) Definitions.

(1) Establishment -- means an economic unit at a single physical location where business is conducted or where services or industrial operations are performed.

(2) Hand sanitizer -- means any hand antiseptic, hand rub, soap, or agent applied to the hands for the purpose of removing common pathogens, including, but not limited to, hand cleaners and sanitizers provided for under [7 C.F.R. Section 3201.18](#).

(3) Personal protective equipment or PPE -- means any protective clothing, helmets, gloves, face shields, goggles, facemasks, hand sanitizer, and respirators or other equipment designed to protect the wearer from injury or to prevent the spread of infection, disease, virus, or other illness. Such term shall include equipment identified under 29 C.F.R. Section 1910, Subpart I.

(4) Personal protective equipment manufacturer or PPE manufacturer -- means any business enterprise which is engaged in the manufacturing of PPE in this state. Such term shall include any business enterprise which, in

response to COVID-19, began manufacturing PPE in this state. Such term shall not include retail businesses that sell PPE.

(b) When any PPE manufacturer is qualified to claim a job tax credit under Code Section [48-7-40](#) or [48-7-40.1](#), there shall be allowed an additional \$1,250.00 job tax credit against the tax imposed under this article for those qualifying jobs to the extent they are engaged in the qualifying activity of manufacturing PPE in this state during the taxable year. Such PPE manufacturer shall be eligible for such additional job tax credit at an individual establishment of the business. If more than one business activity is conducted at the establishment, then only those jobs engaged in the qualifying activity of manufacturing PPE in this state shall be eligible for such additional job tax credit.

(1) The additional tax credit provided for in paragraph (b) of this subsection shall be claimed separately from the job tax credit under Code Section [48-7-40](#) or [48-7-40.1](#) but shall, except as provided in new Code section [48-7-40.1A](#)., be allowed subject to the conditions and limitations set forth in Code Section [48-7-40](#) or [48-7-40.1](#) and shall be in addition to the credit allowed under Code Section [48-7-40](#) or [48-7-40.1](#); provided, however, that the amount allowed to offset taxes imposed by this article shall be 100 percent; and provided, further, that when such tax credit exceeds a business enterprise's liability for taxes imposed by this article in a taxable year, the excess may be taken as a credit against such business enterprise's quarterly or monthly payment under Code Section [48-7-103](#) in the same manner as provided under Code Section [48-7-40](#) or [48-7-40.1](#) but not subject to the dollar limitations provided therein. Additionally, such tax credit shall be disallowed during any year that a business enterprise does not qualify as a PPE manufacturer.

(2) The additional tax credit provided for in paragraph (b) of this subsection may be used in conjunction with the tax credit provided for under Code Section [48-7-40.15](#).

(c) The additional tax credit provided for under paragraph (b) of subsection (6) of this Code section shall be subject to the following conditions and limitations:

(1) For every year in which a taxpayer claims the credit, the taxpayer shall attach a schedule to the taxpayer's state income tax return which shall set forth the following information, as a minimum, in addition to the information required under Code Sections [48-7-40](#) and [48-7-40.1](#):

(A) The number of jobs otherwise qualified to claim a credit under this Code section;

(B) A verification that the taxpayer is a PPE manufacturer and a description of the PPE manufactured during the current taxable year;

(C) Any tax credit utilized by the taxpayer in prior years;

(D) The amount of tax credit carried over from prior years;

(E) The amount of tax credit utilized by the taxpayer in the current taxable year; and

(F) The amount of tax credit to be carried over to subsequent tax years.

(2) Any tax credit claimed under subsection (b) of this Code section, but not used in any taxable year, may be carried forward for ten years from the close of the taxable year in which the qualified jobs were established.

(d) No tax credit shall be claimed and allowed pursuant to this Code section for any jobs created on or after January 1, 2025.

(e) This Code section shall be effective as of January 1, 2020, and shall be applicable to taxable years beginning on and after January 1, 2020.

(f) These regulations are further amended by adding a new subsection related to designation of counties as less developed areas and tax credits for certain business enterprises, to read as follows:

(1) For the taxable years beginning in 2020 and 2021, a taxpayer with a business enterprise that in the taxable year beginning on or after January 1, 2019, and before December 31, 2019, was claiming a job tax credit shall have the option to utilize the number of new full-time employee jobs that the taxpayer claimed in such taxable year or to continue calculating their credit as in prior years based on the number of net new full-time employee jobs that the taxpayer added during the tax year (for both 2020 and 2021).

Cite as Ga. Comp. R. & Regs. R. 110-9-1-.02

AUTHORITY: O.C.G.A. §§ [48-7-40](#), [48-7-40.1](#), [36-62-5.1](#).

HISTORY: Original Rule entitled "Designation of Tier Status of Georgia Counties/Designation of Less Developed Census Tract Areas" adopted as ER. 110-9-1-0.2-.02. F. June 16, 1995; eff. June 14, 1995, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 17, 1995; eff. Sept. 6, 1995.

Amended: F. Feb. 27, 1998; eff. Mar. 19, 1998.

Amended: F. Dec. 11, 2000; eff. Dec. 31, 2000.

Repealed: New Rule of same title adopted. F. Apr. 23, 2002; eff. May 13, 2002.

Amended: F. Apr. 18, 2003; eff. May 8, 2003.

Amended: F. Aug. 21, 2006; eff. Sept. 10, 2006.

Amended: F. Jan. 14, 2008; eff. Feb. 3, 2008.

Repealed: New Rule of same title adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009.

Amended: F. Oct. 22, 2013; eff. Nov. 11, 2013.

Amended: F. Dec. 2, 2016; eff. Jan. 1, 2017, as specified by the Agency.

Amended: F. Feb. 28, 2017; eff. Feb. 8, 2017, as specified by the Agency.

Amended: F. Aug. 22, 2018; eff. Sep. 11, 2018.

Amended: F. June 2, 2020; eff. June 22, 2020.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 135. RULES OF GEORGIA COMPOSITE BOARD OF PROFESSIONAL COUNSELORS, SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS

Chapter 135-9. CONTINUING EDUCATION

135-9-.01 [Effective 10/20/2020] Requirements - Beginning October 01, 2020

(1) Definitions:

(a) Synchronous activities require participants and instructors to be present at the same time. These activities can be face-to-face or online. Lectures, discussions, and presentations must occur at a specific time at which all participants are present. It may be a virtual classroom, but must allow participants to ask and teachers to answer questions instantly, either face-to-face or through instant messaging. Synchronous activities may include, but not be limited to, the following:

1. In-person (live): Participants are physically present at the location where the presentation, lecture, workshop, or seminar is being held and are present for the entire length of the activity;
2. Webinars: A presentation, lecture, workshop, or seminar that is transmitted via the internet and allows full participation between the participants and the presenter(s); or,
3. Video conferencing: Participants are in two or more locations in a virtual conference room and communicate as if they were sitting right next to each other.

(b) Asynchronous activities are online courses or a recording of a previously held program that one can access on one's own schedule.

(c) Independent Study means a variety of self-directed professional study activities including, but not limited to, writing papers or books for presentation or publication; making presentations on major professional issues or programs; reading professional journals and books; preparing for initial consultation, teaching, or training assignments; and engaging in independent study, research, or tutorial projects.

(d) Academic Hour means one (1) academic semester hour of graduate level coursework shall be equivalent to fifteen (15) clock hours of continuing education. One (1) academic quarter hour of course credit shall be equivalent to ten (10) clock hours of continuing education.

(e) Core hours mean continuing education hours acquired in activities in the specialty in which the license is held; e.g. professional counseling core hours must reflect professional counseling content, social work core hours must reflect social work content, and marriage and family therapy core hours must reflect marriage and family therapy content.

(f) Related hours mean continuing education hours acquired in activities in a specialty other than the one in which the license is held or in the allied professions of psychiatry, psychiatric nursing or psychology.

(2) Continuing Education Requirements:

(a) Thirty-five (35) hours of continuing education are required to be obtained within the two (2) year biennial licensure cycle to renew each license, including associate level licenses. The biennial licensure cycle is the two (2) year period beginning October 1st of each even numbered year, and ending on September 30th of every subsequent even numbered year.

1. When the license is initially issued during the second year of the licensure cycle, on or after October 1st of each odd numbered year, no continuing education is required for the initial, first renewal of the license.
2. At the next renewal cycle the licensee must comply with all continuing education requirements.
3. When a master social worker, associate professional counselor, or an associate marriage and family therapist level license is superseded by the issuance of a clinical social worker, a professional counselor or a marriage and family therapist license, Rule 135-9-.01(2)(a)(1) above does not apply, and the licensee is required to meet continuing education hours required for license renewal as set forth in Chapter 135-9.
 - (b) A minimum of five (5) of the thirty-five (35) hours shall be specifically designated as continuing education in professional ethics relating to any of the specialties of professional counseling, social work, or marriage and family therapy. Ethics hours shall be obtained through synchronous activities only.
 - (c) Of the remaining thirty (30) hours, a minimum of fifteen (15) shall be core hours and not more than fifteen (15) shall be related hours.
 - (d) A maximum of ten (10) hours of continuing education may be obtained asynchronously for each two-year renewal period.
 - (e) Core hours shall be obtained through synchronous or asynchronous activities sponsored, co-sponsored, or approved by:
 1. A professional association in the specialty in which the license is held.
 2. An academic department in the specialty in which the license is held:
 - (i) Graduate level coursework will meet continuing education requirements only when offered by an academic department in the specialty in which the license is held and when the department is in an education institution accredited by a body acceptable to the Board set forth in Chapter 135-5.
 - (ii) One (1) academic semester hour of graduate level coursework shall be equivalent to fifteen (15) hours of continuing education, and one (1) academic quarter hour of course credit shall be equivalent to ten (10) hours of continuing education, up to a maximum of twenty (20) hours.
 3. A licensing or certification board in another jurisdiction which regulates the specialty in which the license is held. If the board is a composite board, the activity must be specifically approved for continuing education in the specialty in which the license is held.
 - (f) Related hours are continuing education hours acquired in activities in a specialty other than the one in which the license is held or in the allied professions of psychiatry, psychiatric nursing or psychology. Related hours may be obtained from:
 1. Activities sponsored, co-sponsored, or approved by professional associations in the specialties of professional counseling, social work, marriage and family therapy or the allied professions for psychiatry, psychiatric nursing or psychology or allied health specialties.
 2. Activities sponsored, co-sponsored, or approved by an academic department in the specialties of professional counseling, social work, marriage and family therapy or the allied professions of psychiatry, psychiatric nursing, or psychology.
 - (i) Graduate level coursework will meet continuing education requirements only when offered by an academic department in the specialty in which the license is held and when the department is in an education institution accredited by a body acceptable to the Board as set forth in Chapter 135-5.

(ii) One (1) academic semester hour of graduate level coursework shall be equivalent of fifteen (15) hours of continuing education, and one (1) academic quarter hour of course credit shall be equivalent to ten (10) hours of continuing education.

3. Activities sponsored, co-sponsored, or approved by a licensing or certification board in another jurisdiction which regulates the specialties of professional counseling, social work, marriage and family therapy or the allied professions of psychiatry, psychiatric nursing or psychology.

4. Activities sponsored by federal, state, or local government agencies and licensed hospitals.

(g) Independent Study is limited to five (5) hours. Neither ethics nor core hours may be obtained through independent study. If selected for a continuing education audit at renewal, the licensee shall submit a notarized affidavit attesting to number of hours of independent study completed.

(h) The professional association, academic department, licensing or certification board, state, or local government agency, or licensed hospital that sponsors, co-sponsors or approves the continuing education activity shall certify the number of clock hours of education content in each activity. The certificate of attendance for the continuing education hours should include whether the activity was synchronous or asynchronous.

(i) A Standards Committee may, in its discretion, accept continuing education hours obtained from sources substantially similar to those listed in (e) and (f) above.

(j) No more than twenty (20) hours of continuing education shall be from any one continuing education or academic coursework, workshop, or presentation. This limit does not apply to professional conferences which offer multiple presentations.

(k) Any continuing education hour may be applied towards the renewal of a license in more than one specialty, provided that the continuing education hour meets the requirements set out in (e) or (f) above.

(l) Continuing education hours earned in professional ethics exceeding the five (5) required for renewal may be applied to meet requirements for core or related hours when they meet the requirements set out in (e) or (f) above.

(m) If, at the Board's request, a licensee completes a peer review of an alleged violation of the law or the Board's Rules, the licensee shall satisfy the five (5) hours of continuing education required in professional ethics. Such a review must be submitted as a written report to the Board.

(3) Continuing Education (CE) Board Audit

(a) For those selected for a Board continuing education audit, the **CE Audit Reporting Form** is required to be submitted to the Board in addition to the certificates of attendance or other supporting documents. The Board will not review any CE documentation without the required audit form being included with the submission.

(b) If, following a continuing education audit, the Board disqualifies any of the documented continuing education hours and the licensee no longer meets the requirements set out in this Rule, 135-9-.01, the license will be renewed under the condition that the licensee obtains the required continuing education hours within six months of the notice of deficiency.

(c) If the licensee does not cure the deficiency within this six-month period, the license may be subject to discipline for failure to meet the requirements for renewal.

(4) Documentation

(a) Each licensee shall, for a period of four (4) years, maintain documentation of completion of continuing education hours. Licensees may utilize a data bank service. The Board will not maintain continuing education files for licensees.

(b) Licensees shall attest, on their biennial license renewal application, that they have satisfied the continuing education requirements as set forth in Chapter 135-9. False attestation of satisfaction of the continuing education requirements shall subject the licensee to disciplinary action, including revocation.

(c) Each renewal cycle, the Board shall audit a fixed percentage of the renewal applications' continuing education hours. Licensees whose renewal applications are audited will be required to submit documentation of their continuing education activities. Except for independent study, such documents must be in the form of a certificate of attendance verifying whether activity is synchronous or asynchronous, a statement signed by the provider verifying participation in the activity, or an official transcript. Documentation of independent study shall be in the form of a notarized affidavit which includes a description of the activity, the subject material covered, the dates and numbers of hours involved.

Cite as Ga. Comp. R. & Regs. R. 135-9-.01

AUTHORITY: O.C.G.A. §§ [43-1-25](#), [43-10A-5\(c\)\(1\)](#), [43-10A-7\(b\)\(9\) through \(11\)](#) for religious exemptions, [43-10A-16](#).

HISTORY: Original Rule entitled "Requirements" adopted. F. July 27, 1988; eff. Aug. 16, 1988.

Repealed: New Rule of same title adopted. F. Sept. 5, 1989; eff. Sept. 25, 1989.

Repealed: New Rule of same title adopted. F. Aug. 10, 1992; eff. Aug. 30, 1992.

Amended: F. Dec. 3, 1992; eff. Dec. 23, 1992.

Repealed: New Rule, same title, adopted. F. Apr. 10, 1996; eff. Apr. 30, 1996.

Amended: F. Dec. 9, 1997; eff. Dec. 29, 1997.

Amended: F. Jan. 5, 2001; eff. Jan. 25, 2001.

Amended: F. May 18, 2001; eff. June 7, 2001.

Amended: F. Aug 10, 2011; eff. Aug. 30, 2011.

Amended: F. Jan. 14, 2014; eff. Feb. 3, 2014.

Amended: New title "Requirements - Beginnings October 01, 2020." F. Sep. 30, 2020; eff. Oct. 20, 2020.

135-9-.02 [Repealed effective 10/20/2020]

Cite as Ga. Comp. R. & Regs. R. 135-9-.02

AUTHORITY: O.C.G.A. § [43-10A-5\(c\)\(1\)](#).

HISTORY: Original Rule entitled "Sources" adopted. F. July 27, 1988; eff. Aug. 16, 1988.

Amended: F. Sept. 5, 1989; eff. Sept. 25, 1989.

Repealed: New Rule entitled "Documentation" adopted. F. Aug. 10, 1992; eff. Aug. 30, 1992.

Repealed: F. Sep. 30, 2020; eff. Oct. 20, 2020.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-3. LICENSE REQUIREMENTS

150-3-.01 [Effective 10/19/2020] Examination for Dental Licensure

(1) Each candidate submitting an application for a dental license must have passed all sections of the National Board Theory Examinations - Part I and Part II with a score of 75 or higher or have a passing score on the Integrated National Board Dental Exam. The President of the Georgia Board of Dentistry may appoint one or more members of the Board to proctor the National Dental Board Examinations held in Georgia.

(2) Each candidate for a license to practice dentistry must pass with a score of 75 or higher a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be in the English language. The score will be valid for one year.

(3) Each candidate for a license to practice dentistry must pass all sections with a score of 75 or higher on any clinical examination administered by the Georgia Board of Dentistry, or a testing agency designated and approved by the Board. Such examination shall be in the English language.

(4) Any candidate who fails one or two sections of any clinical examination or any combination of one, two, or three sections of the clinical examination, three times must take a remedial course of study designated and pre-approved by the board.

(a) Once the candidate shows written proof of successful completion of the approved course of study, the Board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the board.

(b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(5) Any candidate who fails three or more sections of any clinical examination three times must successfully complete a one-year American Dental Association-accredited course of study pre-approved by the board.

(a) Once the candidate provides written proof of successful completion of this one-year course of study, the board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the Georgia Board.

(b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(6) For purposes of this rule, failure of the completed curriculum integrated format type examination shall only be counted as one (1) examination failure. The final section/sections failed with the curriculum integrated format type examination will be applicable to sections (4) and (5) of this rule.

(6) In determining whether an applicant has met the requirements for licensure, the board will only consider:

(a) The examination given by the Georgia Board of Dentistry prior to February 22, 1993.

(b) Results from the Southern Regional Testing Agency (SRTA) that were attained between February 22, 1993 and December 31, 2005; to include SRTA retake examination results until December 31, 2006.

(c) Results from the American Board of Dental Examiners (ADEX) examination as uniformly administered by the Central Regional Dental Testing Service (CRDTS) and the Northeast Regional Board of Dental Examiners (NERB) that were attained between January 1, 2006 and June 30, 2009.

(d) Results from the Central Regional Dental Testing Service (CRDTS) examination or any other testing agency designated and approved by the Board attained subsequent to June 30, 2009. Results from the retake examinations administered by the Northeast Regional Board of Dental Examiners (NERB) or the Central Regional Dental Testing Service (CRDTS) are accepted through June 30, 2010. Such retakes must be from initial examinations taken prior to June 30, 2009 and must include at least one successful score from Parts II, III, IV or V.

(e) Results from the American Board of Dental Examiners, Inc. (ADEX) dental examination as uniformly administered by a testing agency approved by the Board beginning January 1, 2021.

(f) Regional examinations must include procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;
2. endodontics, clinical abilities testing;
3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
5. crown preparation, clinical abilities testing;
6. prosthetics, written or clinical abilities testing;
7. oral diagnosis, written or clinical abilities testing; and
8. oral surgery, written or clinical abilities testing.

(g) Examination scores from slot preparations of restorative dentistry shall neither be accepted nor recognized by the Board.

(8) Each candidate for Georgia licensure must furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(9) The Board may hold other examinations as may be required and necessary.

Cite as Ga. Comp. R. & Regs. R. 150-3-.01

AUTHORITY: O.C.G.A. §§ [43-11-7](#), [43-11-20](#), [43-11-40](#), [43-11-41](#).

HISTORY: Original Rule entitled "Examinations" adopted. F. and eff. June 30, 1965.

Amended: F. Mar. 26, 1969; eff. Apr. 15, 1969.

Amended: F. Jan. 26, 1970; eff. Feb. 15, 1970.

Amended: F. Oct. 13, 1970; eff. Nov. 2, 1970.

Amended: F. July 5, 1974; eff. July 25, 1974.

Amended: F. Mar. 3, 1977; eff. Mar. 23, 1977.

Amended: F. Sept. 24, 1979; eff. Oct. 14, 1979.

Amended: F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 20, 1984; eff. Dec. 10, 1984.

Repealed: New Rule of same title adopted. F. Feb. 5, 1988; eff. Feb. 25, 1988.

Amended: F. Dec. 20, 1989; eff. Jan. 9, 1990.

Amended: F. May 9, 1991; eff. May 29, 1991.

Amended: F. Sept. 2, 1992; eff. Sept. 22, 1992.

Amended: F. Feb. 2, 1993; eff. Feb. 22, 1993.

Amended: F. Sept. 15, 1993; eff. Oct. 5, 1993.

Amended: Rule retitled "Examination for Dental Licensure". F. Oct. 29, 1996; eff. Nov. 18, 1996.

Amended: F. Dec. 28, 2000; eff. Jan. 17, 2001.

Repealed: New Rule of same title adopted. F. July 28, 2003; eff. Aug. 17, 2003.

Repealed: New Rule of same title adopted. F. Jan. 26, 2005; eff. Feb. 15, 2005.

Amended: F. Nov. 7, 2005; eff. Nov. 27, 2005.

Repealed: New Rule of same title adopted. F. Mar. 22, 2006; eff. Apr. 11, 2006.

Repealed: New Rule of same title adopted. F. Sept. 18, 2006; eff. Oct. 8, 2006.

Amended: F. June 8, 2009; eff. June 28, 2009.

Repealed: New Rule of same title adopted. F. Apr. 20, 2010; eff. May 10, 2010.

Repealed: New Rule of same title adopted. F. Jan. 11, 2011; eff. Jan. 31, 2011.

Amended: F. Apr. 16, 2013; eff. May 6, 2013.

Amended: F. Aug. 24, 2017; eff. Sep. 13, 2017.

Amended: F. Sep. 29, 2020; eff. Oct. 19, 2020.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-7. OTHER LICENSES

150-7-.03 Volunteers in Dentistry

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for dental and/or dental hygiene services, and when it has located a competent dentist or dental hygienist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply dental or dental hygiene services. In determining what constitutes an inadequate supply of dental or dental hygiene personnel, the Board shall consider various factors, including the dentist-patient ratio or the dental hygienist-patient ratio in the area in question, the distance between patients and any existing dentist or dental hygienist, the maldistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate dental or dental hygiene services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such a dentist or dental hygienist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualifications of a Georgia Licensed Dentist.

1. The dentist or dental hygienist must submit an application for a volunteer license to the Board and must be retired from the practice of dentistry or dental hygiene and not currently engaged in such practice either full time or part time, and has prior to retirement maintained full licensure in good standing in dentistry or dental hygiene, or is currently licensed to practice dentistry or dental hygiene in the State of Georgia and whose license is unrestricted and in good standing. This license to practice dentistry or dental hygiene must have been held at least five years while engaged in clinical practice. Applicants must not have failed a clinical licensing exam within the past five years.

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the board.

3. The applicant dentist or dental hygienist may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. The applicant must show proof of current CPR certification;

5. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license (which is forty (40) hours for dentists and twenty-two (22) hours for dental hygienists of continuing education within the last two (2) years including CPR at the basic life support level), the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

6. There shall be no application or licensing fee for initial issuance of a volunteer license.

(c) Qualifications of an Out-of-State Licensed Dentist.

1. The dentist or dental hygienist must submit an application for a volunteer license to the Board and must be retired from the practice of dentistry or dental hygiene and not currently engaged in such practice either full time or part time, and has prior to retirement maintained full licensure in good standing in dentistry or dental hygiene, or is

currently licensed to practice dentistry or dental hygiene in any licensing jurisdiction in the U.S. and whose license is unrestricted and in good standing. This license to practice dentistry or dental hygiene must have been issued by a licensing authority following successful completion of a clinical licensing examination, approved by the board and must have been held at least five years while engaged in clinical practice. Applicants must not have failed a clinical licensing exam within the past five years.

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the board.

3. The applicant dentist or dental hygienist may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. The applicant must show proof of current CPR certification;

5. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license (which is forty (40) hours for dentists and twenty-two (22) hours for dental hygienists of continuing education within the last two (2) years including CPR at the basic life support level), the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

6. All applicants must show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry/dental hygiene in the State of Georgia. Such examination shall be administered in the English language;

7. There shall be no application or licensing fee for initial issuance of a volunteer license.

(d) Dental Hygienists are subject to all provisions of supervision per O.C.G.A. § [43-11-74](#) and Rule [150-5-.03](#).

(e) Renewal of a volunteer license.

1. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on July 1 of the following even-numbered year.

2. There shall be no renewal fee for licensees holding a volunteer in dentistry license.

3. Licenses which have been administratively lapsed for non-renewal shall be reinstated only at the discretion of the board;

4. Holders of a volunteer in dentistry license are subject to continuing education requirements as outlined in Board Rule [150-3-.10](#).

5. Holders of a volunteer in dental hygiene license are subject to continuing education requirements as outlined in Board Rule [150-3-.10](#).

