

# Georgia Rules and Regulations

## Administrative Bulletin for April 2022

### OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Final rules filed with the Georgia Secretary of State during the month of *April 2022*:

#### Table of Contents

Department	Rules List	Action	Filed	Effective	Page
40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	<a href="#">40-13-14-.01</a> --- <a href="#">40-13-14-.03</a> <a href="#">40-13-16-.01</a> --- <a href="#">40-13-16-.03</a>	amended adopted	Apr. 4 Apr. 25	Apr. 24, 2022 May 15, 2022	5 8
144. RULES OF GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL	<a href="#">144-4-.06</a> --- <a href="#">144-4-.09</a>	amended	Apr. 1	Apr. 21, 2022	10
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	<a href="#">160-1-4-.299</a> <a href="#">160-1-4-.308</a>	submitted submitted	Apr. 12 Apr. 4		18 19
297. GRANTS OF JUDICIAL COUNCIL OF GEORGIA ADMINISTRATIVE OFFICE OF THE COURTS	<a href="#">297-1-.01</a> , <a href="#">297-1-.02</a>	submitted	Apr. 14		20
375. RULES OF DEPARTMENT OF DRIVER SERVICES	<a href="#">375-3-3-.03</a>	repealed	Apr. 20	May 10, 2022	25
511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH	<a href="#">511-2-9-.08</a>	amended	Apr. 20	May 18, 2022	26
513. RULES OF PUBLIC RETIREMENT SYSTEMS	<a href="#">513-1-1-.09</a> --- <a href="#">513-1-1-.12</a>	adopted	Apr. 21	May 11, 2022	28

Department	Rules List	Action	Filed	Effective	Page
560. RULES OF DEPARTMENT OF REVENUE	<a href="#">560-2-18-.01</a> --- <a href="#">560-2-18-.14</a>	repealed	Apr. 26	May 16, 2022	30
	<a href="#">560-2-19-.01</a> --- <a href="#">560-2-19-.08</a>	repealed	Apr. 26	May 16, 2022	34
590. RULES OF OFFICE OF SECRETARY OF STATE	<a href="#">590-7-29-.01</a> --- <a href="#">590-7-29-.06</a>	adopted	Apr. 27	May 17, 2022	37

Final rules filed with the Georgia Secretary of State that became effective *April 2022*:

Department	Rules List	Action	Filed	Effective
40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	<a href="#">40-13-14-.01</a> --- <a href="#">40-13-14-.03</a>	amended	Apr. 4, 2022	Apr. 24
144. RULES OF GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL	<a href="#">144-4-.06</a> --- <a href="#">144-4-.09</a>	amended	Apr. 1, 2022	Apr. 21
300. RULES OF GEORGIA DEPARTMENT OF LABOR	<a href="#">300-2-4-.08</a>	amended	Mar. 31, 2022	Apr. 1
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	<a href="#">391-3-4-.10</a>	amended	Mar. 22, 2022	Apr. 11
	<a href="#">391-3-17-.04</a> --- <a href="#">391-3-17-.06</a> , <a href="#">391-3-17-.09</a>	amended	Mar. 30, 2022	Apr. 19
	<a href="#">391-3-20-.01</a> , <a href="#">391-3-20-.04</a> , <a href="#">391-3-20-.05</a> , <a href="#">391-3-20-.09</a> --- <a href="#">391-3-20-.11</a> , <a href="#">391-3-20-.13</a> , <a href="#">391-3-20-.15</a> , <a href="#">391-3-20-.17</a> , <a href="#">391-3-20-.22</a>	amended	Mar. 30, 2022	Apr. 19
	<a href="#">391-3-24-.03</a> , <a href="#">391-3-24-.06</a> , <a href="#">391-3-24-.07</a>	amended	Mar. 18, 2022	Apr. 7
505. PROFESSIONAL STANDARDS COMMISSION	<a href="#">505-3-.29</a>	amended	Mar. 25, 2022	Apr. 15
560. RULES OF DEPARTMENT OF REVENUE	<a href="#">560-11-14-.01</a>	amended	Mar. 31, 2022	Apr. 20
	<a href="#">560-11-16-.02</a> , <a href="#">560-11-16-.03</a> , <a href="#">560-11-16-.05</a>	amended	Mar. 31, 2022	Apr. 20
	<a href="#">560-13-3-.01</a>	adopted	Mar. 25, 2022	Apr. 14
40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	<a href="#">40-13-14-.01</a> --- <a href="#">40-13-14-.03</a>	amended	Apr. 4, 2022	Apr. 24
144. RULES OF GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL	<a href="#">144-4-.06</a> --- <a href="#">144-4-.09</a>	amended	Apr. 1, 2022	Apr. 21
300. RULES OF GEORGIA DEPARTMENT OF LABOR	<a href="#">300-2-4-.08</a>	amended	Mar. 31, 2022	Apr. 1
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	<a href="#">391-3-4-.10</a>	amended	Mar. 22, 2022	Apr. 11
		amended	Mar. 30, 2022	Apr. 19

Department	Rules List	Action	Filed	Effective
	<a href="#"><u>391-3-17-.04</u></a> --- <a href="#"><u>391-3-17-.06</u></a> , <a href="#"><u>391-3-17-.09</u></a>	amended	Mar. 30, 2022	Apr. 19
	<a href="#"><u>391-3-20-.01</u></a> , <a href="#"><u>391-3-20-.04</u></a> , <a href="#"><u>391-3-20-.05</u></a> , <a href="#"><u>391-3-20-.09</u></a> --- <a href="#"><u