(f) Any other provisions of Chapter 11, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the special license statute shall be fully applicable to all specially licensed dentists.

Cite as Ga. Comp. R. & Regs. R. 150-7-.03

AUTHORITY: O.C.G.A. §§ [43-11-7](#), [43-11-8](#), [43-11-52](#).

HISTORY: Original Rule entitled "Volunteers in Dentistry" adopted. F. Feb. 24, 2003; eff. Mar. 16, 2003.

Repealed: New Rule of same title adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.

Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.

Amended: F. Dec. 4, 2012; eff. Dec. 24, 2012.

Amended: F. Feb. 5, 2016; eff. Feb. 25, 2016.

Amended: F. Sep. 10, 2020; eff. Sep. 30, 2020.

Department 180. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Chapter 180-3. QUALIFICATIONS: PROFESSIONAL ENGINEER AND ENGINEER-IN-TRAINING

180-3-.05 [Effective 10/15/2020] Licensure of Veterans and Military Spouses

(1) As used in this Rule:

(a) "Military" means the United States armed forces, including the National Guard.

(b) "Military spouse" means the spouse of a service member or transitioning service member.

(c) "Professional Engineer" or "PE" means a person who is registered as a Professional Engineer under the provisions of Chapter 15 of Title 43 of the Official Code of Georgia Annotated.

(d) "Land Surveyor" or "LS" means a person who is registered as a Land Surveyor under the provisions of Chapter 15 of Title 43 of the Official Code of Georgia Annotated.

(e) "Service member" means an active or reserve member of the United States armed forces, including the National Guard.

(f) "Transitioning service member" means a member of the military or active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Expedited applications. Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of a license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets all requirements for a license issued under Chapter 15 of Title 43.

(3) Licensure by comity of service members, transitioning service members, and military spouses. A service member, transitioning service member, or military spouse may qualify for a license by comity where the applicant:

(a) holds a license in good standing from another state for which the training, experience, and testing substantially meets or exceeds the requirements under Georgia law to obtain a license as a PE or LS;

(b) submits to the Board a verification of licensure from the appropriate licensing agency of another state showing that the applicant's active license is in good standing in that state;

(c) submits documentation satisfactory to the Board which verifies the applicant's status as a service member, transitioning service member, or military spouse;

(d) submits a completed application for licensure by comity on a form approved by the Board, pays the required fee, and requests a license by comity.

(4) Education, training, and experience obtained while in the military. A service member, transitioning service member, or military spouse may obtain credit for education and experience obtained while in the military that is required for licensure by Chapter 15 of Title 43 if he or she:

(a) submits documentation of graduation from a college or university with the major and/or hourly requirements that substantially meet or exceed the requirements under Georgia law for licensure as a PE or LS;

- (b) submits documentation showing years of experience doing acceptable work performed under the supervision of a person whose credentials are acceptable to the Board which meet the requirements for licensure under Georgia law;
- (c) submits documentation satisfactory to the Board which verifies the applicant's status as a service member, transitioning service member, or military spouse;
- (d) submits proof of passing the examinations required for licensure; and
- (e) submits a completed application on a form approved by the Board for approval to take the licensure examination or for licensure and pays the required fee.

Cite as Ga. Comp. R. & Regs. R. 180-3-.05

AUTHORITY: O.C.G.A. §§ [43-1-34](#), [43-15-4](#), [43-15-6](#), [43-15-9](#), [43-15-13](#), [43-15-14](#), [43-15-16](#).

HISTORY: Original Rule entitled "Licensure of Veterans and Military Spouses" adopted. F. Sep. 25, 2020; eff. Oct. 15, 2020.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-14. ABSENTEE VOTING

183-1-14-.06 Spoiled Absentee Ballots

(1) When an absentee ballot is spoiled, the elector may write "Spoiled" across the face of the ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector, the name, relationship, and oath of the person assisting, if any, and other required identifying information. The elector shall then fill out the required information on such envelope, without the requirement to subscribe or swear to the oath printed on such envelope. Such envelope shall then be securely sealed and the elector shall write across the face of the envelope "Spoiled" and then mail or personally deliver same to the board of registrars or absentee ballot clerk in accordance with O.C.G.A. Section [21-2-385](#).

(2) Upon receipt of an absentee ballot upon which the word "Spoiled" has been written across the face of the envelope, a registrar or absentee ballot clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or absentee ballot clerk shall, within two days after the receipt of such ballot, mail or issue another official absentee ballot to the elector. All returned spoiled ballots shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election.

(3) The directions that explain how to cast a vote and how to obtain a new ballot after one is spoiled shall appear immediately under the caption on the ballot in substantially the following form as appropriate for that particular primary or election:

To vote, use black or blue ink to mark the ballot. Completely fill-in the empty oval to the left of the candidate name or choice in all races you wish to vote. If voting for a Write-In Candidate, completely fill-in the empty oval to the left of the write in selection, then write the name of the write-in candidate in the space provided.

Warning, do not use red ink or a felt tip pen to mark the ballot. Do not circle, underline, or mark through ballot choices. Do not use "check" marks or an "X" to mark your ballot. Do not mark more choices per race than allowed. Do not sign, cut, tear, or damage the ballot.

If you change your mind or make a mistake on a selection, do not attempt to mark through the selection or attempt to erase. write "Spoiled" across the face of the ballot and across the return envelope. Mail or return the spoiled ballot and envelope to your county board of registrars, and a new official absentee ballot will be mailed to you.

If you decide to vote in-person, surrender the ballot to the poll manager of an early voting site within your county or the precinct to which you are assigned. You will then be permitted to vote a regular ballot.

"I understand that the offer or acceptance of money or another object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." See O.C.G.A. §§ [21-2-284\(e\)](#), [21-2-285\(h\)](#), and [21-2-383\(a\)](#).

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.06

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-284\(e\)](#), [21-2-285\(h\)](#), [21-2-383\(a\)](#).

HISTORY: Original Rule entitled "Spoiled Absentee Ballots" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

Amended: F. Sep. 16, 2020; eff. Oct. 6, 2020.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-15. RETURNS OF PRIMARIES AND ELECTIONS

183-1-15-.02 [Effective 10/14/2020] Definition of Vote

(1) Lever-type Voting Machines. A vote cast on a lever-type voting machine shall be the choice made by a voter by either operating the lever adjacent to the name of the candidate or answer to a question for which the voter desires to vote or by writing of the name of a qualified write-in candidate on the machine in accordance with the instructions for voting on the voting machine and then recording such votes on the machine by the actuation of the main lever which casts such votes and returns the other levers to their original positions.

(2) Optical Scan Voting Systems.

(a) A vote cast on an optical scan ballot marked by hand shall be the choice made by a voter by either:

1. Filling in the oval adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or

2. Filling in the oval adjacent to the appropriate write-in space and writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b) In reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), if the voter filled-in the oval next to the name of a candidate whose name appears on the ballot and filled-in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(c) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), it appears that there is a properly cast vote and what is clearly a stray mark which has caused the ballot scanner to read the vote for such office as an overvote, the properly cast vote shall be counted and the stray mark shall be ignored.

(d) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § [21-2-483\(g\)\(2\)](#), a voter marks his or her ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the vote review panel as provided in O.C.G.A. § [21-2-483\(g\)\(2\)\(B\)](#), the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(e) If, in reviewing an optical scan ballot marked by hand, a discrepancy is found between the voter's mark on the ballot that clearly and without question indicated the voter's intent and the result tabulated by the ballot scanner, the voter's mark shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(f) When an optical scan ballot marked by hand contains stray marks or marks which prevent the ballot scanner from properly recording valid votes as determined under this rule and by law, the ballot shall be duplicated in accordance with law to correct such problems and the duplicate shall then be tabulated.

(g) In lieu of manually duplicating a ballot pursuant to paragraph (e), the manual review of ballots with overvotes by vote review panels pursuant to O.C.G.A. § [21-2-483\(g\)](#) may be done by reviewing a digital image of the ballot and electronically adjudicating the intent of the voter, if such determination is recorded on the digital image of the ballot.

(h) A vote cast on an optical scan ballot marked by an electronic ballot marker shall be the choices indicated by the printed paper ballot.

(i) When an optical scan ballot marked by an electronic ballot marker contains marks added, in addition to what was printed by the electronic ballot marker, the additional marks shall be ignored.

(j) If, in reviewing an optical scan ballot marked by an electronic ballot marker in accordance with O.C.G.A. §§ [21-2-495](#) or [21-2-498](#), a discrepancy is found between the voter's choice indicated by the printed text on the ballot and the result tabulated by the ballot scanner, the printed text shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(k) Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that:

1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection;

2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection;

3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in O.C.G.A. [21-2-483\(g\)](#). In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

Cite as Ga. Comp. R. & Regs. R. 183-1-15-.02

AUTHORITY: O.C.G.A. §§ [21-2-2](#), [21-2-31](#), [21-2-133](#), [21-2-439](#), [21-2-483](#).

HISTORY: Original Rule entitled "Definition of Vote" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. May 8, 2020; eff. May 28, 2020.

Amended: F. Sep. 24, 2020; eff. Oct. 14, 2020.

183-1-15-.04 [Effective 10/14/2020] Audit

(1) Preparing for the Audit

1. Following November general elections in even-numbered years, each county shall participate in a statewide risk-limiting audit with a risk limit of not greater than 10 percent as set forth in this rule prior to the certification by the Secretary of State.

2. Prior to county certification, the election superintendent of each county shall prepare a ballot manifest as instructed by the Secretary of State.

3. The contest to audit shall be selected by the Secretary of State. The Secretary of State shall set a date, time, and location after the November general election in even-numbered years to select which contest to audit. Such meeting shall be open to the public. After selecting the contest to audit, the Secretary of State shall publicly announce which contest will be audited and publish the selected contest on the Secretary of State webpage. In selecting the contest to audit, the Secretary of State shall consider the below criteria:

a. The closeness of the reported tabulation outcomes;

- b. The geographical scope of the contests;
 - c. The number of ballots counted in the contests;
 - d. Any cause for concern regarding the accuracy of the reported tabulation outcome of the contests;
 - e. Any other benefits that may result from auditing certain contests; or
 - f. The ability of the county to complete the audit before the state certification deadline.
4. The audit shall be open to the public, and public notice of the date, time, and location of the audit must be posted on the county election office's website, or, if the county election's office does not have a website, in another prominent location.

(2) Conducting the Audit

1. The audit shall be open to the view of the public and press, but no person except the person(s) designated by the election superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container. The election superintendent may designate a viewing area from which members of the public may observe the audit for the purpose of good order and maintaining the integrity of the audit.
2. The election superintendent shall create audit teams comprised of at least two sworn designees to assist with the audit. The superintendent may designate non-employees to assist with the audit process. All persons who the superintendent designates to assist with the audit shall take and sign an oath that they will conduct the audit accurately and securely prior to assisting with the audit.
3. Chain of custody for each ballot shall be maintained at all times during the audit, including but not limited to, a log of the seal numbers on the ballot containers before and after completing the manual audit.
4. For ballots marked by electronic ballot markers, the auditors shall rely on the printed text on the ballot to determine the voter's selection. For ballots marked by hand, the auditors shall rely on the choices indicated by the voter by filling in the oval adjacent to the candidate or question.
5. The audit shall end once all selected ballots have been counted and the risk limit for the audit has been met.
6. The election superintendent shall report the results of the audit to the Secretary of State.
7. The election superintendent shall follow instructions issued by the Secretary of State on how to specifically conduct the audit, including but not limited to setting deadlines and formats for creating ballot manifests.

Cite as Ga. Comp. R. & Regs. R. 183-1-15-.04

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-498](#).

HISTORY: Original Rule entitled "Audit" adopted. F. Sep. 24, 2020; eff. Oct. 14, 2020.

Department 189. GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION

Chapter 189-2. PRACTICE AND PROCEDURE

189-2-.12 Rules of Procedure - Telephone and Video Conferencing

The Commission may on its own motion or upon the request of any party may in its discretion conduct any and all proceedings which are authorized to be conducted by the Commission by telephone or video conference with the attorneys for all affected parties, and with the parties and all necessary witnesses in the case of preliminary hearings, administrative hearings, final hearings, or other proceedings.

(1) The Commission's presiding officer or hearing officer may specify:

(a) The time and the person who will initiate the conference;

(b) The party which is to incur the initial expense of the conference, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and

(c) Any other matter or requirement necessary to accomplish or facilitate the telephone or video conference.

(2) As this rule relates to preliminary hearings, administrative hearings and final hearings, the following requirements shall apply:

(a) Said hearings shall comply with the Georgia Open Meetings Act.

(b) Said hearings shall comply with the applicable provisions of the Georgia Government Transparency and Campaign Finance Act, the Administrative Procedure Act and the Consolidated Rules and Regulations of the Commission.

(c) Notice shall be given to the parties and the public that a proceeding will occur partially or wholly by remote telephone or video conferencing. Such notice may be given by any means authorized by the Georgia Open Meetings Act.

(d) If a party or a member of the public objects to the remote proceeding, the Commission's presiding officer or hearing officer shall sustain or overrule such objection prior to commencing the proceeding.

(e) Members of the public shall be given an opportunity to view the remote proceedings, such as by joining the telephone or video conference, through a livestream of the proceeding, or through substantially similar means of viewing. The Commission will have the sole discretion to determine which parties and persons may participate in any remote proceeding conducted by telephone or video conference.

Cite as Ga. Comp. R. & Regs. R. 189-2-.12

AUTHORITY: O.C.G.A. §§ [21-5-6\(a\)\(7\)](#), [21-5-6\(b\)\(10\)](#).

HISTORY: Original Rule entitled "Rules of Procedure - Telephone and Video Conferencing" adopted. F. Sep. 2, 2020; eff. Sep. 22, 2020.

Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

Chapter 290-2. FAMILY AND CHILDREN SERVICES

Subject 290-2-28. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

290-2-28-.07 [Effective 10/11/2020] Hearings and Appeals

(1) An applicant for or recipient of assistance under the Temporary Assistance for Needy Families Act, shall be authorized to request and receive a hearing to challenge any denial, reduction, or termination of assistance based upon any action by the department of family and children services in accordance with Chapter 290-1-1 of the department's rules.

(2) Such hearing shall be conducted by the Office of State Administrative Hearings in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," the rules and regulations of the Office of State Administrative Hearings, and the rules and regulations of the department. A decision issued by an administrative law judge is a final decision pursuant to O.C.G.A. Section 50-13-41(c), subject to the right to judicial review of contested cases under Chapter 13 of Title 50.

(3) Nothing contained in these rules shall operate to create an entitlement to the receipt of cash assistance under the Georgia TANF Program.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.07

AUTHORITY: O.C.G.A. §§ 49-1-2, 49-2-6, 49-4-3, 49-4-13.

HISTORY: Original Rule entitled "Hearings and Appeal" adopted. F. Jun. 10, 1997; eff. Jul. 1, 1997, as specified by the Agency.

Amended: F. Sep. 21, 2020; eff. Oct. 11, 2020.

Department 295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Chapter 295-17. PETITION FOR RULE CHANGES

295-17-.01 Petition for Rule Changes

(1) Each petition for promulgation, amendment, or repeal of rules made pursuant to the Georgia Administration Procedure Act shall be filed with the Board that had enacted the rule, or would otherwise be charged with enforcing the rule. The petition shall be in writing, and shall state:

(a) The name and address of the petitioner:

(b) The full text of the rule requested to be amended or repealed and the changes to be made or the full text of the rule desired to be promulgated:

(c) A statement of the reason such rule should be amended, repealed, or promulgated including a statement of all pertinent existing facts that relate to petitioner's interest in the matter; and

(d) Citations of legal, if any, which authorize, support, or require the action requested by petition.

(2) Upon receipt of the petition, the Board shall decide upon the action to be taken. Within thirty (30) days after receipt of the petition, the Board either shall deny the petition in writing (stating its reasons for the denial) or shall initiate rule-making or rule-changing proceedings in accordance with O.C.G.A. § [50-13-4](#) (Georgia Administrative Procedure Act).

Cite as Ga. Comp. R. & Regs. R. 295-17-.01

AUTHORITY: O.C.G.A. § [50-13-9](#).

HISTORY: Original Rule entitled "Petition for Rule Changes" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Chapter 295-18. DECLARATORY RULINGS

295-18-.01 Declaratory Rulings

The agency shall render declaratory rulings as to the applicability of any statutory provision or of any of its rules. Requests for declaratory rulings must be in writing and the signature of the petitioner must be notarized. The agency shall respond to a request for a declaratory ruling within twenty-one (21) days of receipt of said request, except when the agency feels it would be in the best interest to seek the opinion of the Attorney General, in which case the response shall be issued within forty-five (45) days. Nothing in this paragraph shall limit or impair the right of the agency to seek the opinion of the Attorney General on any question of law connected with the duties of the agency. The agency shall not be required to render a declaratory ruling if it relates to an investigation agency before the Board.

Cite as Ga. Comp. R. & Regs. R. 295-18-.01

AUTHORITY: O.C.G.A. § [50-13-11](#).

HISTORY: Original Rule entitled "Declaratory Rulings" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-3. INVESTIGATIONS AND DISCIPLINE

360-3-.07 Practice Through Electronic or Other Such Means

(a) Under O.C.G.A. §§ [43-34-8](#) and [43-1-19](#), the Board is authorized to take disciplinary action against licensees for unprofessional conduct, and in connection therewith, to establish standards of practice. Except as otherwise provided, in order for a physician to practice within the minimum standards of practice while providing treatment and/or consultation recommendations by electronic or other such means, all the following conditions must be met:

(1) All treatment and/or consultations must be done by Georgia licensed practitioners;

(2) A history of the patient shall be available to the Georgia licensed physician, physician assistant or advanced practice registered nurse who is providing treatment or consultation via electronic or other such means;

(3) A Georgia licensed physician, physician assistant or advanced practice registered nurse either:

3.a. Has personally seen and examined the patient and provides ongoing or intermittent care by electronic or other such means; or

3.b. Is providing medical care by electronic or other such means at the request of a physician, physician assistant or advanced practice registered nurse licensed in Georgia who has personally seen and examined the patient; or

3.c. Is providing medical care by electronic or other such means at the request of a Public Health Nurse, a Public School Nurse, the Department of Family and Children's Services, law enforcement, community mental health center or through an established child advocacy center for the protection for a minor, and the physician, physician assistant or advanced practice registered nurse is able to examine the patient using technology and peripherals that are equal or superior to an examination done personally by a provider within that provider's standard of care; or

3.d. Is able to examine the patient using technology or peripherals that are equal or superior to an examination done personally by a provider within that provider's standard of care.

(4) The Georgia licensed physician, physician assistant or advanced practice registered nurse providing treatment or consultations by electronic or other means must maintain patient records on the patient and must document the evaluation and treatment along with the identity of the practitioners providing the service by electronic or other means, and if there is a referring practitioner, a copy of this record must also be provided to the referring physician, physician assistant or advanced practice registered nurse;

(5) To delegate to a nurse practitioner or to supervise a physician assistant doing telemedicine, the physician must document to the board that the provision of care by telemedicine is in his or her scope of practice and that the NP or PA has demonstrated competence in the provision of care by telemedicine.

(6) Patients treated by electronic or other such means or patient's agent must be given the name, credentials and emergency contact information for the Georgia licensed physician, physician assistant and/or advanced practice registered nurse providing the treatment or consultation. Emergency contact information does not need to be provided to those treated within the prison system while incarcerated but should be provided to the referring provider. For the purposes of this rule, "credentials" is defined as the area of practice and training for physicians, and for physician assistants and advanced practice registered nurses, "credentials" shall mean the area of licensure and must include the name of the delegating physician or supervising physician;

(7) The patient being treated via electronic or other means or the patient's agent must be provided with clear, appropriate, accurate instructions on follow-up in the event of needed emergent care related to the treatment. In the case of prison patients, prison staff will be provided this information if the consult is provided to an inmate; and

(8) The physician, physician assistant or nurse practitioner who provides care or treatment for a patient by electronic or other such means must make diligent efforts to have the patient seen and examined in person by a Georgia licensed physician, physician assistant or nurse practitioner at least annually.

(b) This rule should not be interpreted to interfere with care and treatment by telephonic communication in an established physician-patient relationship, call coverage for established physician-patients relationships, or telephone and internet consultations between physicians, nurse practitioners, physician assistants, other healthcare providers or child protection agencies.

(c) This rule does not authorize the prescription of controlled substances for the treatment of pain or chronic pain by electronic or other such means. All treatment of pain or chronic pain must be in compliance with Rule [360-3-.06](#).

(d) Nothing in this rule shall excuse a physician, nurse practitioner or physician assistant from ordering appropriate laboratory or other diagnostic tests needed to make diagnoses within the minimum standard of care.

(e) Nothing in this rule shall supersede any requirements provided for by other rules or laws.

(f) Licensees practicing by electronic or other means will be held to the same standard of care as licensees employing more traditional in-person medical care. A failure to conform to the appropriate standard of care, whether that care is rendered in person or via electronic or other such means, may subject the licensee to disciplinary action by the Board.

Cite as Ga. Comp. R. & Regs. R. 360-3-.07

AUTHORITY: O.C.G.A. §§ [43-1-19](#), [43-34-5](#) Ccl, [43-34-8](#), [43-34-23](#), [43-34-25](#), [43-34-31](#), [43-34-103](#), [43-34-105](#).

HISTORY: Original Rule entitled "Practice Through Electronic or Other Such Means" adopted. F. Jan. 13, 2014; eff. Feb. 2, 2014.

Repealed: New Rule of same title adopted. F. Nov. 16, 2017; eff. Dec. 6, 2017.

Repealed: New Rule of same title adopted. F. Sep. 8, 2020; eff. Sep. 28, 2020.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

391-3-11-.01 General Provisions

(1) Purpose - The purpose of these rules is to establish policies, procedures, requirements, and standards to implement the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), et seq. These rules are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and protecting the public health, safety and wellbeing of its citizens.

(2) Any reference in these rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 124, 260-266, 268, 270, 273 and 279 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices as may be associated as amended through December 9, 2019, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279, as pertains to any exclusion for carbon dioxide streams in geologic sequestration activities, or standardized permits (including all references to 40 C.F.R. Part 267, Part 270 Subpart J, Part 124 Subpart G), the May 2018 Response to Vacatur of Certain Provisions of the Definition of Solid Waste, or enforceable documents as defined in 270.1(c)(7), is adopted or included by reference herein.

(a) The text of the federal regulations incorporated by reference includes references to "RCRA", the "Resource Conservation and Recovery Act", "Subtitle C of RCRA", "the Act", and other general references that refer to the federal hazardous waste program as a whole. Unless otherwise noted, these references shall be construed to refer to the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), et seq. and the Georgia hazardous waste management program. References to "RCRA permits" or "RCRA Part B permits" shall refer to permits issued by the Environmental Protection Agency, the State of Georgia, or another authorized state. References to specific sections of RCRA shall refer to both the federal provisions of RCRA to be implemented by the Environmental Protection Agency, as well as analogous provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#) et seq., to be implemented by the Georgia Environmental Protection Division. References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations, and the authority and power of the analogous or related portions of the Georgia statutes and regulations shall also be considered to apply.

(b) When used in any provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279, references to RCRA "Subtitle D" and 40 C.F.R. Part 258, including 258.40, shall also be construed to refer to the provisions contained in Sections 391-3-4-.01, [391-3-4-.05](#), [391-3-4-.07](#), and [391-3-4-.11](#) through [391-3-4-.14](#) of the Georgia Rules for Solid Waste Management, as amended.

(c) When used in any such provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279: Environmental Protection Agency or EPA, except in reference to EPA ID numbers, EPA hazardous waste numbers, EPA publications or forms, regulations on international shipments, the electronic manifest system or its associated fee system, or manifest registry functions, pre-transport markings of hazardous waste, or EPA in "EPA or an authorized state" shall mean the Georgia Environmental Protection Division; and Administrator or Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division.

(d) Any reference to 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279 in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these rules:

Federal Regulation Reference	Georgia Rules Reference
40 C.F.R. 260.2(d)	391-3-11-.03(4)
40 C.F.R. 260.3	391-3-11-.01(2)(e)
40 C.F.R. 260.4	391-3-11-.10(3)
40 C.F.R. 260.10-11	391-3-11-.02
40 C.F.R. 260.42	391-3-11-.04
40 C.F.R. Part 264 Subpart H	391-3-11-.05(1)
40 C.F.R. Part 265 Subpart H	391-3-11-.05(2)
40 C.F.R. Part 261 Subpart H	391-3-11-.05(5)
40 C.F.R. Part 260 Subpart C	391-3-11-.07(2)
40 C.F.R. Part 261 Subparts A-E, I-J, M, AA-CC	391-3-11-.07(1)
40 C.F.R. Part 262	391-3-11-.08(1)
40 C.F.R. Part 263	391-3-11-.09
40 C.F.R. Part 264 Subparts A-G, I-O, S, W, X, and AA-EE	391-3-11-.10(2)
40 C.F.R. Part 265 Subparts A-G, I-R, W, and AA-EE	391-3-11-.10(1)
40 C.F.R. Part 266	391-3-11-.19
40 C.F.R. Part 124	391-3-11-.11
40 C.F.R. Part 270	391-3-11-.11
40 C.F.R. Part 268	391-3-11-.16
40 C.F.R. Part 279	391-3-11-.17(1)
40 C.F.R. Part 273	391-3-11-.18

References to EPA forms or reports, except in reference to regulations on international shipments, manifests, or the electronic manifest system, shall mean EPD forms and reports as may be provided by the Director.

(e) [40 C.F.R. 260.3](#) is hereby incorporated by reference.

(3) As of July 10, 1992, any facility which failed to qualify for federal interim status for any waste code promulgated pursuant to the Hazardous and Solid Waste Amendments (HSWA) or who lost interim status for failing to certify under HSWA for any newly promulgated waste code, is also denied interim status under State law.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.01

AUTHORITY: O.C.G.A § [12-8-60](#), et seq.

HISTORY: Original Rule entitled "General Provisions" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. June 2, 2016; eff. June 22, 2016.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Amended: F. Sep. 15, 2020; eff. Oct. 5, 2020.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-21. GRANT PROGRAMS

391-3-21-.15 Georgia Diesel Emissions Reduction Program

(1) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the vehicles for retrofit and the type of emission control equipment to be used.

2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; use of retrofit technologies that have been or will be verified or certified under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or by the California Air Resources Board (CARB); submission of quarterly reports when applicable; submission of a final report when applicable; compliance with applicable Federal procurement and subgrant procedures; certification that the emission control equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications of diesel vehicles that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.

(b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that proposes to install emission control devices on school buses the system owns and operates.

(c) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that are adjacent to designated PM2.5 nonattainment or maintenance counties.

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment for PM2.5 and are not adjacent to designated PM2.5 nonattainment or maintenance counties.

3. Third priority will be given for public school systems whose fleets are based in counties that have been officially designated as nonattainment or maintenance for the PM2.5 standard.

Within each priority, applications will be ranked according to the following criteria:

1. Retrofit of school buses with devices that reduce PM2.5 by a minimum of 50% on school bus engines with model years ranging from 2001 through 2006; and

2. Cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(d) **Deadline For Submittal.** EPD will issue the first solicitation for applications on or before April 18, 2011. Applications will be due within six weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).

(e) **Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

(f) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(2) **Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose.** Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting, replacing, repowering, and/or rebuilding diesel vehicles/engines that are located or operated in the State of Georgia.

(a) **General Terms and Conditions of the Grant.**

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for:

(i) Early replacement and the model year of the new replacement bus(es);

(ii) Repowering and the replacement engine manufacturer, model, model year, and fuel type for each proposed repowered bus;

(iii) Existing engine(s) to be rebuilt and the standard the rebuilt engine is expected to meet; and/or

(iv) Identify the school buses for installing emission control devices and type of emission control equipment to be used.

2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation.

(i) Coordination with EPD personnel.

(ii) Use of verified emission control technologies under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB) for projects including emission control equipment.

(iii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iv) Use of replacement engines certified by EPA or CARB to a cleaner emission standard than the original engine for projects including the repowering of school bus engines.

(v) Use of rebuilt engines certified to a cleaner EPA or CARB emission standard than the original engines for projects including the rebuilding of existing school bus engines.

(vi) Funds under this award cannot be used for emission reductions that result from school bus replacements or repowers that would have occurred through normal attrition/fleet turnover within three years of October 1, 2012.

(vii) Funds under this award cannot be used for the purchase of school buses or engines to expand a fleet.

(viii) Any proposed replacement bus or engine must perform the same function and operation as the bus or engine that is being replaced.

(ix) Any proposed replacement bus or engine must be of the same type and similar gross vehicle weight rating or horsepower as the bus or engine being replaced.

(x) Any proposed engine to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the engine while retaining possession of the engine is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders). Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing of school bus engines requires that the engine be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrapping methods may be considered and will require prior Division approval. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(xi) Any school bus to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (x) above) while retaining possession of the bus is an acceptable scrapping method. Disabling the chassis may be completed by cutting the chassis in half. Remanufacturing of a highway school bus requires that it be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrapping methods may be considered and will require prior Division approval. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(xii) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (x) and (xi)) in projects that include early bus replacement or bus repowering.

(xiii) Submission of quarterly and final reports when requested.

(xiv) Compliance with applicable Federal procurement and subgrant procedures.

(xv) Certification that the emission control equipment was properly installed and is in working condition when applicable.

(xvi) Use of data-logging in accordance with manufacturer specifications of diesel school buses that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles.

(xvii) Proper maintenance of school buses and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises, as applicable.

(xviii) Use of the emission control equipment and/or rebuilt engine on the school buses and/or use of repowered and replacement school buses for a minimum of four years unless the equipment is damaged beyond repair and/or the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that owns and operates school buses. Eligible applicants can only receive funding for projects proposing to:

1. Retrofit school buses with pre-2007 model year engines with emission control devices;
2. Rebuild school bus pre-2007 engines to a cleaner engine standard;
3. Replace school buses with pre-2007 model year engines with school buses equipped with 2010 or newer model year engines; and/or
4. Repower school buses with pre-2007 model year engines with engines certified by EPA or CARB to a cleaner emission standard.

(c) Match Requirements. Project applicants shall be required to match a minimum of 50% of the project cost for purchasing and installing emissions control devices on diesel school buses and/or to rebuild school bus engines, to match a minimum of 65% of the project cost to purchase early replacement school buses, and/or match a minimum of 65% of the project cost to repower school bus engines.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM_{2.5} and who submit projects to retrofit school buses with emission control devices.
2. Second priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM_{2.5} and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
3. Third priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM_{2.5} standard and who submit projects to retrofit school buses with emission control devices.
4. Fourth priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM_{2.5} standard and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
5. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline For Submittal. EPD will issue the first solicitation for applications on or before June 1, 2013. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).

(f) Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(3) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this subsection.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1991-2003.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of October 1, 2014.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running

the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing shall be performed by the original engine manufacturer, or by a dealership/distributor that has a service program that is sponsored/backed by original engine manufacturer warranties (i.e. the new, remanufactured and upgraded engine is warranted by the OEM). Bus engines shall be remanufactured to Model Year (MY) 2007 or newer certified emission standards. Remanufacturing must be completed during the project period. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1991-2003 school buses equipped with pre-2007 model year engines with school buses equipped with 2013 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for PM2.5

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for PM2.5

3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications on or before December 31, 2014. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this

program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this Subsection 391-3-21-.15(3).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(4) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1996-2006.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for the 2008 or 2015 Ozone National Ambient Air Quality Standards (NAAQS)

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS

3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been

obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(4).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(5) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1995-2006.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1995-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects

rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(5).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(6) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy-duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1996-2018.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2018 diesel school buses with 2016 or newer near zero NO_x or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects

rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(6).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(7) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.

(iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be between 1996-2020.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapping is to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a 1996-2009 EMY bus, and the 1996-2009 EMY bus is scrapped. The retained bus must be sold, and the 1996-2009 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell a bus is only allowed if the NO_x emission reduction benefits are retained or improved compared to the original application. A detailed scrapping plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 diesel school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2020 diesel school buses with 2016 or newer low-NO_x or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) **Deadline for Submittal.** EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(7).

(f) **Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

(g) **Award of the Georgia Diesel Emission Reduction Program grants** is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.15

AUTHORITY: O.C.G.A. §§ [12-9-1](#) et seq., as amended.

HISTORY: Original grant description entitled "Georgia Diesel Emissions Reduction Program" submitted May 16, 2011.

Submitted: May 2, 2013.

Submitted: Nov. 10, 2017.

Submitted: Oct. 29, 2018.

Submitted: Sep. 6, 2019.

Submitted: Sep. 15, 2020.

Department 464. GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL

Chapter 464-3. OFFICER CERTIFICATION

464-3-.02 [Effective 10/11/2020] Qualifications for Certification: Pre-Employment Requirements

(1) When initially accepted for employment or appointment by a law enforcement unit or communications agency, any candidate seeking certification under these Rules shall:

(a) Be at least eighteen (18) years of age as evidenced by a certified copy of said candidate's birth certificate or other proof of birth acceptable to the Council.

(b) Be a citizen of the United States or a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of said candidate's birth certificate or other certified proof of citizenship acceptable to the Council.

(c) Have a high school diploma or its recognized equivalent or an approved college degree indicating successful completion of high school. A recognized equivalent means a diploma awarded by any state on the basis of a General Education Development (GED) Test. If an applicant for certification is unable to document that the high school diploma was issued by an accredited school, successful completion of an examination provided or approved by the Council shall suffice. Documented non-accredited schools are not applicable under this rule.

(d) Complete two (2) applicant fingerprint cards prior to commencement of employment as a peace officer in a law enforcement unit. All fingerprint cards shall be processed by the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC) and the results returned to the Council.

(e) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his/her exercising the powers or duties of a peace officer. Refer to POST Rule 464-3-.14 for additional requirements for law enforcement officers.

(f) Successfully complete a job-related academy entrance examination approved by the Council in conformity with state and federal law (where applicable).

(g) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in the federal or state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered.

(h) Possess good moral character as determined by investigation under procedure established by the Council.

Cite as Ga. Comp. R. & Regs. R. 464-3-.02

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Equivalent Instruction" adopted. F. Feb. 12, 1971; eff. Mar. 4, 1971.

Repealed: F. Sept. 2, 1975; eff. Sept. 22, 1975.

Amended: New Rule entitled "Qualifications for Certification: Pre-Employment Requirements" adopted. F. Mar. 2, 1988; eff. Mar. 22, 1988.

Repealed: New Rule of same title adopted. F. Mar. 19, 1998; eff. Apr. 8, 1998.

Amended: F. Dec. 18, 2007; eff. Jan. 7, 2008.

Amended: F. Jun. 15, 2011; eff. Jul. 5, 2011.

Amended: F. Jun. 19, 2012; eff. Jul. 9, 2012.

Amended: F. Sep. 21, 2020; eff. Oct. 11, 2020.

464-3-.12 [Effective 10/11/2020] Requirements for Retired Law Enforcement Credentials Issued in Accordance with O.C.G.A. 16-11-130(c)(2)(E)

(1) A person who is a citizen of this state; and

(2) Has retired with at least ten years of aggregate service as a law enforcement officer with powers of arrest under the laws of any state of the United States or of the United States; and

(3) Separated from service in good standing.

(a) Good standing shall be defined as not being subject to any suspension or revocation to practice as a law enforcement officer.

(b) If the applicant for retired credentials served as an officer in another state(s) or the United States, documentation of good standing shall be required from the state(s) where the applicant was employed as a law enforcement officer or the United States.

(c) Each applicant shall document eligibility to possess a firearm by providing a copy of a valid Georgia Weapons Carry Permit.

(4) Each applicant must provide, with the application for retired credentials, one photograph that complies with a US Department of State passport photo; and

(5) all documents must be submitted on forms approved by Council.

Cite as Ga. Comp. R. & Regs. R. 464-3-.12

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Requirements for Retired Law Enforcement Credentials Issued in Accordance with O.C.G.A. [16-11-130\(c\)\(2\)\(E\)](#)" adopted. F. Sep. 21, 2020; eff. Oct. 11, 2020.

464-3-.13 [Effective 10/11/2020] Officer Code of Conduct Agreement

(1) Effective January 1, 2021, any officer actively employed as a peace officer, communications officer or jail officer must submit an Officer Code of Conduct Agreement on forms approved by Council.

Cite as Ga. Comp. R. & Regs. R. 464-3-.13

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Officer Code of Conduct Agreement" adopted. F. Sep. 21, 2020; eff. Oct. 11, 2020.

464-3-.14 [Effective 10/11/2020] Law Enforcement Officer Psychological Affidavit

When initially accepted for employment or appointment as a law enforcement officer, any candidate seeking certification under these Rules shall:

- (1) Be found, after examination by a licensed psychiatrist, or psychologist to be free from any emotional, or mental conditions which might adversely affect his/her exercising the powers or duties of a peace officer; and
- (2) Each agency must submit an affidavit acknowledging that a psychological evaluation to determine suitability as a law enforcement officer was conducted on each application for certification, on forms approved by Council; or
- (3) Each academy director must submit an affidavit acknowledging that a psychological evaluation to determine suitability as a law enforcement officer was conducted on each pre-service applicant for certification, on forms approved by Council.

Cite as Ga. Comp. R. & Regs. R. 464-3-.14

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Law Enforcement Officer Psychological Affidavit" adopted. F. Sep. 21, 2020; eff. Oct. 11, 2020.

464-3-.15 [Effective 10/11/2020] Voluntary Surrender of Certification

An officer may voluntarily surrender any POST certification they have been issued. Any surrendered certification shall be deemed equivalent to a revocation.

Cite as Ga. Comp. R. & Regs. R. 464-3-.15

AUTHORITY: O.C.G.A. § [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Voluntary Surrender of Certification" adopted. F. Sep. 21, 2020; eff. Oct. 11, 2020.

Department 464. GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL

Chapter 464-7. PRE-INVESTIGATIVE CONSENT ORDERS

464-7-.02 [Effective 10/11/2020] Administration of Pre-Investigative Consent Orders

In certain instances, using guidelines approved by the POST Council, a pre-investigative consent order may be offered, in lieu of a full POST disciplinary investigation. Any such consent order agreed upon and finalized by the Executive Director and Chairman shall be deemed to be the final action of the Council. In cases in which no agreement is made, the Director of the Investigations Division of the Council shall assign the case to an investigator as in other cases.

Cite as Ga. Comp. R. & Regs. R. 464-7-.02

AUTHORITY: O.C.G.A. [35-8-7\(23\)](#).

HISTORY: Original Rule entitled "Exemption Certificate" was filed on April 13, 1972; effective May 3, 1972.

Amended: Rule repealed. Filed September 2, 1975; effective September 22, 1975.

Amended: Rule entitled "Forms Required for Admission to the Basic Course" adopted. Filed March 22, 1976; effective April 11, 1976.

Amended: Filed October 12, 1976; effective November 1, 1976.

Amended: Rule repealed and a new Rule entitled "Use of Funds" adopted. Filed July 7, 1978; effective July 27, 1978.

Amended: Rule repealed and a new Rule entitled "Funding of Candidates" adopted. Filed March 2, 1988; effective March 22, 1988.

Repealed: F. Mar. 19, 1998; eff. Apr. 8, 1998.

Adopted: New Rule entitled "Administration of Pre-Investigative Consent Orders." F. Dec. 21, 2015; eff. Jan. 10, 2016.

Amended: F. Sep. 21, 2020; eff. Oct. 11, 2020.

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-2. LICENSURE REQUIREMENTS

490-2-.01 Application For Licensure And Examination

- (1) A completed application for examination must be submitted and approved prior to taking the examination.
- (2) Any physical therapist or physical therapist assistant who plans to practice as a physical therapist or physical therapist assistant in the State of Georgia must be licensed by the Board or hold a Georgia Compact Privilege issued by the Physical Therapy Compact Commission prior to beginning said practice.
- (3) Any applicant who does not submit required documentation within one year of initial filing date will not be given further consideration by the Board until submission of new application and payment of appropriate fees.
- (4) All applicants for licensure and examination are also subject to the provisions of O.C.G.A. §§ [43-1-19](#) and [43-33-18](#).

Cite as Ga. Comp. R. & Regs. R. 490-2-.01

AUTHORITY: O.C.G.A. §§ [43-1-25](#); [43-33-10\(11\), \(12\)](#); [43-33-14](#); [43-33-31](#).

HISTORY: Original Rule entitled "Application for Registration and Examination" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. May 1, 1973; eff. May 21, 1973.

Repealed: New Rule entitled "Application for Licensure and Examination" adopted. F. June 6, 1983; eff. June 26, 1983.

Repealed: New Rule of same title adopted. F. Mar. 22, 1989; eff. Apr. 11, 1989.

Amended: F. July 17, 1989; eff. Aug. 6, 1989.

Amended: F. May 26, 1993; eff. June 15, 1993.

Amended: F. Jan. 24, 1995; eff. Feb. 13, 1995.

Repealed: New Rule of same title adopted. F. Aug. 20, 2004; eff. Sept. 9, 2004.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

490-2-.03 Licensure: Foreign-Educated Applicants

(1) All applicants who are graduates of educational programs conducted in a foreign country that are not accredited by CAPTE and approved by the Board must submit credentials prescribed by the Board in order to be considered for approval to take the licensing examination.

(a) Transcripts must be evaluated by a credential evaluation agency approved by the Board to determine if the professional instruction is substantially equivalent to that of entry-level United States-educated therapists. The credentialing evaluation agency shall evaluate the transcripts and professional instruction using the most recent Coursework Tool (CWT) adopted by the Federation of State Boards of Physical Therapy and send its evaluation and

a copy of the official transcript directly to the Board. A list of credentialing agencies approved by the Board shall be included in each application packet.

(b) Proof of licensure/certification/registration, that is current and in good standing, to practice physical therapy, or proof of appropriate eligibility to practice physical therapy, in the country of education must be submitted.

(c) Verification of licensure/certification/registration in all jurisdictions in which the candidate holds or has ever held a license/certification/registration must be submitted.

(d) Applicants educated in a non-English speaking physical therapy program must take and receive a passing score of 89 on the IBT TOEFL to include: a passing score of 22 on the writing section, a passing score of 22 on the reading section, a passing score of 21 on the listening section and a passing score of 24 on the speaking section before being allowed to sit for the licensure examination. Official score results must be submitted to the Board.

(e) Applicants educated in an English speaking physical therapy program must have a school official submit an official letter to the Board attesting that the physical therapy curriculum was taught in English.

(f) Once a completed application is on file and prior to initiation of a traineeship, all foreign educated applicants must take and pass the NPTE and the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy.

(g) All foreign-educated applicants must complete a Board-approved traineeship consisting of a minimum of 480 hours, which must be completed within three (3) months of the issuance of the traineeship permit. *This requirement may be waived at the discretion of the Board if the applicant has demonstrated clinical competency with a minimum of 5 years of continuous active practice and license in good standing.*

(2) Applicants educated in a foreign physical therapy program that is accredited by CAPTE and approved by the Board, do not have to submit a credentials evaluation but they must meet the conditions of Board Rule [490-2-.02](#).

Cite as Ga. Comp. R. & Regs. R. 490-2-.03

AUTHORITY: §§ [43-1-25](#); [43-33-10\(1\), \(2\), \(3\), \(10\), \(11\)](#); [43-33-12\(1\)](#); [43-33-13\(1\)](#); [43-33-14](#).

HISTORY: Original Rule entitled "Board Action Upon Application for Registration" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. May 1, 1973; eff. May 21, 1973.

Repealed: New Rule entitled "Licensure: Foreign-Educated Applicants" adopted. F. Jan. 19, 2005; eff. Feb. 8, 2005.

Repealed: New Rule of the same title adopted. F. May 12, 2010; eff. June 1, 2010.

Amended: F. May 23, 2013; eff. Jun. 12, 2013.

Amended: F. Aug. 26, 2015; eff. Sep. 15, 2015.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

490-2-.09 Licensure: Reciprocity

(1) The Board may, in its discretion register a physical therapist or physical therapist assistant without an examination as set forth in Official Code of Georgia Annotated Section [43-33-15](#) upon payment of applicable fees. (Refer to fee schedule)

(2) Any applicant applying for licensure pursuant to O.C.G.A. [43-33-15](#) and who is a graduate of a physical therapy or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and approved by the Board, must provide:

- (a) Verification of an active license in good standing from another state board; and,
- (b) A verification of licensure in good standing from the state board of all states in which the applicant has held a license to actively practice; and,
- (c) Verification of active practice in the two years immediately preceding the date of application; or proof of completion of 26 hours of acceptable continuing education coursework pursuant to the requirements in Board Rule [490-4-.02\(1\)\(2\)\(4\)\(7\) and \(8\)](#) and,
- (d) Official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation; and,
- (e) Passing scores from the national licensing examination; and,
- (f) Passing scores from the Georgia Ethics and Jurisprudence Examination.

(3) Any applicant applying for licensure pursuant to O.C.G.A. [43-33-15](#) who is a graduate of a physical therapy or physical therapist assistant program not accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or approved by the Board, must provide:

- (a) Verification of an active license in good standing from another state board; and,
 - (b) A verification of licensure in good standing from the state board of all states in which the applicant has held a license to actively practice; and,
 - (c) Verification of active practice in the two years immediately preceding the date of this application; and,
 - (d) Official evaluation and transcript from a credential evaluation organization approved by the State of Georgia which shall meet the standards of the Federation of State Boards of Physical Therapy Coursework Tool (CWT) that was in effect at the time the applicant graduated from their physical therapy or physical therapist assistant educational program; and
 - (e) Passing scores from the national licensing examination; and,
 - (f) Passing scores from the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy.
- (4) Proof of graduation from an accredited physical therapy or physical therapist assistant program or credential evaluations deemed substantially equivalent to the professional degree, and satisfactory completion of the licensing examination shall be deemed to be prima facie evidence of compliance with Code Section [43-33-15](#). The Board, however, may request further verification of any credential submitted if deemed necessary to evaluate the application.

Cite as Ga. Comp. R. & Regs. R. 490-2-.09

AUTHORITY: O.C.G.A. §§ [43-1-25](#); [43-33-2](#), [43-33-10\(2\)](#); [43-33-15](#).

HISTORY: Original Rule entitled "Examination Proctors" adopted. F. and eff. June 30, 1965.

Repealed: F. May 1, 1973; eff. May 21, 1973.

Amended: New Rule entitled "Licensure: Endorsement" adopted. F. June 27, 1995; eff. July 17, 1995.

Amended: New title "Licensure: Endorsement/Reciprocity." F. Apr. 13, 2017; eff. May 3, 2017.

Amended: F. May 30, 2018; eff. June 19, 2018.

Amended: New title "Licensure: Reciprocity." F. Sep. 14, 2020; eff. Oct. 4, 2020.

490-2-.10 Licensure - Endorsement/Reciprocity for Military Spouses and Transitioning Service Members

(1) The Board may, in its discretion register a physical therapist or physical therapist assistant without an examination as set forth in Official Code of Georgia Annotated Section [43-33-15](#) upon receipt of a complete application and payment of applicable fees. (Refer to fee schedule)

(2) A military spouse or transitioning service member, as defined in O.C.G.A. § [43-1-34](#), is deemed eligible to apply for licensure pursuant to O.C.G.A. [43-33-15](#) if the applicant is a holder of a valid physical therapy or physical therapist assistant license in another State for which the training, experience and testing substantially meet or exceed the requirements under this state to obtain a license; and,

(a) The military spouse or transitioning service member must be a graduate of a physical therapy or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) approved by the Board, and must provide:

1. Verification of an active license in good standing from another state board; and,
2. Within six (6) months of the issuance of a license, submit a verification of licensure in good standing from the state board of all states in which the applicant has held a license to actively practice; and,
3. Verification of active continued competence in physical therapy in the two years immediately preceding the date of this application which may include a verification of employment or 26 hours of acceptable continuing education coursework pursuant to the requirements in Board Rule [490-4-.02\(1\)\(2\)\(4\)\(7\) and \(8\)](#); and,
4. Official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation; and,
5. Passing scores from the national licensing examination.
6. Passing scores from the Georgia State Board of Physical Therapy ethics and jurisprudence examination.

(b) Any military spouse or transitioning service member applying for licensure pursuant to O.C.G.A. [43-33-15](#) who is a graduate of a physical therapy or physical therapist assistant program not accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or approved by the Board, must provide:

1. Verification of an active license in good standing from another state; and,
2. Within six (6) months of the issuance of a license, submit verification of licensure in good standing from the state board of all states in which the applicant has actively practiced in the two years immediately preceding the date of this application; and,
3. Verification of active continued competence in physical therapy in the two years immediately preceding the date of this application which may include a verification of employment or 26 hours of acceptable continuing education coursework pursuant to the requirements in Board Rule [490-4-.02\(1\)\(2\)\(4\)\(7\) and \(8\)](#); and,
4. Official evaluation and transcript from a credential evaluation organization approved by the Board which shall meet the standards of the Federation of State Boards of Physical Therapy Coursework Tool (CWT) that was in effect

at the time the applicant graduated from their physical therapy or physical therapist assistant educational program; and,

5. Passing scores from the national licensing examination.

6. Passing scores from the Georgia State Board of Physical Therapy ethics and jurisprudence examination.

(3) Proof of graduation from an accredited physical therapy or physical therapist assistant program or credential evaluations deemed substantially equivalent to the professional degree, and satisfactory completion of the licensing examination shall be deemed to be prima facie evidence of compliance with Code Section [43-33-15](#). The Board, however, may request further verification of any credential submitted if deemed necessary to evaluate the application.

Cite as Ga. Comp. R. & Regs. R. 490-2-.10

AUTHORITY: O.C.G.A. §§ [43-1-25](#); [43-1-34\(b\)](#), [43-33-2](#), 43-33-10(1), (2), (3), (11); [43-33-14](#); [43-33-15](#).

HISTORY: Original Rule entitled "Practical and Oral Examinations" adopted. F. and eff. June 30, 1965.

Repealed: F. May 1, 1973; eff. May 21, 1973.

Adopted: New Rule entitled "Licensure: Endorsement/Reciprocity for Military Spouses and Transitioning Service Members." F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-4. RENEWAL: CONTINUING COMPETENCE REQUIREMENTS-DISCIPLINARY SANCTIONS

490-4-.02 Continuing Competence Requirements

(1) The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in thirty (30) clock hours of experience per licensure period which is not to exceed ten (10) credit hours per calendar day. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia.

(a) The Board recommends the requirements for competence as planned learning experiences which have content beyond the licensee's present level of knowledge and competence which may be subject to audit by the board.

(b) Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area.

(c) In the event that a licensee does not meet the continuing competence requirement, the license will not be renewed.

(2) Effective July 1, 2018, (30) hours of continuing competence per biennium shall include a minimum of four (4) contact hours specifically in Georgia Ethics and Jurisprudence as defined in the Georgia Physical Therapy Act or by passage of the Georgia Ethics and Jurisprudence Examination.

(a) A Georgia Ethics and Jurisprudence course must be obtained from a Georgia college or university with an accredited physical therapy education program or a provider which holds a current Physical Therapy Association of Georgia (PTAG) Approval Certificate for the course.

(b) Passage of the Georgia Ethics and Jurisprudence Examination is equivalent to the four (4) hour continuing competence requirement for Georgia Ethics and Jurisprudence provided that the same test result has not been previously submitted to the Board as part of an application for licensure or to satisfy the requirements of an order of the Board.

(3) The following programs and activities may be considered for approval, but are not limited to:

(a) Programs approved by the American Physical Therapy Association and its affiliate components; or

(b) Programs approved by the Physical Therapy Association of Georgia or any other state chapters; or

(c) Programs approved by the Federation of State Boards of Physical Therapy (Procert); or

(d) Programs provided at CAPTE-Accredited colleges and universities with programs in physical therapy when the continuing competency course is held under the auspices of the school of physical therapy; or

(e) Programs offered by similar professional organizations offering experiences that meet the guidelines set forth in paragraph one.

(f) Fifteen (15) hours for undergoing a peer review; or

(g) Ten (10) hours for conducting a peer review when that activity is an adjunct responsibility and not the primary employment; or

(h) Participation as a presenter for continuing education courses, workshops, seminars or symposia which have been approved by the approved list above; Continuing competence credit is based on contact hours and may not exceed 10 hours per topic;

(i) Authorship of a presented scientific poster, scientific platform presentation or published article; Continuing competence credit is 10 hours per even and may not exceed 20 hours;

(j) Teaching a physical therapist or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment; Continuing competence credit is based on contact hours not to exceed 20 hours;

(k) Certification of clinical specialization by the American Board of Physical Therapy Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded.

(l) Self-instruction from reading professional literature; Continuing competence credit is limited to a maximum of three (3) hours; or

(m) Attendance at a scientific poster session, lecture, panel, symposium or university course Continuing competence credit is one hour per contact hour of activity; or

(n) Acting as a clinical education instructor for an accredited physical therapist or physical therapist assistant educational program; Continuing competence credit is one (1) hour per eight (8) contact hours with a maximum credit of 10 hours; or

(o) Acting as a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship or as a mentor or a learner for a formal, nonacademic mentorship with a maximum credit of 10 hours.

(p) Donating time in the role of a Physical Therapist or Physical Therapist Assistant, within the scope of practice, to a charity event; Continuing competence credit is one (1) hour per eight (8) contact hours, limited to a maximum of five (5) hours;

(q) Reference Policy 13

(r) Post professional physical therapist educational programs that award academic credit are counted as one (1) university credit hour equaling ten (10) continuing competence hours. For example, a two (2) credit hour course in which a passing grade is achieved would equal twenty (20) continuing competence hours.

(4) Unacceptable activities for continuing competence include, but are not limited to:

(a) Orientation and in-service programs;

(b) Meetings for purposes of policy decisions;

(c) Non-educational meeting at annual association, chapter or organization meetings;

(d) Entertainment or recreational meeting or activities;

(e) Committee meetings, holdings of offices, serving as an organization delegate;

(f) Visiting exhibits;

(g) CPR.

(5) Continuing competence requirements shall apply within the first biennium that a physical therapist/physical therapist assistant is licensed in Georgia. However, licensees who have graduated during the current renewal biennium and who have passed the National Physical Therapy Examination are exempt from the continuing competence requirement during the biennium in which they have graduated and successfully passed the exam.

(6) Beginning the January 1, 2014 through December 31, 2016 biennium and thereafter, persons licensed to practice as a physical therapist or a physical therapy assistant or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.

(a) For the purposes of this requirement, the Georgia State Board of Physical Therapy adopts the utilization of CE Broker.

(b) Licensees and applicants shall incur no additional costs from CE Broker for this service.

(c) Every licensee or applicant subject to the rules of the Georgia State Board of Physical Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the board.

(7) Individuals licensed during the last six (6) months of a biennium renewal period will not be required to meet continuing competence requirements for that biennium.

(8) Individuals who have been reinstated within the last six (6) months of a biennium renewal period may use the continuing competence coursework used for reinstatement, thereby making them exempt from the requirement for that biennium renewal period.

(9) Those licensees selected for audit shall submit documentation of compliance upon receipt of notice. Acceptable documentation shall include:

(a) An official program or outline of the course attended or taught or a copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship; and

(b) A certificate or verification of completion of home study which identifies the sponsoring entity or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable activities, or documentation of self-instruction or reading professional literature; or

(c) Verification of a peer review of practice with verification of acceptable practice by a recognized entity. An example of a recognized entity is the American Physical Therapy Association Board Policy (See APTA Policy G03-05-15-40).

(10) Responsibilities of the Licensee:

(a) To maintain the original continuing competence documents no less than five (5) years from the date the Continuing Education credit was obtained. These records should be maintained in the licensee's personal files for no less than five (5) years.

(b) To complete all steps necessary to meet the re-licensure requirements on or before December 31st of the odd numbered years.

(c) To provide the Board with information requested during an audit.

(d) To keep a current mailing address and email address on file with the Licensing Board Office at all times.

Cite as Ga. Comp. R. & Regs. R. 490-4-.02

AUTHORITY: O.C.G.A. §§ [43-1-24](#); [43-1-25](#); [43-33-10\(11\)](#); [43-33-16](#).

HISTORY: Original Rule entitled "Revocation, Refusal to Renew" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule of the same title adopted. Filed April 20, 1973; effective May 10, 1973.

Amended: Rule repealed and a new Rule entitled "Disciplinary Sanctions" adopted. Filed December 15, 1982; effective January 4, 1983.

Amended: Rule repealed and a new Rule of the same title adopted. Filed February 4, 1985; effective February 24, 1985.

Amended: Filed February 28, 1986; effective March 20, 1986.

Amended: Rule renumbered as Rule [490-4-.03](#) and a new Rule entitled "Continuing Education Requirements" adopted. Filed January 28, 1987; effective February 17, 1987.

Amended: Filed June 26, 1987; effective July 16, 1987.

Repealed: New Rule of same title adopted. F. Mar. 22, 1989; eff. Apr. 11, 1989.

Amended: F. Aug. 24, 1989; eff. Sept. 13, 1989.

Repealed: New Rule of same title adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Amended: F. May 9, 2000; eff. May 29, 2000.

Amended: F. May 19, 2004; eff. June 8, 2004.

Repealed: New Rule of same title adopted. F. June 22, 2007; eff. July 12, 2007.

Repealed: New Rule of the same title adopted. F. May 12, 2010; eff. June 1, 2010.

Amended: F. May 17, 2011; eff. June 6, 2011.

Repealed: New Rule of same title adopted. F. May 25, 2012; eff. Jun. 14, 2012.

Amended: F. May 23, 2013; eff. Jun. 12, 2013.

Amended: F. Jan. 16, 2015; eff. Feb. 5, 2015.

Amended: F. Feb. 14, 2019; eff. Mar. 6, 2019.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

490-4-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 490-4-.03

AUTHORITY: O.C.G.A. §§ [43-1-19](#), [43-1-25](#), [43-33-10](#), [43-33-12](#), [43-33-13](#), [43-33-14](#), [43-33-18](#).

HISTORY: Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 28, 1987; eff. Feb. 17, 1987.

Amended: F. Mar. 22, 1989; eff. Apr. 11, 1989.

Amended: F. Feb. 26, 1990; eff. Mar. 18, 1990.

Amended: F. Dec. 6, 1990; eff. Dec. 26, 1990.

Amended: F. Mar. 28, 1994; eff. Apr. 17, 1994.

Amended: F. Mar. 7, 2002; eff. Mar. 27, 2002.

Repealed: New Rule of same title adopted. F. Mar. 16, 2005; eff. Apr. 5, 2005.

Repealed: Rule reserved. F. Jan. 25, 2007; eff. Feb. 14, 2007.

Adopted: New Rule entitled "Continuing Competency Audit." F. Mar. 5, 2018; eff. Mar. 25, 2018.

Repealed: F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-5. SUPERVISION AND DIRECTION OF PHYSICAL THERAPY ASSISTANT

490-5-.01 Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistant

(1) A licensed physical therapist shall at all times be responsible for providing adequate supervision of the physical therapists assistant, as defined in Rule [490-5-.02](#).

(2) The licensed physical therapist shall be present in the same institutional setting, as defined in paragraph (3) of this section, 25 percent of any work week, Monday through Friday, and shall be readily available to the assistant at all other times, including weekend coverage, for advice, assistance and instruction.

(3) "Institutional setting" means any nursing home, acute hospital, convalescent hospital, rehabilitation center, other inpatient facility by any other name and outpatient clinic which would include private office.

(4) The licensed physical therapist in the home health setting responsible for the patient shall supervise the physical therapist assistant working with the patient and shall:

(a) perform the initial patient evaluation to establish a physical therapy diagnosis, treatment goals, frequency, duration, and plan of care;

(b) meet with the assistant no less than once weekly to review all patients being treated;

(c) document all meetings with the assistant and subsequent decisions;

(d) be available to the assistant at all times for advice, assistance, and instructions.

(5) A licensed physical therapist shall be designated as the physical therapist assistant's supervisor in the school setting and shall:

(a) perform all physical therapy evaluations to develop or amend physical therapy interventions stated on the student's Individual Educational Plan (IEP) for the purpose of assisting with the achievement of educational goals and objectives, including frequency and duration of physical therapy services.

(b) make an on-site visit to each student scheduled for direct weekly services from the physical therapist assistant no less than every two (2) months, and no less than once every five (5) months for students who are scheduled with the physical therapist assistant once monthly or less. The on-site visit shall include, but not be limited to, a case review, reassessment of the program and physical therapy services and review of documentation prepared by the physical therapist assistant.

(c) document the on-site visit including status of case(s), program or services status or change and indicate instructions given to the physical therapist assistant.

(d) interact with the physical therapist assistant in appropriate ways specific to the goals and objectives stated in the IEP of the student who is scheduled for sessions with the physical therapist assistant.

(e) be available to the physical therapist assistant at all times for advice, assistance and instructions.

Cite as Ga. Comp. R. & Regs. R. 490-5-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#); [43-1-25](#); [43-33-3\(6\)](#); [43-33-10\(11\)](#).

HISTORY: Original Rule entitled "Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapy Assistant" was filed on April 7, 1978; effective April 27, 1978.

Amended: Filed November 27, 1984; effective December 17, 1984.

Amended: F. May 26, 1993; eff. Jun. 15, 1993.

Amended: F. Nov. 22, 1996; eff. Dec. 12, 1996.

Amended: F. Feb. 27, 1998; eff. Mar. 19, 1998.

Amended: F. Feb. 25, 2015; eff. Mar. 17, 2015.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-9. CODE OF ETHICS

490-9-.05 Dry Needling

(1) Dry needling is a skilled technique performed by a physical therapist using filiform needles to penetrate the skin and underlying tissues to affect change in body structures and functions for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability for preventative and therapeutic purposes.

(2) Dry needling must be performed by a licensed physical therapist who:

(a) Has consulted with an individual licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43; and,

(b) Is specifically trained and competent by virtue of education and training to perform dry needling. **Online study for dry needling instruction, with the exception of OSHA Blood Borne Pathogens Standards, will not be accepted as a demonstration of competence and training.**

(3) A physical therapist has demonstrated specific and competent education and training when the licensee has submitted the following documentation to the Board:

(a) Proof of education in the OSHA Blood Borne Pathogens Standard: and,

(b) At least one of the following:

1. Proof of graduation from an entry-level physical therapy program that included dry needling instruction consisting of a minimum of 50 hours total and a competency assessment of achievement in its curriculum; or

2. Proof of graduation from a post-graduate credentialed residency or fellowship program of study that included dry needling instruction consisting of a minimum of 50 hours total and a competency assessment of achievement in its curriculum; or

3. Proof of documented, successful completion of a didactic dry needling course of study consisting of a minimum of 50 hours total and a competency assessment of achievement in its curriculum.

(4) Effective July 1, 2018, to perform dry needling in the state of Georgia licensed physical therapists and physical therapists applying for licensure must submit documentation of dry needling education and training into the online recording and reporting system approved by the Board.

(a) For the purposes of this requirement, the Georgia State Board of Physical Therapy adopts the utilization of CE Broker.

(b) Licensees and applicants shall incur no additional costs from CE Broker for this service.

(c) Every licensee or applicant subject to the rules of the Georgia State Board of Physical Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their record retained within the online database for the purposes of auditing and verifying completion of the requirements for dry needling. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the board.

(5) At the time of license renewal, each licensed physical therapist approved to perform dry needling shall attest that he or she is practicing dry needling in the state of Georgia in accordance to the rules and regulations of the Georgia State Board of Physical Therapy.

(6) A violation of the provisions outlined in this Board rule or a false attestation on the renewal application is grounds for disciplinary action as determined by the Board.

Cite as Ga. Comp. R. & Regs. R. 490-9-.05

AUTHORITY: O.C.G.A. §§ [43-1-24](#); [43-1-25](#); [43-33-10\(11\)](#); [43-33-16](#).

HISTORY: Original Rule entitled "Dry Needling" adopted. F. Mar. 21, 2012; eff. Apr. 10, 2012.

Amended: F. May 30, 2018; eff. June 19, 2018.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-13. PHYSICAL THERAPY COMPACT

490-13-.01 Licensure Compact

Pursuant to, the Georgia State Board of Physical Therapy hereby adopts as rule the Physical Therapy Compact Commission Rules, with the following additions:

- (a) Individuals applying for a compact privilege to Georgia must pay the necessary fees and take and pass the Georgia Jurisprudence Assessment Module (GA-JAM) prior to issuance of the compact privilege;
- (b) A licensee from another member state who is providing physical therapy services in Georgia under a compact privilege must comply with the laws, rules and policies related to the practice of physical therapy in the state of Georgia;
- (c) A compact privilege holder must report to the Georgia State Board of Physical Therapy **any encumbrance or adverse action** placed upon any physical therapist or physical therapist assistant license held by the compact privilege holder in a non-member state within thirty (30) business days of the effective date; **This requirement applies to both public and private actions that may be taken by a non-member state.**
- (d) Any violation of the laws, rules and policies of the Board may subject the compact privilege holder to disciplinary action by the Georgia State Board of Physical Therapy and loss of the Compact Privilege.

Cite as Ga. Comp. R. & Regs. R. 490-13-.01

AUTHORITY: O.C.G.A. §§ [43-33-10\(12\)](#); [43-33-30](#); [43-33-31](#).

HISTORY: Original Rule entitled "Licensure Compact" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.

Department 505. PROFESSIONAL STANDARDS COMMISSION

Chapter 505-2. CERTIFICATION

505-2-.192 [Effective 10/15/2020] Dyslexia Endorsement

(1) Eligibility Requirements.

(a) To be eligible for the professional Dyslexia Endorsement, the applicant must hold a level four (4) or higher renewable professional certificate in any teaching, service or leadership field and complete other requirements outlined in GaPSC Rule [505-2-.14](#) ENDORSEMENTS.

(b) To be eligible for the Five-Year Induction Dyslexia Endorsement, the applicant must hold a level four (4) or higher Five-Year Induction certificate in any teaching field and complete other requirements outlined in GaPSC Rule [505-2-.14](#) ENDORSEMENTS.

(2) In-Field Statement (See GaPSC Rule [505-2-.40](#) IN-FIELD ASSIGNMENT).

(a) An individual with the Dyslexia Endorsement has strengthened and enhanced competency for recognizing the characteristics of dyslexia and the ability to support students with dyslexia in the field and at the grade levels of their base certificate fields.

(b) Each state-approved curriculum course, with specified certificate fields that are designated as in-field, may be found under Certification/Curriculum Assignment Policies (CAPS) on the GaPSC web site at www.gapsc.com.

Cite as Ga. Comp. R. & Regs. R. 505-2-.192

AUTHORITY: O.C.G.A. § [20-2-200](#).

HISTORY: Original Rule entitled "Dyslexia Endorsement" adopted. F. Sep. 24, 2020; eff. Oct. 15, 2020, as specified by the Agency.

Department 505. PROFESSIONAL STANDARDS COMMISSION

Chapter 505-3. EDUCATOR PREPARATION RULES

505-3-.01 [Effective 10/15/2020] Requirements and Standards for Approving Educator Preparation Providers and Educator Preparation Programs

(1) **Purpose.** This rule states requirements and standards for the approval of educator preparation providers (EPPs) and programs for the initial and continuing preparation of educators in Georgia.

(2) **Definitions.**

(a) Accreditation: (1) A process for assessing and enhancing academic and educational quality through external, often voluntary, peer review. (2) A decision awarded and process certified by an accrediting organization. For the purposes of educator preparation provider (EPP) and program approval, GaPSC recognizes three (3) types of accreditation: Regional Accreditation, National Accreditation, and Specialized Accreditation. Each type of accreditation is defined in subsequent definitions.

(b) Administrative Approval: A process used in lieu of the Developmental Approval Review exclusively for endorsement programs and available only to GaPSC-approved EPPs. Administrative approval involves a staff review of an approval application and a curriculum map in which key assessments are described and mapped to program content standards. After an endorsement program is administratively approved, it will be reviewed against all applicable standards in the EPP's next Continuing Approval Review.

(c) Advanced Preparation/Degree-Only Program: An educator preparation program at the post-baccalaureate level for the continuing education of educators who have previously completed initial preparation and are certified in the program's subject area or field of certification. Advanced preparation programs commonly award graduate credit and include master's, specialist, and doctoral degree programs.

(d) Approval: A process for assessing and enhancing academic and educational quality through peer review and annual reporting, to assure the public an EPP and/or program has met and continues to meet institutional, state, and national standards of educational quality; also, a Georgia Professional Standards Commission (GaPSC) decision rendered when an EPP or program meets GaPSC standards and annual reporting requirements.

(e) Approval Review: Examination of evidence and interviews of stakeholders conducted by GaPSC site visitors and sometimes CAEP site visitors either on-site at an institution/agency, or electronically through the use of Internet and telephone conferencing systems as part of a Developmental, First Continuing, Continuing, Focused, or Probationary Review. Although not an approval review, the Substantive Change process is used when certain changes are made to the design or operations of approved program (see definition at).

(f) B/P-12: Formerly P-12, the term *B/P-12* references schools serving children aged birth to grade 12.

(g) Branch Campus: A campus that is physically detached from the parent university or college and has autonomous governance. A branch campus generally has full student and administrative services with a CEO and is regionally accredited separately from the parent campus. For approval purposes, GaPSC considers branch campuses distinct from the parent institution and therefore a separate EPP. For approval purposes, a branch campus located in the state of Georgia having an original, or main, campus located in another state or country is considered an out-of-state institution and is therefore ineligible to seek GaPSC approval as an EPP.

(h) Candidates/Teacher Candidates: Individuals enrolled in programs for the initial or advanced preparation of educators, programs for the continuing professional development of educators, or programs for the preparation of other professional school personnel. Candidates are distinguished from students in B/P-12 schools. (The term *enrolled* is used in the GaPSC approval process to mean the candidate is admitted and taking classes.)

(i) Clinical Educators: All educator preparation provider (EPP) and P-12 school-based individuals, including classroom teachers, who assess, support, and develop a candidate's knowledge, skills, or professional dispositions at some stage in the clinical experiences. The term *Clinical Educators* is intended to be inclusive of the roles of Mentor Teacher, B/P-12 Supervisor, and Faculty Supervisor. EPPs are expected to clearly define the roles and responsibilities of all clinical educators with whom candidates interact.

(j) Clinical Practice: Culminating residency (formerly referred to as *student teaching*) or internship experiences with candidates placed in classrooms for at least one (1) full semester where they experience intensive and extensive practices in which they are fully immersed in the learning community and provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing. In initial preparation programs in Service and Leadership fields, candidates will complete such culminating residency or internship experiences in placements that allow the knowledge, skills, and dispositions included in the programs to be practiced and applied. In non-traditional preparation programs, such as GaTAPP, clinical practice is job-embedded as candidates must be hired as a classroom teacher to be admitted to the program.

(k) Content Knowledge: The central concepts, tools of inquiry, and structures of a discipline (Source: CAEP Glossary).

(l) Council for the Accreditation of Educator Preparation (CAEP): The national accreditation organization formed as a result of the unification of the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC). CAEP advances excellence in educator preparation through evidence-based accreditation that assures quality and supports continuous improvement to strengthen B/P-12 student learning. CAEP accredits educator preparation providers (EPPs).

(m) Dyslexia and Other Related Disorders: Dyslexia is a specific learning disability that is neurological in origin, which is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge. Other related disorders include aphasia, dyscalculia, and dysgraphia.

1. Aphasia: Aphasia is a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and shall not include speech problems caused by loss of muscle control.

2. Dyscalculia: Dyscalculia is the inability to understand the meaning of numbers, the basic operations of addition and subtraction, or the complex operations of multiplication and division or to apply math principles to solve practical or abstract problems.

3. Dysgraphia: Dysgraphia is difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers.

(n) Dispositions: Moral commitments and professional attitudes, values, and beliefs that underlie educator performance and are demonstrated through both verbal and non-verbal behaviors as educators interact with students, families, colleagues, and communities.

(o) Distance Learning: A formal educational process in which instruction occurs when candidates and the instructor are not in the same place at the same time. Distance learning can occur through virtually any media including asynchronous or synchronous, electronic or printed communications.

(p) Distance Learning Program: A program delivered primarily (50% or more contact hours) through distance technology in which the instructor of record and candidates lack face-to-face contact and instruction is delivered asynchronously or synchronously (see definition o). These preparation programs include those offered by the EPP

through a contract with an outside vendor or configured as a consortium with other EPPs, as well as those offered solely by the provider.

(q) Diverse: Showing a great deal of variety; very different, as in clinical placement (see definition q) (Source: CAEP Glossary).

(r) Diversity: Diversity is inclusive of individual differences and group differences. (1) Individual differences (e.g., personality, interests, learning modalities, and life experiences); and (2) group differences (e.g., race, ethnicity, ability, gender identity, gender expression, sexual orientation, nationality, language, religion, political affiliation, and socio-economic background) (Source: CAEP Glossary).

(s) Educator Preparation Program: A planned sequence of courses and experiences for preparing B/P-12 teachers and other professional school personnel. The three (3) types of educator preparation programs are described in definitions ac (Initial), u (Endorsement), and c (Advanced).

(t) Educator Preparation Provider (EPP): The institution of higher education (IHE), college, school, department, agency, or other administrative body responsible for managing or coordinating all programs offered for the initial and continuing preparation of teachers and other school personnel, regardless of where these programs are administratively housed (formerly referred to as the professional education unit).

(u) Endorsement Program: A planned sequence of courses and experiences, typically three (3) to four (4) courses in length, designed to provide educators with an additional, specific set of knowledge and skills, or to expand and enhance existing knowledge and skills. Successful completion of an endorsement program results in the addition of the endorsement field to the Georgia educator certificate designating expertise in the field. Endorsement programs may be offered as non-credit bearing programs (or if applicable, as continuing education units), or they may lead to college credit; they must be approved by the GaPSC and administered by a GaPSC-approved EPP, and may be offered as either a stand-alone program or, unless otherwise specified in GaPSC Educator Preparation Rules [505-3-.82](#) through [505-3-.106](#), embedded in an initial preparation program. Depending on the needs of the individual educator, endorsement programs may also be included as a part of an educator's professional learning plan/goals. See GaPSC Rule [505-2-.14](#), ENDORSEMENTS.

(v) Field Experiences: Activities that include organized and sequenced engagement of candidates in settings providing opportunities to observe, practice, and demonstrate the knowledge, skills, and dispositions delineated in institutional, state, and national standards. The experiences must be systematically designed and sequenced to increase the complexity and levels of engagement with which candidates apply, reflect upon, and expand their knowledge and skills. Since observation is a less rigorous method of learning, emphasis should be on field experience sequences requiring active professional practice or demonstration, and including substantive work with B/P-12 students and B/P-12 personnel as appropriate. In non-traditional preparation programs, such as GaTAPP, field experiences occur outside candidates' classrooms with students with diverse learning needs and varied backgrounds in at least two (2) settings during the clinical practice.

(w) First Continuing Review: Formerly called the *Initial Performance Review*, the First Continuing Review is conducted three (3) years after a Developmental Review to determine if the EPP and/or initial educator preparation program(s) have evidence of meeting all applicable standards. For EPPs seeking CAEP accreditation, the First Continuing Review of an EPP will be conducted jointly by state and national (CAEP) site visitors in accordance with Georgia's State Partnership Agreement with CAEP.

(x) Franchise Program: An endorsement program developed by and approved for a GaPSC-approved EPP (the franchise manager) and subsequently shared with other GaPSC-approved EPPs operating as franchisees.

(y) Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP): Georgia's non-traditional preparation program for preparing career changers for certification as B/P-12 teachers. See GaPSC Rule [505-3-.05](#), GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(z) Grade Point Average (GPA): A quantitative indicator of candidate achievement. Letter grades are converted to numbers and averaged over a period of time.

(aa) Induction: (1) The formal act or process of placing an individual into a new job or position and providing appropriate support during the first three (3) years of employment. The Georgia Department of Education defines The Induction Phase Teacher as any teacher who has been hired into a new permanent position in any Georgia school. (2) A Georgia level of professional educator certification; for additional information see Rule 505-2-.04, INDUCTION CERTIFICATE.

(ab) Information Literacy: An intellectual framework for understanding, finding, evaluating, and using information – activities which may be accomplished in part by fluency with information technology, in part by sound investigative methods, but most importantly, through critical discernment and reasoning (adopted from The Association of College and Research Libraries).

(ac) Initial Preparation Program: A program designed to prepare candidates for their first professional certificate in a teaching, leadership, or service field. Examples include degree programs at the baccalaureate, master's, or higher levels; or post-baccalaureate programs, non-degree certification-only programs, and non-traditional programs such as the GaTAPP program. Programs leading to an educator's first certificate in a particular field are considered initial preparation even if the educator is certified in one or more other fields.

(ad) Local Unit of Administration (LUA): A local education agency, including but not limited to public, waiver, Investing in Educational Excellence (IE2), charter schools and private schools (e.g., faith-based schools, early learning centers, hospitals, juvenile detention centers, etc.). As referenced in GaPSC Certification Rule [505-2-.01](#), paragraph (2) (d) 1, for employment purposes GaPSC Certification Division staff consider all non-IHEs as LUAs.

(ae) Media Literacy: The ability to encode and decode the symbols transmitted via media and the ability to access, analyze, evaluate, and communicate information in a variety of forms, including print and non-print messages. Also known as the skillful application of literacy skills to media and technology messages (adopted from the National Association for Media Literacy Education).

(af) Mentor Teacher: A B/P-12 employed teacher and an expert practitioner who supports the development of a pre-service or novice teacher by assessing and providing feedback on instructional practice; interactions with students, colleagues, and parents; classroom management; and professionalism. Mentor teachers are typically involved with faculty supervisors in the formal supervision and evaluation of pre-service clinical practice experiences (residency/internship). The term *Mentor Teacher* is often used synonymously with the terms *Cooperating Teacher* and *B/P-12 Supervisor*. The terms *B/P-12 Supervisor* and *Faculty Supervisor* are described in definition au.

(ag) National Accreditation: National accreditation is conducted by an accrediting organization which develops evaluation criteria and conducts peer evaluations to assess whether or not those criteria are met. National accrediting agencies operate throughout the country and review entire institutions. CAEP (see definition l) is an example of a national accrediting organization.

(ah) Nationally Recognized Program: A program that has met the standards of a national specialized professional association (SPA) that is a constituent member of CAEP. The term *National Recognition* signifies the highest level of SPA recognition awarded to programs.

(ai) Non-traditional Preparation Program (GaTAPP): A program designed to prepare individuals who at admission hold an appropriate degree with verified content knowledge through a major or its equivalent in the content field or a passing score on the state-approved content assessment in the content field. If the state-approved content knowledge was not required at admission, it must be passed for program completion. Non-traditional preparation programs do not lead to a degree or college credit and:

1. Feature a flexible timeframe for completion;
2. Are job-embedded, allowing candidates to complete requirements while employed by a regionally accredited local unit of administration (school district or private school), a charter school approved by the Georgia State Charter School Commission, or a charter school approved by the Georgia Department of Education as a classroom teacher full-time or part-time for at least a half day;

3. Require that candidates are supported by a Candidate Support Team;
4. Require an induction component that includes coaching and supervision;
5. Provide curriculum, performance-based instruction and assessment focused on the pedagogical knowledge, skills, and dispositions necessary for the candidate to teach his/her validated academic content knowledge; and
6. Are individualized based on the needs of each candidate with respect to content knowledge, pedagogical skills, learning modalities, learning styles, interests, and readiness to teach. See Rule [505-3-.05](#), GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(aj) Out-of-State Institution: An institution of higher education administratively based in a state within the United States other than Georgia, or another country.

(ak) Pedagogical Content Knowledge: A core part of content knowledge for teaching that includes: core activities of teaching, such as determining what students know; choosing and managing representations of ideas; appraising, selecting and modifying textbooks; and deciding among alternative courses of action and analyzing the subject matter knowledge and insight entailed in these activities (Source: adapted from the CAEP Glossary).

(al) Pedagogical Knowledge: The broad principles and strategies of classroom instruction, management, and organization that transcend subject matter knowledge (Source: CAEP Glossary).

(am) Pedagogical Skills: An educator's abilities or expertise to impart the specialized knowledge/content and skills of their subject area(s) (Source: CAEP Glossary).

(an) Preconditions: Fundamental requirements that undergird the GaPSC standards that must be met as a first step in the approval process and before an EPP is permitted to schedule a Developmental Approval Review.

(ao) Preparation Program Effectiveness Measures (PPEMs): A set of common measures applied to all teacher and leader preparation programs leading to initial certification in a field. Teacher Preparation Program Effectiveness Measures (TPPEMs) and Leader Preparation Program Effectiveness Measures (LPPEMs) are further defined in GaPSC Rule [505-3-.02](#), EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(ap) Program Completer: A person who has met all the requirements of a GaPSC-approved or state-approved out-of-state educator preparation program.

(aq) Regional Accreditation: Regional accreditation is conducted by an accrediting organization that develops evaluation criteria and conducts peer evaluations to assess whether or not those criteria are met.

Six (6) regional accreditors operate in the United States to conduct educational accreditation of public, private, for-profit, and not-for-profit schools, colleges, and universities in their regions.

(ar) Specialized Accreditation: Specialized accrediting organizations operate throughout the country to review programs and some single-purpose institutions. Like national and regional accreditors, specialized accreditation organizations develop evaluation criteria and conduct peer evaluations to assess whether or not those criteria are met.

(as) Specialized Professional Association (SPA): A constituent member of CAEP representing a particular disciplinary area that develops standards for the approval of educator preparation programs in that area and reviews programs for compliance with those standards.

(at) Substantive Change Procedure: Process used for EPPs to submit changes that are considered significant, including additional levels of program offerings and changes to key assessments or leadership personnel.

(au) **Supervisor:** An individual involved in the oversight and evaluation of educator preparation candidates during field and clinical experiences. In most cases one or more individuals are involved in the formal supervision of clinical experiences – a supervisor employed by the EPP and one or more supervisors employed by the B/P-12 site hosting a pre-service educator. The term *Faculty Supervisor* refers to the employee of the EPP and the term *B/P-12 Supervisor* (sometimes referred to as Mentor Teacher or Cooperating Teacher) refers to the school-based employee who hosts a pre-service educator for the culminating residency or internship.

(av) **Technology Literacy:** Using technology as a tool to research, organize, evaluate, and communicate information and understanding the ethical and legal issues surrounding the access and use of information.

(aw) **Traditional Preparation Program:** A credit-bearing program designed for the preparation of educators typically offered by institutes of higher education.

(ax) **Year-long Residency:** An extended clinical practice lasting the entire length of the B/P-12 school year, in the same school, in which candidates have more time to practice teaching skills with students under the close guidance of experienced and effective B/P-12 teachers licensed in the content area the candidate is preparing to teach. Candidates fully participate in the school as a member of the faculty, including faculty meetings, parent conferences, and professional learning activities spanning, if feasible, the beginning (e.g. pre-planning) and ending (post-planning) of the academic year. (Candidates may participate in post-planning at the end of the junior year if it is not possible for them to participate at the end of the senior year). These extended residencies also include supervision and mentoring by a representative of the preparation program who, along with the B/P-12 supervisor, ensures the candidate is ready for program completion and is eligible for state certification.

(3) GENERAL REQUIREMENTS APPLICABLE TO ALL EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS.

(a) Authorization for the Establishment of Georgia Educator Preparation Providers (EPPs)

1. Regionally accredited institutions of higher education administratively based in the state of Georgia (as determined by the location of the office of the President or the single highest ranking executive officer of the institution), regionally accredited local units of administration with student enrollment over 30,000, Georgia Regional Educational Service Agencies (RESAs), and other education service organizations to include Georgia-based non-profit associations are eligible to seek GaPSC approval as an EPP for the purpose of preparing educators. Out-of-state institutions operating in the state of Georgia through a branch or satellite campus or by online delivery of programs, as well as for-profit organizations that are not regionally accredited institutions of higher education are not eligible to seek GaPSC approval as an EPP.

(b) Accreditation of Institutions/Agencies with an Educator Preparation Provider (EPP)

1. Institutions of higher education with a college, school, department or other entity that is a GaPSC-approved EPP shall be fully accredited by the Southern Association of Colleges and Schools (SACS), at the level(s) of degree(s) granted by the institution. The institution shall submit program(s) for GaPSC approval corresponding to the appropriate level of accreditation and in a field recognized for certification by the GaPSC. If an institution has submitted an application for change in degree level to a GaPSC-accepted regional accreditation agency, and is seeking Developmental Approval of a program(s) at the proposed new degree level by the GaPSC, the institution must be regionally accredited at the new degree level prior to approval review by the GaPSC. See GaPSC [505-2-.31](#), GaPSC-ACCEPTED ACCREDITATION; VALIDATION OF NON-ACCREDITED DEGREES.

2. Local education agencies, RESAs, or other approved, non-IHE providers shall admit candidates who hold degrees from a GaPSC-accepted accredited institution of higher education appropriate for the certificate sought. GaPSC-approved EPPs offering Career Technical and Agricultural Education (CTAE) programs, including GaTAPP providers, may admit individuals who do not hold post-secondary degrees who are seeking CTAE certification in certain fields (see Rule [505-3-.05](#), GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY). See Rule, [505-2-.31](#), GaPSC-ACCEPTED ACCREDITATION; VALIDATION OF NON-ACCREDITED DEGREES for a list of acceptable accrediting agencies.

(c) GaPSC Approval of Educator Preparation Providers (EPPs)

1. An education institution or agency's EPP (e.g., college/school/department of education) and/or program(s) shall be approved by its governing board prior to seeking GaPSC approval for the first time (Developmental Approval). Once an EPP is approved, subsequent submission of programs for approval may be made as long as governing board approval is in process and completed 45 days prior to the GaPSC program approval review.

2. GaPSC approval standards for EPPs and programs shall at a minimum be adapted from the most recent version of the standards of the Council for the Accreditation of Educator Preparation (CAEP).

3. CAEP accreditation of an EPP shall be accepted as a route to GaPSC approval of an EPP administratively based in the state of Georgia for which GaPSC has regulatory authority. Program approval is contingent upon EPP approval. If CAEP accreditation of the EPP is delayed, denied, or revoked, GaPSC will render a decision regarding EPP approval to offer educator preparation programs.

4. LUAs, qualifying organizations (see paragraph (3)(a)1.), and IHEs seeking GaPSC approval as an EPP shall follow all applicable GaPSC policies and procedures, e.g., preconditions to determine eligibility for a review, approval review requirements, post review requirements, Commission decisions, public disclosure policy, and annual reporting procedures. In order to maintain approval status, all GaPSC-approved EPPs must maintain regional or GaPSC-accepted accreditation and must comply with all applicable GaPSC rules and policies including, but not limited to, those regarding Preparation Program Effectiveness Measures, annual reporting, and data submission requirements. Failure by an approved provider to fully comply with GaPSC Educator Preparation, Certification, and Ethics Rules, Commission approval decisions, or agency procedures and/or requirements may result in changes in approval status that could include revocation of approval. Failure to comply with federal reporting requirements may result in fines.

5. The EPP must have completed the GaPSC approval process and be approved by the GaPSC before candidates are enrolled in educator preparation programs and begin taking classes.

6. For EPPs offering initial preparation programs leading to a Teaching, Leadership, or Service certificate, GaPSC EPP approval cycles shall include Developmental Approval valid for three (3) years and Continuing Approval valid for seven (7) years. The Developmental Approval Review is used to determine if a new EPP has the capacity to meet state standards and it is followed, in three (3) to four (4) years, by a First Continuing Review to determine if the EPP has evidence of meeting state standards. For IHEs seeking CAEP accreditation, the First Continuing Review will be conducted jointly by state and national (CAEP) site visitors in accordance with Georgia's State Partnership Agreement with CAEP. Following the First Continuing Review, the GaPSC will conduct Continuing Reviews of the EPP and all preparation programs at seven (7) year intervals. For IHEs seeking to maintain CAEP accreditation, the Continuing Review will be conducted jointly by state and national (CAEP) site visitors. GaPSC and/or CAEP will require a Focused Approval Review or a Probationary Review of an approved or accredited EPP and/or its educator preparation programs in fewer than seven (7) years if annual performance data indicate standards are not being met, or if a previous approval review indicates pervasive problems exist that limit provider capacity to offer programs capable of meeting standards and requirements specified in GaPSC educator preparation and certification rules, or if GaPSC staff determine non-compliance with state rules.

7. For EPPs offering only endorsement programs, GaPSC EPP approval cycles shall include Developmental Approval valid for seven (7) years and Continuing Approval every seven (7) years thereafter.

8. GaPSC-approved EPPs shall comply with all GaPSC reporting requirements, to include the submission of data in all appropriate candidate-level, program-level, and EPP-level (e.g. Traditional Program Management System [TPMS], Non-Traditional Reporting System [NTRS], Provider Reporting System [PRS], and federal annual reports on the performance of the EPP and all educator preparation programs). Out-of-state EPPs offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools shall comply with all applicable GaPSC reporting requirements, to include the submission of data in TPMS and other systems that may become applicable. EPPs shall report according to the schedules and timelines published by GaPSC and shall accurately provide all data elements. Failure to report on

time and accurately may negatively impact EPP approval status. See GaPSC Rule [505-3-.02](#), EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

9. GaPSC-approved EPPs shall notify all enrolled candidates when EPP and/or program approval status changes. Notification must be made within sixty (60) days after a GaPSC decision is granted resulting in a change in approval status, in written form via letter or e-mail, and a copy must be provided to GaPSC by the EPP head. This notification must clearly outline the impact of the change in approval status on candidates and what options may be available to candidates. The EPP must maintain records of candidates' acknowledgement of receipt of the notification.

(d) GaPSC Approval of Educator Preparation Programs

1. Educator preparation programs leading to Georgia educator certification shall be offered only by GaPSC-approved EPPs (reference paragraph (c) 3). All initial preparation programs and endorsement programs must be approved by the GaPSC.

2. GaPSC-approved EPPs seeking approval to add new initial preparation programs may submit the programs for GaPSC approval prior to receiving governing board approval, as long as governing board approval is granted forty-five (45) days prior to the scheduled pre-visit, which occurs thirty (30) to forty-five (45) days prior to the approval review.

3. GaPSC-approved EPPs seeking approval for preparation programs leading to Georgia educator certification shall follow all applicable GaPSC program approval policies and procedures in effect at the time of the requested approval and shall comply with revised policies in accordance with timelines published by the GaPSC.

4. Initial educator preparation programs and endorsement programs shall be approved by the GaPSC before candidates are enrolled and begin program coursework.

5. GaPSC-approved EPPs, in conjunction with preparations for an EPP approval review, shall submit program reports conforming to GaPSC program standards and program review requirements for evaluation either by the appropriate CAEP-accepted national Specialized Professional Association (SPA) or accrediting agency, or by GaPSC. If the highest level of recognition, in most cases National Recognition or Accreditation, is granted for a program, state approval procedures will be reduced to remove duplication in processes and will include only those procedures necessary to ensure Georgia-specific standards and requirements are met. Programs submitted for national recognition that are not granted National Recognition (e.g., granted Recognition with Conditions or any level of recognition lower than National Recognition) must comply with all applicable GaPSC program approval review procedures.

6. GaPSC approval of initial preparation programs in teaching (T), leadership (L), and service (S) fields shall include a Developmental Approval Review to determine if the new educator preparation program has the capacity to meet state standards. Developmental Approval is valid for three (3) to four (4) years and is followed by a First Continuing Review to determine if the educator preparation program has evidence of meeting state standards. Following the First Continuing Review, the GaPSC will conduct Continuing Reviews of the educator preparation programs in conjunction with the EPP Continuing Review at seven (7) year intervals. For endorsement programs, Developmental Approval is valid for seven (7) years and is followed by a Continuing Review every seven (7) years thereafter. The GaPSC will require a Focused Approval Review or a Probationary Review of an approved educator preparation program in fewer than seven (7) years if annual performance data indicate standards are not being met or if a previous approval review indicates pervasive problems exist, limiting program capacity to meet standards and requirements specified in GaPSC educator preparation and certification rules.

7. GaPSC approval of new endorsement programs shall include an Administrative Approval process to determine if the new program has the capacity to meet state standards followed by a Continuing Approval Review of the program in conjunction with the next scheduled EPP Continuing Review, and Continuing Reviews every seven (7) years thereafter.

8. The GaPSC will require a Focused Approval Review or a Probationary Review of an approved educator preparation program in fewer than seven (7) years if annual performance data indicate standards are not being met or

if a previous approval review indicates pervasive problems exist limiting program capacity to meet standards and requirements specified in GaPSC educator preparation and certification rules.

9. GaPSC-approved EPPs shall submit program(s) for GaPSC approval corresponding to the appropriate level of preparation (initial or endorsement) and in a certification field authorized in GaPSC Certification Rules. Although advanced/degree-only preparation programs are neither reviewed nor approved by GaPSC, those accepted by GaPSC for the purposes of certificate level upgrades must be listed in the GaPSC Certificate Upgrade Advisor.

10. GaPSC-approved EPPs shall make program decisions based upon program purpose, institutional mission, supply and demand data, and P-12 partner needs, and shall attempt to include a variety of options for program completion (e.g., multiple delivery models, degree options, and individualized programs; additional examples are provided in the guidance document accompanying this rule).

11. Ongoing GaPSC approval of educator preparation programs is contingent upon EPP approval status and shall be dependent upon the performance of the EPP and its programs. Upon the effective date of GaPSC Rule [505-3-.02](#), EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION, and full implementation of Preparation Program Effectiveness Measures (PPEMs), PPEMs will be used as outlined in Rule [505-3-.02](#), as part of the approval process to determine ongoing approval of EPPs and educator preparation programs.

12. Out-of-state institutions offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools shall ensure their candidates hold the Georgia Pre-Service Certificate prior to beginning any field and clinical experiences in any Georgia B/P-12 school required during program enrollment. The requirements for this certificate are outlined in GaPSC Rule [505-2-.03](#), PRE-SERVICE TEACHING CERTIFICATE. Out-of-state institutions preparing candidates for Georgia certification must also ensure their candidates meet all program completion assessment requirements outlined in this rule in paragraphs (3)(e)(5)(i) and (ii); the requirements specified in GaPSC Certification Rule [505-2-.22](#), CERTIFICATION BY STATE-APPROVED PROGRAM, paragraph (2) (d) 2.; and the requirements outlined in GaPSC Certification Rule [505-2-.04](#), INDUCTION CERTIFICATE, including the required amount of time spent in the culminating clinical experience (i.e. student teaching or internship occurring after, and not including, field experiences), and passing the ethics and content assessments.

13. Out-of-state institutions offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools are subject to all applicable data collection requirements referenced in paragraph (c) 8. and described in GaPSC Rule [505-3-.02](#), EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(e) Educator Preparation Program Requirements

1. Admission Requirements

(i) GaPSC-approved EPPs shall ensure candidates enrolled in initial preparation programs at the baccalaureate level have a minimum undergraduate GPA of 2.5 on a 4.0 scale. EPPs offering non-traditional or traditional post-baccalaureate programs in teaching (T), service (S), or leadership (L) fields shall ensure enrolled candidates have a GPA of 2.5 or higher. There are no equivalent majors for the teaching fields of Elementary Education, Birth Through Kindergarten, or Special Education; therefore, candidates enrolling in these programs must have an overall GPA of 2.5. The provider shall ensure the average GPA of each enrolled cohort is 3.0 or higher. The term *enrolled cohort* refers to all candidates admitted to and enrolled in all initial preparation programs (across all T, S, and L fields as applicable) offered by the EPP in the GaPSC-defined reporting year (September 1 - August 31). EPPs may exempt individuals from the minimum GPA requirement under the following circumstances:

(I) if the prospective candidate's most recent undergraduate GPA was obtained ten (10) or more years prior to admission; or

(II) if the prospective candidates did not complete undergraduate coursework (applicable only to CTAE programs).

Exempted GPAs are not included in the calculation of the average for the admitted cohort. As long as the average GPA of the admitted cohort meets the 3.0 minimum requirement, EPPs may accept up to 10% of the admitted cohort with GPAs lower than 2.5.

(ii) GaPSC-approved EPPs shall ensure candidates admitted into initial preparation programs meet the GaPSC Program Admission Assessment requirement. A passing score on the Program Admission Assessment (formerly the Basic Skills Assessment) or a qualifying exemption is required prior to enrollment in all initial preparation programs, with three (3) exceptions:

(I) Military retirees or spouses of active-duty military personnel who do not exempt the requirement must attempt the Program Admission Assessment within the first year of program enrollment and must pass the assessment within two (2) years of program admission or prior to program completion, whichever occurs first (see GaPSC Rule [505-2-.46](#) MILITARY SUPPORT CERTIFICATE);

(II) Candidates seeking Career and Technical Specializations certification must either exempt the requirement or pass the Program Admission Assessment within three (3) years of program admission or prior to program completion, whichever occurs first; and

(III) Professionally certified educators (valid or expired) who enroll in initial preparation programs for the purpose of adding a new field of certification are not required to meet the Program Admission Assessment requirement.

(IV) Qualifying exemptions are available at <http://www.gapsc.com/EducatorPreparation/Assessment/BasicSkillsInfo.aspx>. See GaPSC Rule [505-2-.26](#), CERTIFICATION AND LICENSURE ASSESSMENTS for additional information related to program admission testing requirements and www.gapsc.com for Georgia educator assessment information, including qualifying exemption scores.

(iii) The Georgia Educator Ethics Assessment - Program Exit must be passed prior to enrollment in a traditional or non-traditional initial educator preparation program and to qualify for the Pre-Service Teaching Certificate (see GaPSC Rule [505-2-.03](#), PRE-SERVICE TEACHING CERTIFICATE).

2. Pre-service Certificate Request

(i) EPPs must request the Pre-Service Certificate for all candidates admitted to traditional initial teacher preparation programs at the baccalaureate level or higher, except for candidates who hold a valid professional Georgia teaching certificate and are currently employed in a Georgia school. Out-of-state EPPs must request the Pre-Service Certificate for candidates enrolled in initial teacher preparation programs and completing field and clinical experiences in Georgia schools; such candidates must be enrolled in programs leading to a certification field offered by the GaPSC. See GaPSC Rule [505-2-.03](#), PRE-SERVICE CERTIFICATE for Pre-Service certification requirements.

(ii) Successful completion of a criminal record check is required to earn the Pre-Service Certificate. The Pre-Service Certificate is required for all candidates enrolled in traditional initial teacher preparation programs and participating in field and clinical experiences in Georgia B/P-12 schools (see GaPSC Rule [505-2-.03](#), PRE-SERVICE TEACHING CERTIFICATE).

3. Program Content and Curriculum Requirements

(i) Preparation programs for educators prepared as teachers shall incorporate the latest version of the InTASC Model Core Teaching Standards developed by the Interstate Teacher Assessment and Support Consortium. Preparation programs for educators prepared as leaders shall incorporate these standards into those courses related to instructional leadership to assure leadership candidates understand the InTASC standards as they apply to the preparation and continued growth and development of teachers.

(ii) GaPSC-approved EPPs shall require a major or equivalent in all secondary and P-12 fields, where appropriate. The equivalent of a major is defined for middle grades (4-8) as a minimum of fifteen (15) semester hours of

coursework in the content field and for secondary (6-12) as a minimum of twenty-one (21) semester hours of coursework in the content field. Content field coursework must meet expected levels of depth and breadth in the content area (i.e., courses above the General Education level) and shall address the program content standards required for the field as delineated in GaPSC Educator Preparation Rules [505-3-.19](#) through [505-3-.53](#).

(iii) GaPSC-approved EPPs shall ensure candidates in all initial preparation programs complete a sequence of courses and/or experiences in professional studies that includes knowledge about and application of professional ethics and behavior appropriate for school and community, ethical decision-making skills, and specific knowledge about the Georgia Code of Ethics for Educators. Candidates are expected to demonstrate knowledge and dispositions reflective of professional ethics and the standards and requirements delineated in the Georgia Code of Ethics for Educators. In addition to candidates meeting the state-approved ethics assessment requirement in 505-3-.01 (e) 1. (iii) and (e) 5. (iv) (see GaPSC Rule [505-2-.26](#), CERTIFICATION AND LICENSURE ASSESSMENTS), GaPSC-approved EPPs shall assess candidates' knowledge of professional ethics and the Georgia Code of Ethics for Educators either separately or in conjunction with assessments of dispositions.

(iv) GaPSC-approved EPPs shall ensure candidates are prepared to implement Georgia state mandated standards (i.e., Georgia Performance Standards [GPS]; Georgia Performance Standards [CCGPS], Georgia Standards of Excellence, College and Career Ready Standards, and all other GaDOE-approved standards) in each relevant content area. Within the context of core knowledge instruction, providers shall ensure candidates are prepared to develop and deliver instructional plans that incorporate critical thinking, problem solving, communication skills and opportunities for student collaboration. EPPs shall ensure candidates are also prepared to implement any Georgia mandated educator evaluation system. EPPs shall ensure educational leadership candidates understand all state standards and have the knowledge and skills necessary to lead successful implementation of standards in schools.

(v) GaPSC-approved EPPs shall require candidates seeking teacher certification to demonstrate knowledge of the definitions and characteristics of dyslexia and other related disorders; competence in the use of evidence-based interventions, structured multisensory approaches to teaching language and reading skills, and accommodations for students displaying characteristics of dyslexia and/or other related disorders; and competence in the use of a response-to-intervention framework addressing reading, writing, mathematics, and behavior, including:

(I) Universal screening;

(II) Scientific, research-based interventions;

(III) Progress monitoring of the effectiveness of interventions on student performance;

(IV) Data-based decision making procedures related to determining intervention effectiveness on student performance and the need to continue, alter, or discontinue interventions or conduct further evaluation of student needs; and

(V) Application and implementation of response-to-intervention and dyslexia and other related disorders instructional practices in the classroom setting.

(vi) GaPSC-approved EPPs shall require candidates seeking certification to demonstrate satisfactory proficiency in computer and other technology applications and skills, and satisfactory proficiency in integrating Information, Media and Technology Literacy into curricula and instruction, including incorporating B/P-12 student use of technology, and to use technology effectively to collect, manage, and analyze data for the purpose of improving teaching and learning. This requirement may be met through content embedded in courses and experiences throughout the preparation program and through demonstration of knowledge and skills during field and clinical experiences. At a minimum, candidates shall be exposed to the specialized knowledge and skills necessary for effective teaching in a distance learning environment.

(vii) GaPSC-approved EPPs shall require candidates seeking certification in a teaching field, educational leadership and/or the service fields of Media Specialist and School Counseling to complete either five (5) or more quarter hours or three (3) or more semester hours of coursework in the identification and education of children who have special educational needs or the equivalent through a Georgia-approved professional learning program. This requirement

may be met in a separate course, or content may be embedded in courses and experiences throughout the preparation program (see Rule [505-2-.24](#), SPECIAL GEORGIA REQUIREMENTS). In addition, candidates in all fields must have a working knowledge of Georgia's framework for the identification of differentiated learning needs of students and how to implement multi-tiered structures of support addressing the range of learning needs.

(viii) GaPSC-approved EPPs shall ensure candidates being prepared to teach in the fields of Elementary Education, Middle Grades Education, and the special education fields of General Curriculum, Adapted Curriculum, and General Curriculum/Elementary Education (P-5) demonstrate competence in the knowledge of methods of teaching reading.

(ix) GaPSC-approved EPPs offering endorsement programs shall ensure the programs are designed to result in candidates' expanded knowledge and skills in creating challenging learning experiences, supporting learner ownership and responsibility for learning, and in strengthening analysis and reflection on the impact of planning to reach rigorous curriculum goals as specified in GaPSC Rules [505-3-.82](#) -505-3-.115. Unless specified otherwise in GaPSC Rules [505-3-.82](#) through [505-3-.111](#), endorsement programs may be offered as a stand-alone program or embedded in initial preparation or degree-only programs. The GaPSC Continuing approval process for embedded endorsement programs will require EPPs to provide evidence of meeting a minimum of two (2) of the following three (3) options:

(I) Option 1: Additional Coursework. Endorsement programs are typically comprised of three (3) or four (4) courses (the equivalent of nine [9] or twelve [12] semester hours). Although some endorsement standards may be required in initial preparation programs (e.g., Reading Endorsement standards must be addressed in Elementary Education programs) and in such cases some overlap of coursework is expected, it may be necessary to add endorsement courses to a program of study to fully address the additional knowledge and skills delineated in endorsement standards.

(II) Option 2: Additional Field Experiences. Endorsement programs require candidates to demonstrate knowledge and skills in classroom settings via field experiences. Candidates completing an embedded endorsement program may be required to complete additional field experiences (above and beyond those required for the initial preparation program) specifically to address endorsement standards and requirements.

(III) Option 3: Additional Assessment(s). Candidates' demonstration of endorsement program knowledge and skills must be assessed by either initial preparation program assessments or via additional assessment instruments specifically designed to address endorsement program content.

See the guidelines accompanying this rule for further clarification of expectations for endorsement programs.

(x) GaPSC-approved EPPs shall provide information to each candidate on Georgia's tiered certification structure, professional learning requirements, and employment options.

4. Requirements for Partnerships, and Field Experiences and Clinical Practice

(i) Effective partnerships with B/P-12 schools and/or school districts are central to the preparation of educators. At a minimum, GaPSC-approved EPPs shall establish and maintain collaborative relationships with B/P-12 schools, which are formalized as partnerships and focused on continuous school improvement and student growth and learning through the preparation of candidates, support of induction phase educators, and professional development of B/P-20 educators. EPPs are encouraged to establish and sustain partnerships meeting higher levels of effectiveness, as described in the guidance document accompanying this rule.

(ii) GaPSC-approved EPPs shall require in all programs leading to initial certification in teaching, leadership, or service fields, and endorsement programs, field experiences that include organized and sequenced engagement of candidates in settings providing them with opportunities to observe, practice, and demonstrate the knowledge, skills, and dispositions delineated in all applicable institutional, state, and national standards. The experiences must be systematically designed and sequenced to increase the complexity and levels of engagement with which candidates apply, reflect upon, and expand their knowledge and skills. Since observation is a less rigorous method of learning, emphasis should be on field experience sequences requiring active professional practice or demonstration and including substantive work with B/P-12 students or B/P-12 personnel as appropriate depending upon the preparation

program. Field experience placements and sequencing will vary depending upon the program. In non-traditional preparation programs, such as GaTAPP, field experiences occur outside candidates' classrooms with students with diverse learning needs and varied backgrounds in at least two settings during the clinical practice. Refer to the guidance document accompanying this rule for additional information related to field experiences and clinical practice.

(iii) GaPSC-approved EPPs shall ensure candidates complete supervised field experiences consistent with the grade levels of certification sought. For Birth Through Kindergarten programs, field experiences are required at three (3) age levels: ages 0 to 2, ages 3 to 4, and kindergarten. For Elementary Education programs (P-5), field experiences are required in three (3) grade levels: PK-K, 1-3, and 4-5. For middle grades education programs, field experiences are required in two (2) grade levels: 4-5 and 6-8. Programs leading to P-12 certification shall require field experiences in four (4) grade levels: PK-2, 3-5, 6-8, and 9-12; and secondary education programs (6-12) shall require field experiences in two (2) grade levels: 6-8 and 9-12.

(iv) GaPSC-approved EPPs shall offer clinical practice (residency/internships) in those fields for which the EPP has been approved by the GaPSC. Clinical practice for all fields must occur in regionally accredited schools, charter schools approved by the Georgia State Charter School Commission, charter schools approved by the Georgia Department of Education, or in international settings meeting accreditation criteria specified in GaPSC Rule [505-2-.31](#), [GAPSC-ACCEPTED ACCREDITATION; VALIDATION OF NON-ACCREDITED DEGREES](#). Candidates in Birth Through Kindergarten programs may participate in residencies or internships in regionally accredited schools or in pre-schools accredited by USDOE- or CHEA-accepted accrediting agencies. Candidates of GaPSC-approved EPPs must meet all applicable Pre-Service Certificate requirements, regardless of clinical practice placement location. Clinical practice must be designed and implemented cooperatively with B/P-12 partners and candidates' experiences must allow them to demonstrate their developing effectiveness and positive impact on all students' learning and development. Although year-long residencies/internships as defined herein (see paragraph (2)(av)) are recognized as most effective, teacher candidates must spend a minimum of one (1) full semester or the equivalent in residencies or internships. GaPSC preparation program rules for service and leadership fields may require more than one (1) full semester of clinical practice; see GaPSC Rules [505-3-.63](#) through [505-3-.81](#).

(v) B/P-12 educators who supervise candidates (mentors, cooperating teachers, leadership coaches/mentors, service field supervisors) in residencies or internships at Georgia schools shall meet the following requirements:

(I) B/P-12 supervisors shall have a minimum of three (3) years of experience in a teaching, service, or leadership role; and

(II) If the residency or internship is completed at a Georgia school requiring GaPSC certification, the B/P-12 supervisor shall hold renewable Professional Level Certification in the content area of the certification sought by the candidate. In cases where a B/P-12 supervisor holding certification in the content area is not available, the candidate may be placed with a Professionally Certified educator in a related field of certification (related fields are defined in the guidance document accompanying this rule). For teaching field candidates who are employed as the full-time teacher of record while completing residency or internship in a school requiring GaPSC certification, the B/P-12 supervisor must hold Professional Certification.

(III) If the residency or internship is completed at a Georgia school that has the legal authority to waive certification, the B/P-12 supervisor must hold a Clearance Certificate.

(IV) The Partnership Agreement shall describe training, evaluation, and ongoing support for B/P-12 supervisors and shall clearly delineate qualifications and selection criteria mutually agreed upon by the EPP and B/P-12 partner. The Partnership Agreement shall also include a principal or employer attestation assuring educators selected for supervision of residencies/internships are the best qualified and have received an annual summative performance evaluation rating of proficient/satisfactory or higher for the most recent year of experience.

(V) Certificate IDs (to include Clearance Certificate IDs as applicable) of B/P-12 supervisors must be entered in TPMS or NTRS prior to the completion of the residency or internship.

It is the responsibility of GaPSC-approved EPPs and out-of-state EPPs who place candidates intending to seek Georgia certification in Georgia schools for field and clinical experiences to ensure these requirements are met.

5. Assessment Requirements

(i) State-approved Content Assessment.

(I) Eligibility: EPPs shall determine traditional program candidates' readiness for the state-approved content assessment and shall authorize candidates for testing only in their field(s) of initial preparation and only at the appropriate point in the preparation program.

(II) Attempts: GaPSC-approved EPPs shall require all enrolled candidates to attempt the state-approved content assessment (resulting in an official score on all parts of the assessment) within the content assessment window of time beginning on a date determined by the EPP after program admission and ending on August 31 in the year of program completion, and at least once prior to program completion. Candidates enrolled in a traditional (IHE-based), initial preparation program leading to Middle Grades certification must attempt the state-approved content assessment in each of the two (2) areas of concentration, as required for program completion and receive an official score on each assessment prior to program completion. For more information on Middle Grades areas of concentration, see GaPSC Rule [505-3-.19](#), MIDDLE GRADES EDUCATION PROGRAM.

(III) Passing Score: A passing score on all applicable state-approved content assessments is not required for program completion, except in the GaTAPP program, which is a non-traditional, certification-only program (See GaPSC Rule [505-3-.05](#)); however, a passing score is required for state certification. See GaPSC Rule [505-2-.26](#), CERTIFICATION AND LICENSURE ASSESSMENTS, and GaPSC Rule [505-2-.08](#), PROVISIONAL CERTIFICATE.

(ii) State-approved Performance-based Assessments.

(I) Eligibility: EPPs shall determine initial preparation program candidates' readiness for the state-approved performance-based assessments in state-approved Teacher Leadership programs and Educational Leadership Tier II programs and shall authorize candidates for testing only in their field(s) of preparation and only at the appropriate point in the preparation program.

(II) Attempts: GaPSC-approved EPPs shall require candidates enrolled in state-approved Educational Leadership Tier II preparation programs to attempt the state-approved performance-based assessment (resulting in an official score on all tasks within the assessment) prior to program completion.

(III) Passing Score: A passing score on all applicable state-approved performance-based assessments is not required for program completion; however, a passing score is required for state certification. See GaPSC Rule [505-2-.26](#), CERTIFICATION AND LICENSURE ASSESSMENTS, Rule [505-2-.153](#), EDUCATIONAL LEADERSHIP CERTIFICATE, and [505-2-.149](#), TEACHER LEADERSHIP.

(iii) State-approved Educator Ethics Assessment.

(I) Program Admission:

A. Candidates who enroll in initial teacher preparation programs must pass the Georgia Educator Ethics Assessment - Program Exit prior to beginning program coursework. Educators who hold a valid Induction, Professional, Lead Professional, or Advanced Professional Certificate are not required to attempt and pass the assessment if they enroll in an initial preparation program for the purpose of adding a new teaching field.

B. Candidates who enroll in any GaPSC-approved Educational Leadership program must pass the Georgia Ethics for Educational Leadership Assessment - Program Exit prior to beginning program coursework.

6. Program Completion Requirements

(i) GaPSC-approved EPPs shall require candidates completing initial preparation programs to have a 2.5 or higher overall GPA on a 4.0 scale. Non-traditional (GaTAPP) program providers do not issue grades and therefore are not subject to this requirement; however, non-traditional EPPs must verify all program requirements are met as specified in GaPSC Rule [505-3-.05](#), GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY.

(ii) GaPSC-approved EPPs may accept professional learning, prior coursework, or documented experience the EPP deems relevant to the program of study in lieu of requiring candidates to repeat the same or similar coursework for credit.

(iii) GaPSC-approved EPPs shall provide, at appropriate intervals, information to candidates about instructional policies and requirements needed for completing educator preparation programs, including all requirements necessary to meet each candidate's certification objective(s), the availability of EPP services such as tutoring services, social and psychological counseling, job placement and market needs based on supply and demand data.

(iv) GaPSC-approved EPPs shall provide performance data to candidates that they may use to inform their individual professional learning needs during induction.

(f) Verification of Program Completion and Reporting of Ethics Violations

1. GaPSC-approved EPPs shall designate an official who will provide evidence to the GaPSC that program completers have met the requirements of approved programs, including all applicable Special Georgia Requirements, and thereby qualify for state certification.

2. GaPSC-approved EPPs shall, through appropriate GaPSC reporting systems (i.e., Traditional Program Management System [TPMS] or the Non-traditional Reporting System [NTRS]), notify the GaPSC of program completion or program withdrawal within sixty (60) days of the event. EPPs shall also submit, in a timely manner, any documentation required of them by the GaPSC Certification Division for program completers seeking GaPSC certification.

3. GaPSC-approved EPPs shall ensure program completers meet all requirements of the approved program in effect at the time the candidate was officially admitted to the program and any additional program requirements with effective dates after program admission, as described elsewhere in this rule.

4. Should program completers return to their GaPSC-approved EPP more than five (5) years after completion to request verification of program completion, providers shall require those individuals to meet current preparation requirements to assure up-to-date knowledge in the field of certification sought.

5. GaPSC-approved EPPs shall immediately report to GaPSC any violations of the Georgia Code of Ethics for Educators by enrolled candidates. Failure to report ethical violations may result in changes in approval status that could include revocation of approval. Out-of-state EPPs placing candidates in Georgia schools for field and clinical experiences are expected to collaborate with Georgia B/P-12 partners to immediately report ethics violations. Procedures for reporting ethical violations are addressed in the guidance document accompanying this rule.

Cite as Ga. Comp. R. & Regs. R. 505-3-.01

AUTHORITY: O.C.G.A. § [20-2-200](#).

HISTORY: Original Rule entitled "Procedures and Standards for Approving Professional Education Units and Programs Preparing Education Personnel" adopted. F. Dec. 16, 1992; eff. July 1, 1993, as specified by the Agency.

Amended: F. June 29, 1994; eff. July 19, 1994.

Repealed: New Rule entitled "Requirements and Standards for Approving Professional Education Units Preparing Education Personnel" adopted. F. June 19, 1995; eff. July 9, 1995.

Amended: F. Aug. 13, 1997; eff. Sept. 2, 1997.

Repealed: New Rule entitled "Requirements and Standards for Approving Professional Education Units and Programs Preparing Education Personnel" adopted. F. Nov. 9, 2001; eff. Dec. 1, 2001, as specified by the Agency.

Amended: F. Aug. 20, 2004; eff. Sept. 15, 2004, as specified by the Agency.

Repealed: New Rule entitled "Requirements and Standards for Approving Professional Education Units and Educator Preparation Programs" adopted. F. Oct. 24, 2005; eff. Nov. 15, 2005, as specified by the Agency.

Amended: F. Apr. 20, 2009; eff. May 15, 2009, as specified by the Agency.

Repealed: New Rule of same title adopted. F. June 7, 2010; eff. July 15, 2010, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Dec. 26, 2012; eff. Jan. 15, 2013.

Repealed: New Rule entitled "Requirements and Standards for Approving Educator Preparation Providers and Educator Preparation Programs" adopted. F. Apr. 24, 2014; eff. May 15, 2014, As Specified by the Agency.

Amended: F. Jun. 13, 2014; eff. Jul. 3, 2014.

Amended: F. Oct. 7, 2014; eff. Oct. 15, 2014, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Sep. 26, 2016; eff. Oct. 15, 2016, as specified by the Agency.

Amended: F. Dec. 20, 2017; eff. Jan. 15, 2018, as specified by the Agency.

Amended: F. Oct. 11, 2018; eff. Oct. 15, 2018, as specified by the Agency.

Amended: F. June 26, 2019; eff. July 1, 2019, as specified by the Agency.

Amended: F. Dec. 13, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Apr. 7, 2020; eff. Apr. 15, 2020, as specified by the Agency.

Note: Correction of non-substantive typographical error in subparagraph (3)(e)4.(iv), "... see GaPSC Rules 505-3-.63 through 505-3-.8." corrected to "... see GaPSC Rules 505-3-.63 through 505-3-.81.", as requested by the Agency. Effective April 15, 2020.

Amended: F. June 11, 2020; eff. July 1, 2020, as specified by the Agency.

Amended: F. Sep. 24, 2020; eff. Oct. 15, 2020, as specified by the Agency.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-5. HEALTH PROMOTION

Subject 511-5-5. TESTING FOR INHERITED DISORDERS IN THE NEWBORN

511-5-5-.04 [Effective 10/21/2020] Newborn Screening Specimen Cards and Laboratory Analysis

- (1) It shall be the responsibility of the hospital, birthing center, physician's office or other healthcare facility in which the baby is born to ensure that an NBS Card is properly completed and submitted to the Department in accordance with these Rules, and that the parents are given a copy of DPH Form 5506 ("Georgia Newborn Screening Program: What Every Parent Should Know"). If the birth occurs outside a hospital, birthing center, or other healthcare facility, then it shall be the responsibility of the attending physician or midwife to do so.
- (2) A Newborn Screening Dried Bloodspot Specimen (DBS) shall be completed 24 hours after birth, as follows:
- (a) All information requested on the NBS Card shall be legibly and accurately collected;
 - (b) Specimens of the baby's blood shall be collected and placed on the DBS in accordance with the current edition of the Georgia Newborn Screening Program Policy and Procedure Manual, and allowed to dry for at least three hours;
 - (c) The NBS Card shall be sent within 24 hours to the Department's Public Health Laboratory, using a courier service that ensures next business day delivery and allows the tracking of the package. A copy of the completed NBS Card shall be maintained with the baby's clinical records;
 - (d) If an NBS Card does not reach the Public Health Laboratory within ten (10) days after the blood sample was drawn, the submitter shall repeat this process and submit a new Card for that baby.
 - (3) If the baby is admitted into a Neonatal Intensive Care Unit (NICU) or Special Care Nursery (SCN), the baby shall have up to three specimens collected in accordance with the current edition of the Georgia Newborn Screening Program Policy and Procedure Manual.
 - (4) The Department shall charge a fee of \$80.40 per baby, for screening, patient retrieval and diagnosis, in order to meet or defray the Department's actual cost. However, no parent shall be denied screening on the basis of inability to pay.
 - (5) If the Department or approved laboratory determines that the specimen is unsatisfactory, then the submitter shall obtain a second specimen and submit another Card as soon as possible, but before the baby reaches three to four weeks of age. If the baby has been discharged, then the submitter shall be responsible for contacting the baby's physician, healthcare provider, or parent or legal guardian to arrange for the second specimen.

Cite as Ga. Comp. R. & Regs. R. 511-5-5-.04

AUTHORITY: O.C.G.A. §§ [31-2A-6](#), [31-12-5](#) through -7.

HISTORY: Original Rule entitled "Newborn Screening Specimen Cards and Laboratory Analysis" adopted. F. May 13, 2014; eff. June 2, 2014.

Amended: F. May 12, 2016; eff. June 1, 2016.

Amended: F. June 14, 2019; eff. July 15, 2019, as specified by the Agency.

Amended: F. Sep. 23, 2020; eff. Oct. 21, 2020, as specified by the Agency.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-6. FOOD AND LODGING ESTABLISHMENTS

Subject 511-6-1. FOOD SERVICE

511-6-1-.01 [Effective 10/16/2020] Definitions

(1) "**Accredited program**" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.

(2) "**Adulterated**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) "**Approved**" means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) "**Asymptomatic**" means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

(5) "**a_w**" means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w.

(6) "**Balut**" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(7) "**Base of operation**" means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, "pop-up" food service operation, or catering food service establishment operates.

(8) "**Beverage**" means a liquid for drinking, including water.

(9) "**Bottled drinking water**" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(10) "**Casing**" means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(11) "**Catering operation**" means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(12) "**Catering food service establishment**" means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile

catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments, and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(13) "**Certification**" means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(14) "**Certification number**" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(15) "**Certified food safety manager (CFSM)**" means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(16) "**CFR**" means Code of Federal Regulations.

(17) "**CIP**" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(18) "**Color additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3f.

(19) "**Commingle**" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

(20) "**Comminuted**" means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(21) "**Conditional employee**" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(22) "**Confirmed disease outbreak**" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(23) "**Consumer**" means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(24) "**Core item**" means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(25) "**Corrosion-resistant material**" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

- (26) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- (27) **"County board of health"** means a Board of Health established pursuant to O.C.G.A. § [31-3-1](#).
- (28) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- (29) **"Critical item"** means a provision of this Chapter, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.
- (30) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
- (31) **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.
- (32) **"Dealer"** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.
- (33) **"Department"** means the Georgia Department of Public Health.
- (34) **"Disclosure"** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.
- (35) **"District Standard Trainer"** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section.
- (36) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.
- (37) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.
- (38) **"Easily cleanable"** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.)
- (39) **"Easily movable"** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(40) **"Egg"** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(41) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(42) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(43) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(44) **"EPA"** means the U.S. Environmental Protection Agency.

(45) **"Equipment"** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(46) **"Exclude"** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(47) **"Extended food service unit"** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(48) **"Extensively remodeled"** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(49) **"Facilitator"** means a third-party entity which manages "pop-up" food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard.

(50) **"FDA"** means the U.S. Food and Drug Administration.

(51) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(52) **"Fixed food service establishment"** means a permitted food service establishment that is not mobile.

(53) **"Follow-up inspection"** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection.

(54) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(55) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and [21 CFR 170.3\(e\)\(1\)](#).

(56) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(57) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(58) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(59) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment.

(60) **"Food service establishment"** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. This term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include the following:

(a) a "food sales establishment" as defined in the O.C.G.A. Section [26-2-21](#) and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise in this paragraph.

(b) The food service component of any food sales establishment defined in O.C.G.A. Section [26-2-21](#);

(c) any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

(d) any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section [48-7-25\(a\)\(1\)](#) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

(e) establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state;

2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

3. Lasts 120 hours or less; or

(f) nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A. 26-2-391.

(61) **"Food service manager"** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(62) **"Food vending location"** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location.

(63) **"Game animal"** means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in [9 CFR 301.2](#) Definitions, or as Poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites.

(64) **"General public"** means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include:

(a) residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) guests in private homes; or

(c) participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(65) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in [40 CFR 152.175](#), Pesticides classified for restricted use.

(66) **"Grade A standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which governs certain fluid and dry milk and milk products.

(67) **"HACCP plan"** means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(68) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.

(69) **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(70) **"Health Authority"** means the Department, or a County Board of Health acting as its agent.

(71) **"Health practitioner"** means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(72) **"Hermetically sealed container"** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(73) **"Highly susceptible population"** means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such as custodial care, health care, or assisted living,

such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(74) **"Imminent health hazard"** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(75) **"Incubator food service establishment"** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A.** A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B.** A business relationship in which incubates/members operate within build-out-units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis.

(76) **"Incubatee/Member"** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(77) **"Initial inspection"** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(78) **"Injected"** means manipulating meat by introducing a solution into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".

(79) **"Juice"** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(80) **"Kitchenware"** means food preparation and storage utensils. It does not include tableware.

(81) **"Key Drop Deliveries"** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(82) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(83) **"Limited food preparation"** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(84) **"Linens"** means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(85) **"Major food allergen"** means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a food

ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(86) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game *animals*.

(87) "**Mechanically Tenderized**" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device. It does not include processes by which solutions are injected into meat.

(88) "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(89) "**Mobile catering unit**" means a trailer, pushcart, vehicle or other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(90) "**Mobile food service establishment**" means one or more mobile food service units operating from a single base of operation and under the managerial authority of one permit holder.

(91) "**Mobile food service unit**" means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(92) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked muscle.

(93) "**Non-continuous cooking**" means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(94) "**Packaged**" means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(95) "**Permit**" means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(96) "**Permit holder**" means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(97) "**Person**" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(98) "**Person in charge**" means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(99) "**Personal care items**" means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(100) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(101) **"Physical facilities"** means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(102) **"Plumbing fixture"** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(103) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(104) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(105) **"Pop-up food service operation"** means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(106) **"Poultry"** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in [9 CFR 381.1](#), Poultry Products Inspection Regulations Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in [9 CFR 362.1](#), Voluntary Poultry Inspection Regulations Definitions.

(107) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(108) **"Preparation of food"** means to put together or make by combining ingredients and processing food for final service.

(109) **"Primal cut"** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(110) **"Priority item"** means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P-^P.

(111) **"Priority foundation item"** means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions,

equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf - ^{Pf}.

(112) **"Public water system"** has the meaning stated in 40 CFR 141, National Primary Drinking Water Regulations.

(113) **"Pushcart"** means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(114) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(115) **"Ready-to-Eat Food"** means food that is in a form that is edible without additional preparation to achieve food safety, or is a raw or partially cooked animal food and the consumer is advised, or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

(a) Raw animal food that is cooked as specified under DPH Rule [511-6-1-.04\(5\)\(a\) or \(b\)](#) or frozen as specified under DPH Rule [511-6-1-.04\(5\)\(e\)](#);

(b) Raw fruits and vegetables that are washed;

(c) Fruits and vegetables that are cooked for hot holding;

(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;

(e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(i) Foods manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(116) **"Reduced Oxygen Packaging"** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(117) **"Refuse"** means solid waste that is not carried by water through the sewage system.

(118) **"Reminder"** means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(119) **"Re-service"** means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(120) **"Restrict"** means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(121) **"Restricted egg"** means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(122) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in [40 CFR 152.175](#) Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(123) **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(124) **"Routine inspection"** means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(125) **"Safe material"** means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in Section 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(126) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(127) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(128) **"Service animal"** means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(129) **"Servicing area"** means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(130) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(131) **"Shellfish certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(132) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(133) **"Shellstock"** means raw, in-shell molluscan shellfish.

(134) **"Shiga toxin - producing Escherichia coli"** (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(135) **"Shucked shellfish"** means molluscan shellfish that have one or both shells removed.

(136) **"Single-service articles"** means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(137) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(138) **"Slacking"** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(139) **"Smooth"** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(140) **"Special food service operation"** means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a "pop-up" food service operation, a catering food service establishment, or an incubator food service establishment.

(141) **"State Office Standard-Trainer"** means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program Director to train and standardize district appointed environmental health specialist to become District Standard-Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(142) **"Table-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(143) **"Tableware"** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(144) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(145) **"Temporary food service establishment"** means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(146) **"Time/Temperature Control for Safety Food" (formerly "potentially hazardous food" or "PHF")**

(a) "Time/temperature control for safety food" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) "Time/temperature control for safety food" includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its AW and PH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a _w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
a _w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
< 0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA
* TCS food means Time/Temperature Control for Safety food			
** PA means Product Assessment required			

Table B. Interaction of pH and a _w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
a _w values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA
* TCS food means Time/Temperature Control for Safety food				
** PA means Product Assessment required				

(c) "Time/temperature control for safety food" does not include:

1. An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;
2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. A food that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-TCS food in Table A or B of this definition;
4. A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - (ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as Reduced Oxygen Packaging, shelf life and use, or temperature range of storage and use, or
 - (iii) A combination of intrinsic and extrinsic factors; or
5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(147) **"USDA"** means the U.S. Department of Agriculture.

(148) **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(149) **"Variance"** means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(150) **"Vehicle Vender"** means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage, designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The majority of food is processed, packaged in individual portions and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(151) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(152) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(153) **"Warewashing"** means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(154) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

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511-6-1-.08 [Effective 10/16/2020] Special Food Service Operations

(1) Mobile Food Service Units and Extended Food Service Units.

(a) **Compliance Required.** Mobile food service units and extended food service units shall comply with the requirements of this Chapter, except as otherwise provided in this subsection and as specified under subsection (1)(b) of this Rule. ^{Pf} After review of a proposed menu, plans and specifications, and the proposed method of operation, the Health Authority may:

1. Impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation;
2. Prohibit the sale of some or all time/temperature control for safety food, or
3. When no health hazard will result, modify requirements of this Rule relating to physical facilities, except those requirements specified under subsections (1)(e) and (f) of this Rule.

(b) Exceptions to Compliance for Mobile and Extended Food Service Units.

1. General. Mobile food service units, such as vehicle vendors, and extended food service units may be exempt from the requirements of this Chapter pertaining to the necessity of water and sewage systems and to those requirements pertaining to the cleaning and sanitization, if the following conditions are met:

- (i) The required equipment for cleaning and sanitization exists at their permitted base of operation; ^{Pf} and
- (ii) Menus shall be limited to food that is prepared, prepackaged and labeled in individual servings, transported and stored; or
- (iii) Beverages that are not time/temperature control for safety foods that are dispensed from covered urns or other protected equipment all under conditions meeting the requirements of the Chapter. ^P

2. Push Carts. Push carts may be exempted from the requirements of subsection (1)(g)1 of this Rule if the following conditions for push carts are met:

- (a) The menu shall be limited to only service of commercially prepared and prepackaged time/temperature control for safety foods such as frankfurters, precooked encased sausages, and similar approved foods requiring heating only; ^P
- (b) All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, using food shields or other effective barriers. Condiments must be dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources of contamination; ^P

(c) No cooking equipment shall be allowed at the food vending location of carts. Heating equipment will be limited to steam or hot water heating equipment that meets the requirements of this Chapter; ^{Pf}

(d) At a minimum, overhead protection such as an umbrella large enough to fully cover and protect the entirety of the cart, employee and any cart associated equipment such as food storage, handwashing, etc., shall be provided for the cart's onsite operation; ^{Pf}

(e) Properly installed and equipped handwashing facilities meeting the requirements of this Chapter must be installed on carts. Potable hot and cold running water under pressure with suitable hand cleaner, dispensed paper towels, and a waste receptacle must be provided at or near the handwashing facility; ^{Pf} However, certified commercially manufactured, portable hand washing stations may be allowed for onsite operational use with the cart upon approval by the Health Authority.

(f) With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use with sufficient ice for cold time/temperature control for safety foods and NSF listed; ^{Pf}

(g) In use equipment and utensils must be cleaned and sanitized at least every 4 hours; therefore, carts shall be equipped with at least a 3-compartmented sink dedicated for the purpose of cleaning and sanitizing of equipment and utensils. However, in lieu of the 3-compartmented sink being installed on the cart and as deemed acceptable by the Health Authority, the permit holder may provide an adequate supply of clean and sanitized equipment and utensils stored in such a way on the cart so as to protect them from contamination, if the required equipment for cleaning and sanitization exists at its base of operation; ^{Pf}

(h) Push Carts must be designed, constructed and built to at least NSF Standard 59; ^{Pf} and

(i) Push Carts must be supplied with one day's operational supply of hot and cold potable water under pressure and waste water storage capacity of 15% larger than that of the potable water tank. The potable water storage tank shall have at least 10 gallons storage capacity and may be required by the Health Authority to have a larger storage volume depending on length of time in which the cart is used away from the base of operation. ^P

(j) Stored food, utensils and equipment, single-service and single-use supplies, and hand washing supplies shall be protected from environmental contamination during transportation of the Push Cart from location to location. ^{Pf}

(c) Equipment and Supplies Required for Onboard Preparation of more complex menus.

1. Units preparing time/temperature control for safety foods on the unit other than the limited menu items stated within subsection (1)(b) of this Rule shall utilize thermostatically controlled heating, cooling, and freezing equipment for those foods stored or displayed on the unit requiring controlled heating or refrigeration. ^{Pf}

2. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit. ^{Pf}

3. Each unit must have two separate types of sinks, one for hand-washing and the other for warewashing. ^{Pf}

4. Mobile food service units and extended food service units shall provide only individually wrapped single-service articles for use by the consumer. ^{Pf}

(d) Water System.

1. A mobile food service unit and extended food service unit requiring a water system shall have a potable water system as specified under DPH Rule [511-6-1-.06\(1\)](#), and the water system shall be under pressure. ^{Pf}

2. Mobile water tanks and mobile food service unit water tanks shall meet all the requirements specified under DPH Rule [511-6-1-.06\(3\)](#) as it relates to materials, design, construction, installation, numbers and capacities, and operation and maintenance of these tanks. ^{Pf}

3. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this regulation. ^{Pf}

(e) **Liquid Waste.** The sewage holding tanks for all mobile food service units and extended food service units, and all sewage and liquid waste resulting from the operation of a mobile food service unit or extended food service units shall meet the requirements of and be handled as specified under DPH Rule [511-6-1-.06\(4\)\(a\), \(e\), \(f\), \(g\), \(h\) and \(i\)](#) as it relates to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal. ^{Pf}

(f) **Operation.**

1. A mobile food service unit shall operate from its permitted base of operation and report daily to such location for supplies and cleaning and servicing operations. ^P

2. An extended food service unit shall operate as an extension of its permitted base of operation. ^P

3. An extended food service unit shall be serviced daily from the base of operation.

4. The base of operation or fixed food service establishment used as a base of operation for mobile food units and extended food service units shall be constructed and operated in conjunction with the mobile food service unit or extended food service unit under the active managerial control of a single permit holder to be in compliance with the requirements of this Chapter. ^P

5. Toilet facilities must be available for employee's use and, as applicable, consumer use along the route of food vending locations as per requirements found in DPH Rule [511-6-1-.06\(2\)\(h\)](#). In addition and to the satisfaction of the Health Authority, the permit holder must maintain and provide a list of toilet facilities available to the unit food vending locations. ^{Pf}

6. When not in use, mobile food service units shall be properly stored at the base of operation or other location approved by the Health Authority. ^{Pf}

(g) **Construction Based Upon Menu.**

1. Units preparing and serving time/temperature control for safety foods other than that stated in subsection (1)(b) of this Rule shall be so constructed that the operator must prepare and serve food from within the protective environment of a fully enclosed area of the unit such as that provided for in a fully enclosed trailer. ^P Except that units preparing non-time/temperature control for safety foods such as snow cones and popcorn shall be constructed so that the food preparation and service areas are protected from potential contamination by means of closable cabinets. ^{Pf}

2. The service area requirements are as follows:

(i) A mobile food service unit servicing area shall be available at its base of operation; except, a servicing area will not be required where only packaged food is placed on the mobile food service unit or where mobile food units do not contain waste retention tanks as stated in subsection (1)(b)1 of this Rule; ^{Pf}

(ii) Except for areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, servicing areas shall be provided with overhead protection; ^{Pf}

(iii) There shall be a location and equipment for the flushing and drainage of liquid wastes separate from the location and equipment provided for water servicing and for the loading and unloading of food and related supplies. ^{Pf} Requirements for sizing and location of equipment for flushing and drainage of liquid wastes and for equipment to provide potable water servicing of units shall be as specified within the most current editions of the Interpretative Manuals as referenced within DPH Rule [511-6-1-.02\(8\)](#);

(iv) The surface of the servicing area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid and sealed asphalt and shall be maintained in good repair, kept clean, and be graded to drain; and

(v) The construction of the walls and ceilings of the servicing areas is exempted from the provisions of DPH Rule [511-6-1-.07\(2\)\(a\) through \(f\)](#).

(vi) Toilet and handwashing facilities that meet the requirements of this Chapter shall be available for employees at the servicing area. ^{Pf}

(h) Identification.

1. All mobile food service units and extended food service units shall be identified by a sign or lettering indicating the name and address of the owner, the operator and the permit number. Letters and numbers must be at least two inches high.

2. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(i) Food Vending Location.

1. Food vending location requirements are as follows:

(i) Listings for mobile food service unit and extended food service unit food vending locations shall be maintained by the permit holder and shall be provided to the Health Authority. Permit holders shall notify the Health Authority at least 7 days prior to any changes in food vending locations. ^{Pf}

(ii) The operator must provide evidence of legal access and use of the premises for food vending; and

(iii) If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements.

2. Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the Health Authority's discretion to meet lesser restrictions if sanitation, temperature control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment.

(j) Compliance with Other Regulations. The operation must comply with all applicable regulations and ordinances. ^{Pf}

(k) Home Prepared Foods Prohibited. Home prepared foods or condiments may not be sold, served, or used on mobile food service units. ^P

(2) Temporary Food Service Establishments.

(a) Operation, Permit Application, Responsibilities.

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration. ^P

2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event. ^{Pf}

3. The following applies to a vendor application:

(i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.

(ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, a list of all menu items and the signature of the applicant.

4. The organizer's responsibility is the following:

(i) Ensure that only vendors permitted by the Health Authority are allowed to participate in the event, ^P

(ii) The organizer and property owner must notify the Health Authority 30 days prior to the event taking place and provide a list of food vendors who will be allowed by that organizer to participate in the event. ^{Pf}

(iii) Ensure that any unauthorized or unpermitted vendor found participating in an event shall immediately leave the event premises and shall be charged with a violation of this Rule. ^P

(b) Inspections.

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.

2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(c) Operations.

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in DPH Rule 511-6-1-.08(2)(a) through (h). ^P

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for time/temperature control for safety foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities. ^{Pf}

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority. ^P

(d) Preparation and Service - Time/Temperature Control for Safety Foods - Prohibited Menu Items.

1. Fixed Permitted Food Service Establishments. Any time/temperature control for safety food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served. ^P

2. Temporary Onsite Preparation and Service. All food prepared and served onsite of a temporary establishment must comply with the following:

(i) Only those time/temperature control for safety foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served; ^P

(ii) Once cooked, time/temperature control for safety foods shall not be touched by employee bare hands and must be maintained at 135°F or higher until served; ^P

(iii) Prior to service to the consumer, commercially prepared, precooked, and prepackaged time/temperature control for safety foods may be reheated thoroughly to at least 135°F for 15 seconds; ^P and

(iv) Time as a Public Health Control shall not be allowed in a temporary food service establishment. ^P

3. Menu Item Prohibition. The preparation or service of the following menu items are prohibited from service onsite of a temporary establishment:

(i) Except for paragraph 2 of this subsection, other ready-to-eat, time/temperature control for safety foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. ^P This prohibition does not apply to any time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings at 135°F (57°C) or above, or 41°F (5°C) or below in facilities meeting the requirements of this Chapter, and is served directly to the consumer in the unopened container in which it was packaged. ^P

(ii) Home prepared foods or condiments may not be sold, served, or used in temporary food service unit establishments. ^P

(e) Equipment and Supplies Required.

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ±2 degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing. ^P

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter, ^P

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture, ^P

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination, ^P and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited. ^P

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer. ^{Pf}

5. A heating facility capable of producing enough hot water shall be provided on the premises. ^{Pf}

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment. ^{Pf}

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. ^P

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority. ^{Pf}

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises. Such systems shall consist of:

(i) a water heater properly sized according to the needs of the establishment as established by interpretative and guidance manuals referenced within DPH Rule [511-6-1-.02\(8\)](#); ^{Pf} or

(ii) a gas or electric stove or burner with a container of water; ^{Pf} or

(iii) other means as determined by the Health Authority. ^{Pf}

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, a catch bucket, a pressurized or gravity fed supply of warm water, soap, and individual paper towels at the service site. ^{Pf}

(f) **Liquid Waste.** All sewage including liquid waste shall be disposed of as specified under DPH Rule [511-6-1-.06\(4\)\(h\) and \(i\)](#). ^P

(g) **Construction.**

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material, and shall be kept clean in good repair.

2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.

3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

4. Air curtains shall be properly designed and installed, and approved by the Health Authority.

5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather. ^{Pf}

6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

(h) **Protection from Contamination.**

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted. ^{Pf}

2. Counter-service openings shall not be larger than necessary for the particular operation conducted.

3. Counter-service openings shall be provided with effective means to restrict the entrance of flying insects.

4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.

5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices. ^{Pf}

6. Open, unprotected display or service of food is prohibited. ^P

(3) **Incubator Food Service Operations.** A permit holder or a permit applicant may seek a variance from the provisions in DPH Rule [511-6-1-.02\(1\)\(a\)4](#), in order to operate an incubator food service establishment only if, as an alternative to DPH Rule [511-6-1-.02\(1\)\(a\)4](#), the permit holder or permit applicant provides a written management plan along with the necessary supportive documentation that specifies standard operating procedures (SOP) in detail to the satisfaction of the Health Authority as to how active managerial control of risk-factors and public health

interventions for foodborne illness along with maintenance of equipment and facilities will be maintained to the requirements of this Chapter. ^P Incubator food service operations shall comply with other requirements of this Chapter in addition to the requirements of one of the following business models: ^P

(a) **Business Model A.** The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Plan (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policy, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items: ^P

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: ^P

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; ^P

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; ^P

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. ^P

(ii) Active Managerial Control Plan and SOP. The SOP will contain not less than the following items:

(I) A statement as to the maximum number of incubatees/members that will use the establishment per day or per shift; ^{Pf}

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; ^{Pf}

(III) A statement as to how incubatees/members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; ^{Pf}

(IV) A statement as to how separation in space and time will be maintained so as no other activities, such as bakery or food processing plant activity, will be conducted at the same time food service operations are being conducted. Separation of time and space may be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; ^{Pf}

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; ^{Pf}

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date and time and temperature of food as it leaves the establishment to when it is delivered to the consumer will be maintained for review upon the request of the Health Authority. Food temperature charts shall be maintained by management within the establishment for no less than 90 days from the date of any event or service; ^{Pf}

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; ^{Pf}

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-14-.02(1)(g). The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 511-5-14-.02(1)(g); ^{Pf}

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; ^{Pf}

(X) A list of incubatees/members scheduled for each day must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; ^{Pf}

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; ^P

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. ^{Pf} Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; ^P

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; ^{Pf}

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule [511-6-1-.03\(4\)](#) and it must include all employees of the establishment including incubatee/members; ^{Pf}

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; ^{Pf}

(XVI) A written food safety training plan for employees and incubatees/members; ^{Pf} and

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule [511-6-1-.02\(4\)](#). ^{Pf}

(b) **Business Model B.** The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Procedure (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policies, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum

items: ^P

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: ^P

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; ^P

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; ^P

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. ^P

(ii) Active Managerial Control Plan and SOP. The SOP shall not contain less than the following items:

(I) A statement as to the maximum number of incubatees/members that will use the individual build out units per day or per shift; ^{Pf}

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; ^{Pf}

(III) A statement as to how incubatees/members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; ^{Pf}

(IV) A statement as to how separation in space or time will be maintained so as to ensure that all food service operations are conducted within each individual incubatee/member's build-out unit. Separation of all activities, such as bakery or food processing plant activity must be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; ^{Pf}

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; ^{Pf}

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date, time, and temperature of food as it leaves the establishment to when it is delivered to the consumer shall be maintained by management for review upon the request of the Health Authority for no less than 6 months from the date of any event or service; ^{Pf}

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; ^{Pf}

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule [511-6-1-.02\(1\)\(g\)](#). The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule [511-6-1-.02\(1\)\(g\)](#); ^{Pf}

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; ^{Pf}

(X) A list of incubatees/members scheduled for each day according to the build-out unit they will use must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; ^{Pf}

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; ^P

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. ^{Pf} Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; ^P

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; ^{Pf}

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule [511-6-1-.03\(4\)](#) and it must include all employees of the establishment including incubatee/members; ^{Pf}

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; ^{Pf}

(XVI) A written food safety training plan for employees and incubatees/members; ^{Pf} and

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule [511-6-1-.02\(4\)](#). ^{Pf}

(XVIII) Each incubatee/member shall show the incubator food service establishment permit holder proof of a valid permit issued by the Health Authority to a food service facility unit specified in the permit application prior to being allowed access to the specified food service building unit; ^P

(XIX) A permit will be valid for one food service build-out unit per incubatee/member and not multiple food service build-out units; ^P and

(XX) The Health Authority will be notified of food service facility build-out schedule changes.

(4) Catering Food Service Establishments.

(a) Operations.

1. Catering food service establishments shall fully comply with the requirements of DPH Rules [511-6-1-.03](#) through [.07](#) in addition to the following: ^P

(I) Catering operations shall be permitted and operated separately from "food sales establishments" as defined in O.C.G.A. Section [26-2-21](#); and ^{Pf}

(II) For purposes of inspection of the base of operation and upon request by the Health Authority, catering food service establishments shall provide a quarterly schedule of events to be catered. ^{Pf}

2. When the catering operation involves only the preparation and delivery of food to a private party, special event, or motion picture filming location and does not include the handling of tableware and utensils or any preparation, service, or restocking of non-prepackaged foods on location at the service site, no hand washing facility is required at the service site. ^{Pf}

3. When the catering operation involves the handling of tableware and utensils and/or the preparation, service, or restocking of non-prepackaged foods on location at the service site, adequate handwashing facilities are required and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and waste receptacle(s) that are available and conveniently located for employees' use in the areas used for food preparation, food service, and warewashing. ^{Pf}

4. For the duration of the catering operation, all foods, display and service utensils, and other food-contact surfaces shall be adequately protected from dust, weather conditions, insects, and human contamination through the use of walls, ceiling, shields, screens, or other approved barriers or devices. ^{Pf}

5. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material approved by the Health Authority, and shall be kept clean and in good repair.

6. Catered food shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. Such catered food is to be discarded to waste or may be left in the possession of the consumer for which the catered food was contracted. ^P

7. When outdoor cooking equipment is used to prepare food at the service site, such equipment shall be located adjacent to a fully enclosed food preparation area and shall comply with all applicable provisions of law. Cookers, grills, ovens or any other type of equipment used for outdoor cooking shall have a lid or other design approved by the Health Authority which protects the food from dust, weather conditions, insects, and human contamination during the cooking process. No food preparation other than seasoning shall be allowed at outdoor cooking equipment.

8. Toilet facilities must be available at the service site for employee use and, if applicable, consumer use, as provided in DPH Rule [511-6-1-.06\(2\)\(h\)](#).

9. Except as provided in subparagraph (4)(a)(10.), supplies and equipment used at the service site shall be cleaned and serviced daily at the catering food service establishment's permitted base of operation. The shared use of facilities or equipment by two separate permit holders is prohibited.

10. A catering food service establishment that services a site, such as a filming location, more than 60 miles from its permitted base of operation for an extended period of time during which a daily return to the base of operation for service and restocking is impracticable, shall:

(i) Utilize an on-site warewashing method for washing, rinsing, and sanitizing utensils and equipment in accordance with DPH Rule [511-6-1-.05\(2\), \(3\), and \(6\)](#), which shall consist of either a portable dish washing trailer or a pre-approved, three-compartment basin system that is large enough to accommodate complete submersion of the largest utensil used at the service site; and

(ii) Maintain and provide to the Health Authority, upon request, written procedures which:

(I) Outline the methods of compliance with DPH Rule [511-6-1-.04\(2\) and \(3\)](#) for deliveries received in the field;

(II) Outline the methods of compliance with DPH Rule [511-6-1-.06\(1\)\(j\)](#) with regard to an alternative water supply;

(III) Outline the methods of compliance with DPH Rule [511-6-1-.06\(4\)\(e\) and \(f\)](#) with regard to proper sewage disposal; and

(IV) Describe how solid waste material and refuse from the food service operation will be stored and handled.

11. When not in use, all mobile catering units, equipment and all other supplies shall be properly stored at the base of operation or other location approved by the Health Authority.

(b) **Design and Construction of Mobile Catering Units.** Mobile catering units must comply with the requirements for mobile food service units set forth in DPH Rule 511-6-1-.08(1)(a) through (e), (g), (h), (j), and (k).

(c) **Identification.** All mobile catering units used in conjunction with catering operations for which food is prepared all or in part at the service site shall:

1. Display an adhesive sticker provided by the Department indicating that the mobile catering unit has been approved by the Health Authority for catering operations within the State of Georgia. The sticker must be located in a readily visible area on the unit and maintained in good condition; or

2. Maintain and provide to the Health Authority, upon request, a copy of the catering food service establishment's permit, which shall list the Vehicle Identification Number for each mobile catering unit used by the permit holder for the catering operation.

(d) **Catering Location.** A catering food service establishment shall maintain a record of each catering operation, including date, location, and menu, for at least six months after the catering operation takes place. Such records shall be provided to the Health Authority upon request.

(e) **Inspections.**

1. The Health Authority in the county that issued a permit to the catering food service establishment shall be responsible for conducting inspections in accordance with DPH Rule [511-6-1-.10\(2\)](#).

2. The Health Authority in a county where a service site is located shall be authorized to enter any catering operation, at any reasonable time and upon proper identification, for the purpose of conducting a complaint investigation. Any food safety Risk Factor violations shall be immediately corrected on-site; and, if an imminent health hazard is discovered, food service operations may be temporarily suspended by the local Health Authority until the imminent health hazard is corrected. The permit holder shall be entitled to appeal any such suspension to the local District Health Director in accordance with DPH Rule [511-6-1-.10\(1\)\(b\)](#).

3. Upon completion of the complaint investigation, the person in charge shall sign the report form provided by the local Health Authority. The signature of the person in charge shall not necessarily indicate agreement with any findings noted during the complaint investigation. A copy of the signed report shall be given to the person in charge and a copy shall be sent to the Health Authority in the county that issued the permit. A score shall not be given for a complaint investigation conducted in a county where a service site, but not the permitted base of operation, is located; however, blatant or repeated food safety compromises found during such complaint investigations may lead to permit suspension or revocation by the Health Authority in the county that issued the permit.

(5) **"Pop-Up" Food Service Operations.**

(a) Food service establishments participating in "pop-up" food service operations shall fully comply with the requirements of DPH Rules [511-6-1-.03](#) through .07 in addition to the following: ^P

1. Unless the food service establishment is already permitted for catering operations, it must obtain a letter of approval from the Health Authority prior to engaging in "pop-up" food service operations.

2. A food service establishment participating in a "pop-up" food service operation shall operate from its permitted base of operation. ^P

3. A food service establishment shall not operate more than 3 hours in one day at any "pop-up" location without first obtaining a mobile food service vending permit, and shall be limited to no more than 2 days per calendar week at any one "pop-up" location.

4. Only ready-to-eat foods that have been prepared, cooked, and properly containerized for transport at the permitted base of operation may be served and sold at the "pop-up" location.

5. Time/Temperature Control for Safety (TCS) foods to be served and sold at the "pop-up" location must be maintained at the following temperatures during transport and kept in approved NSF certified containers:

(i) 41°F or less if held cold; ^P or

(ii) 135°F or more if held hot. ^P

6. All food shall be protected from coughing, sneezing, customer handling, or other contamination through the use of effective barriers such as wrapping or food shields. Condiments shall be dispensed in single-service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources. ^P

7. "Pop-up" food service operations shall provide only individually wrapped single-service tableware for use by the consumer. ^{Pf}

8. No cooking equipment shall be allowed at the "pop-up" food service location. Hot-holding and cold-holding equipment shall be limited to steam or hot water heating equipment or refrigerated equipment that meets the requirements of this Chapter. With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use and contain sufficient ice for cold TCS foods may be used; however, packaged or wrapped food shall not be stored in contact with water or undrained ice, except for commercially packaged beverages such as canned or bottled soda or water. ^{Pf}

9. A food service establishment participating in a "pop-up" food service operation shall bring an adequate supply of clean and sanitized food service equipment and utensils and store them at the "pop-up" location in a way that ensures they are protected from contamination. Only food service equipment and utensils that belong to the permitted food service establishment operating at the "pop-up" location shall be used by that food service establishment during the operation. At no time shall food service equipment or utensils be shared between food service establishments. ^{Pf}

10. Adequate handwashing facilities are required at the "pop-up" location and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and a waste receptacle that is conveniently located for use by food employees at the "pop-up" location. Wastewater from the "pop-up" food service operation shall be disposed of according to law. ^{Pf}

11. Copies of the permit and the current inspection report for the food service establishment's base of operation must be displayed for public view at the "pop-up" food service location.

12. Inspections of "pop-up" food service operations may be conducted as often as necessary to ensure compliance with this Rule.

13. Except for unopened commercially packaged beverages, food not sold or consumed at the "pop-up" location shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. All food from a "pop-up" food service operation shall be discarded to waste after service at the "pop-up" location has concluded for that day. ^P

(b) The facilitator of a "pop-up" food service operation shall obtain a letter of approval from the local Health Authority for the "pop-up" location by providing the following information at least ten business days prior to the anticipated date of operating at the selected "pop-up" location:

1. The name, title, address, and telephone number of the person directly responsible for the management of the facilitator;
2. The address of the proposed "pop-up" food service operation;
3. The method, such as an electronic ticket or other tracking method, that will be used to identify patrons purchasing food at the "pop-up" location for trace back purposes in the event of a foodborne illness;
4. A statement signed by the facilitator or authorized agent that:
 - (i) Attests to the accuracy of the information provided in the application; and
 - (ii) Affirms that the applicant will fulfill the obligations of a facilitator as outlined in this subsection; and
5. If the facilitator is not the owner of the proposed location of the "pop-up" food service operation, a written statement signed by the owner or authorized agent of the proposed location, giving permission for the "pop-up" food service operation to take place;
 - (c) A "pop-up" food service operation shall not take place in a location where the food is subject to overhead or environmental contamination, ^{Pf} or in a building which serves a highly susceptible population. A "pop-up" food service operation shall comply with all applicable regulations and ordinances, including access to toilet facilities which meet the requirements of DPH Rule [511-6-1-.06\(2\)\(h\)](#).
 - (d) The local Health Authority shall be notified prior to any change in the facilitator of a "pop-up" food service operation.
 - (e) The facilitator shall maintain and make available to the local Health Authority, upon request, a list of the food service establishments participating in the "pop-up" food service operation, which shall include:
 - (i) the address and food service permit number of each food service establishment;
 - (ii) the dates and times of operation for each food service establishment at the "pop-up" location; and
 - (iii) the menu of foods offered by each food service establishment at the "pop-up" location.
 - (f) The local Health Authority may, in its discretion, suspend or revoke a letter of approval for a "pop-up" food service operation if it is determined that the requirements of this Rule have not been met.

Cite as Ga. Comp. R. & Regs. R. 511-6-1-.08

AUTHORITY: O.C.G.A. §§ [26-2-373](#), [31-2A-6](#).

HISTORY: Original Rule entitled "Special Food Service Operations" adopted. F. Oct. 9, 2015; eff. Oct. 29, 2015.

Amended: F. July 24, 2018; eff. Aug. 13, 2018.

Amended: F. Oct. 1, 2018; eff. Oct. 21, 2018.

Amended: F. Sep. 25, 2020; eff. Oct. 16, 2020, as specified by the Agency.

Department 515. RULES OF GEORGIA PUBLIC SERVICE COMMISSION

Chapter 515-12. TELEPHONE SERVICE

Subject 515-12-1. TELEPHONE SERVICE

515-12-1-.36 Pole Attachment Agreements

(a) The Commission has the authority to determine the rates, fees, terms, conditions, and specifications in any pole attachment agreement entered into by a communications service provider and an electric membership corporation, except as provided in O.C.G.A. § 46-5-200.4(e).

(b) Prior to making any determination under subsection (a), the Commission shall afford interested parties the opportunity to be heard and to present evidence.

(c) The Commission will provide notice of the proceeding that conforms with the requirements of O.C.G.A. § [50-13-13\(a\)](#).

(d) Parties will have the opportunity to submit pre-filed testimony in accordance with the terms and conditions of the procedural and scheduling order or orders issued by the Commission.

(e) The Commission will hold an in-person or virtual hearing, unless the parties consent to the submission of evidence without such a hearing or the Commission makes a determination under O.C.G.A. § [50-13-15\(1\)](#) that the hearing will be expedited and the interest of the parties will not be prejudiced substantially by receiving evidence in written form.

(f) The process described in this rule may be supplemented by order of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.36

AUTHORITY: O.C.G.A. §§ [46-5-200.4](#), [46-2-30](#), [46-2-51](#), [50-13-13](#), [50-13-15](#).

HISTORY: Original Rule entitled "Pole Attachment Agreements" adopted. F. Sep. 10, 2020; eff. Sep. 30, 2020.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-1. APPLICATIONS

546-1-.01 Initial Licensure

1) A person shall not provide immigration assistance in this state without holding a license issued pursuant to these rules as an immigration assistance provider.

2) No person shall be granted a license as an immigration assistance provider unless such person:

a) Is 18 years of age or older;

b) Is a United States citizen or holds a valid legal immigration status pursuant to federal law;

c) Provides a criminal background report and, within the five-year period preceding the date of the application, has no criminal convictions, other than traffic violations; and

d) Completes and submits an application;

3) Any person desiring to be licensed as an immigration assistance provider shall file an application for such license along with the fee provided for in the fee schedule. All original and subsequent applications must be submitted on the approved form and the applicant must also provide:

a) The name and address of the applicant or the name under which he or she intends to conduct business and, if the applicant is a partnership or limited liability company, the name and residence address of each member thereof and the name under which the partnership or limited liability company business is to be conducted and, if the applicant is a corporation, the name and address of each of its principal officers;

b) The place or places, including the city with the street and street number, if any, where the business is to be conducted;

c) Authorization to perform a criminal background check;

d) \$5,000.00 Performance Bond (Form IP200);

e) An affidavit of citizenship;

f) A secure and verifiable document; and

g) If an applicant intends to provide services that shall require him or her to control the legal funds of a client seeking immigration assistance, provides a financial statement for the current fiscal year.

Cite as Ga. Comp. R. & Regs. R. 546-1-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-4](#).

HISTORY: Original Rule entitled "Initial Licensure" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

546-1-.02 Amendment of license application to account for events or developments after license granted

Should material events or developments occur after a person has been granted a license, such person shall amend the license application submitted by adding statements of fact that developed, or became known, after the effective date of such application and by deleting statements of fact that, because of such developments, may be misleading. Such additions and deletions shall be submitted not more than 30 days after their occurrence.

Cite as Ga. Comp. R. & Regs. R. 546-1-.02

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-11](#).

HISTORY: Original Rule entitled "Amendment of license application to account for events or developments after license granted" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

546-1-.03 Applications for Military Spouses and Transitioning Service Members

1) As used in this rule, the following terms shall mean:

- a) "Military" means the United States armed forces, including the National Guard.
- b) "Military spouse" means a spouse of a service member or transitioning service member.
- c) "Service member" means an active or reserve member of the armed forces, including the National Guard.
- d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application for any license or permit issued by the Board by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license or permit under the laws and rules for the type of license for which the applicant has applied.

Cite as Ga. Comp. R. & Regs. R. 546-1-.03

AUTHORITY: O.C.G.A. § [43-1-34](#).

HISTORY: Original Rule entitled "Applications for Military Spouses and Transitioning Service Members" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-2. RENEWAL AND REINSTATEMENT

546-2-.01 Renewal

- 1) Licenses issued shall expire annually and require renewal on dates established by the renewal schedule.
- 2) Licenses that are not renewed in accordance with the renewal schedule and department rules are automatically revoked by operation of law.
- 3) In order to renew, each licensee must submit all of the following:
 - a) A completed renewal application on the approved form;
 - b) A renewal fee dictated by the fee schedule;
 - c) Proof of a current bond; and
 - d) If the licensee is not a citizen, an updated citizenship affidavit and secure and verifiable document.

Cite as Ga. Comp. R. & Regs. R. 546-2-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-4](#).

HISTORY: Original Rule entitled "Renewal" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

546-2-.02 Reinstatement

- 1) An applicant for reinstatement of a revoked or lapsed license must:
 - a) Submit a completed application on the approved form
 - b) Pay the reinstatement fee dictated by the fee schedule
 - c) Submit proof of a current surety bond; and
 - d) If the applicant is not a citizen, the applicant must submit an updated citizenship affidavit and secure and verifiable document.

Cite as Ga. Comp. R. & Regs. R. 546-2-.02

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-4](#).

HISTORY: Original Rule entitled "Reinstatement" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-3. PERMISSIBLE SERVICES AND EXEMPTIONS

546-3-.01 Permissible services; terms of contract for immigration services

1) An immigration assistance provider licensee may perform the following services as immigration assistance:

- a) Completing a government agency form on behalf of the client and appropriate to the client's needs;
- b) Transcribing responses to a government agency form which is related to an immigration matter; provided, however, that advice shall not be offered to a client as to his or her answers on such forms;
- c) Translating information on forms to a client and translating the client's answers to questions posed on such forms;
- d) Securing for the client supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms;
- e) Notarizing signatures on government agency forms, provided that the person performing the service is a notary public commissioned in the State of Georgia and is lawfully present in the United States;
- f) Preparing or arranging for the preparation of photographs and fingerprints;
- g) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results; and
- h) Performing such other services that the Secretary of State determines by rule may be appropriately performed by such licensees in light of the purposes O.C.G.A. § 43-20A.

2) A contract to provide any service in conjunction with immigration assistance shall clearly state the obligations of the immigration assistance provider and the client who is to receive such service.

Cite as Ga. Comp. R. & Regs. R. 546-3-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-5](#).

HISTORY: Original Rule entitled "Permissible services; terms of contract for immigration services" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

546-3-.02 Exemptions

1) The following persons are exempt from these rules by O.C.G.A. § [43-20A-6](#):

- a) An attorney licensed to practice law in Georgia or an attorney licensed to practice law in any other state or territory of the United States or in any foreign country when acting with the approval of a judge having lawful jurisdiction over the matter;
- b) A legal intern, clerk, paralegal, or person in a similar position employed or independently contracted by and under the direct supervision of a licensed attorney meeting the requirements in paragraph (a) of this subsection and rendering immigration assistance in the course of employment;

c) A not for profit organization recognized by the Board of Immigration Appeals under [8 C.F.R. 292.2\(a\)](#) and employees of such organizations accredited under [8 C.F.R. 292.2\(d\)](#); and

d) Any person employing or desiring to employ an alien or nonimmigrant alien, where the organization, its employees, or its agents provide nonlegal advice in conjunction with immigration assistance in immigration matters to alien or nonimmigrant alien employees or potential employees without compensation from the individuals to whom such nonlegal advice in conjunction with immigration assistance is provided.

2) Any person who provides or offers immigration assistance and is not exempted pursuant to O.C.G.A. § [43-20A-6](#) shall post signs at his or her place of business setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to clients. Each sign shall be at least 12 inches by 17 inches and shall contain the following statement:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

3) Every person engaged in immigration assistance that is not an attorney and that advertises immigration assistance in a language other than English shall include conspicuously in such advertisement the following notice in English and the language in which the advertisement appears: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such advertisement is by radio or television, the statement may be modified but shall include substantially the same message.

4) Any person who provides or offers immigration assistance that is not exempted pursuant to O.C.G.A. § [43-20A-6](#) shall not, in any document identifying such person as an immigration assistance provider, translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney.

5) A person engaged in providing immigration assistance that is not exempted pursuant to O.C.G.A. § [43-20A-6](#) as a licensed attorney shall not:

a) Refuse to return documents supplied by, prepared on behalf of, or paid for by the client upon the request of the client. Such documents shall be returned upon request even if there is a fee dispute between such person and the client;

b) Represent or advertise, in conjunction with immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant," that could cause a client to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided, however, that a certified notary public may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney and the term "notary public" is not translated to another language; or

c) Provide materially false or misleading information in an application for licensure or renewal of a license.

Cite as Ga. Comp. R. & Regs. R. 546-3-.02

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-16](#).

HISTORY: Original Rule entitled "Exemptions" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-4. PROFESSIONAL CONDUCT

546-4-.01 Maintaining documents

All immigration assistance providers who are licensed or required to be licensed with the Secretary of State shall preserve records documenting compliance pursuant to O.C.G.A. 43-20A and these rules for at least three years from the date such records were produced. Immigration assistance providers shall preserve client records that contain certain necessary information. Such records shall be subject to reasonable periodic or special inspections by the Secretary of State. An inspection may be made at any time and without prior notice. The Secretary of State may copy and remove any record the Secretary of State reasonably considers necessary or appropriate to conduct the inspection.

Cite as Ga. Comp. R. & Regs. R. 546-4-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-8](#).

HISTORY: Original Rule entitled "Maintaining documents" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

546-4-.02 Obligation to provide notice of pending disciplinary, administrative, civil, or criminal action

1) Any immigration assistance provider shall report in writing immediately to the Secretary of State, Professional Licensing Division if:

- a) He or she has been made or is the subject of any disciplinary, administrative, civil, or criminal action; and
- b) He or she has been served in any civil complaint or arbitration filed alleging fraud or any violation of any local, state, or federal law.

2) The immigration assistance provider shall provide to the Secretary of State a copy of any notice, order, pleading, indictment, accusation, or similar legal document relating to an action subject to this rule that he or she has in his or her possession.

3) Any licensee who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony shall be required to notify the Secretary of State, Professional Licensing Division of the conviction within ten days of the conviction.

Cite as Ga. Comp. R. & Regs. R. 546-4-.02

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-9](#), [43-20A-20](#).

HISTORY: Original Rule entitled "Obligation to provide notice of pending disciplinary, administrative, civil, or criminal action" adopted. F. Sep. 3, 2020; eff. Sep. 23, 2020.

Department 546. REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Chapter 546-5. [Effective 10/20/2020]INITIAL FILINGS

546-5-.01 Causes for disciplinary actions

1) The Professional Licensing Division of the Secretary of State shall order the discipline, denial, suspension, or revocation of license issued pursuant to these rules, if it finds that the order is in the public interest and that such person:

a) Has filed an application for licensure which, as of its effective date or any date after filing in the case of an order denying effectiveness, contained a statement that was, in light of the circumstances under which it was made, false with respect to a material fact in the application;

b) Has violated or failed to comply with any provisions of these rules or O.C.G.A. § 43-20A;

c) Is the subject of an adjudication or determination, after notice and opportunity for hearing, within the last five years by any government agency or administrator of another state or a court of competent jurisdiction that the person has willfully violated the law of another state, but only if the acts constituting the violation of that state's law would constitute a violation of O.C.G.A. § 43-20A had the acts occurred in this state;

d) Has been convicted of any felony in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph and paragraph (e) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

e) Within the last ten years has been convicted of a felony or misdemeanor involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States, the record of conviction being conclusive evidence of conviction, which the Secretary of State finds:

i) Involves the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any of the foregoing offenses;

ii) Arises out of the conduct of immigration assistance; or

iii) Involves the theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

f) Is the subject of an order of the Secretary of State that denies, suspends, or revokes a license from such person other than a license issued pursuant to these rules or O.C.G.A. § 43-20A;

g) Is the subject of any of the following orders which are effective at the time of the Secretary of State's order and were issued within five years before the Secretary of State's order:

i) An order by an agency or administrator of another state, a foreign country, or the federal government, entered after notice and opportunity for hearing, that denies, suspends, or revokes a license from such person other than a license issued pursuant to O.C.G.A. § 43-20A;

ii) A United States Postal Service fraud order; or

iii) A cease and desist order entered after notice and opportunity for hearing by the Secretary of State or other state or federal authority;

- h) Is determined by the Secretary of State not to be qualified pursuant to these rules or O.C.G.A. § 43-20A;
 - i) Violated or conspired to violate these rules or O.C.G.A. § 43-20A;
 - j) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity;
 - k) Has failed to cure any application deficiency within 30 days after being notified by the Secretary of State of a deficiency, but such an order shall be vacated when the deficiency is corrected, unless the applicant has abandoned the application; or
- 1) Has failed to comply with an order for child support as defined by O.C.G.A. § [19-11-9.3](#). Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals procedures provided in Code Section [19-6-28.1](#) or [19-11-9.3](#), where applicable, shall be the only such procedures required under this subsection.
 - 2) The Secretary of State shall not order the discipline, denial, suspension, or revocation of a license because a person has been found by the Georgia Higher Education Assistance Corporation to be a borrower in default who is not in satisfactory repayment status as defined in O.C.G.A. § [20-3-295](#).
 - 3) Prior to issuing an order pursuant to paragraph (1), the Secretary of State shall consider:
 - a) How recently the conduct occurred;
 - b) The nature of the conduct and the context in which it occurred;
 - c) The degree of harm imposed upon others; and
 - d) Any other relevant conduct of the applicant.
 - 4) If the Secretary of State determines that a licensee is no longer in existence or acting as an immigration assistance provider, the subject of an adjudication of incapacity, subject to the control of a trustee, conservator, or guardian, or cannot reasonably be located, the Secretary of State may issue an order that cancels or terminates the license. The Secretary of State may reinstate a canceled or terminated license, with or without hearing, and may make the license retroactive.
 - (d) An order issued pursuant to paragraph (1) shall constitute a final order, shall be deemed to be in the public interest, and shall not be deemed to constitute findings of fact or conclusions of law related to other persons. The entry of such an order shall not be deemed to be a waiver or estoppel on the part of the Secretary of State from proceeding in individual actions against any persons who may have violated these rules or O.C.G.A. § 43-20A, nor shall such an order prevent the Secretary of State from bringing individual actions against any persons who have violated these rules or O.C.G.A. § 43-20A, if such violation was not known to the Secretary of State at the time the order was issued.
 - (e) An order is not a proceeding or enforcement action pursuant to Chapter 13 of Title 50.

Cite as Ga. Comp. R. & Regs. R. 546-5-.01

AUTHORITY: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-20A-3](#), [43-20A-16](#).

HISTORY: Original Rule entitled "Causes for disciplinary actions" adopted. F. Sep. 30, 2020; eff. Oct. 20, 2020.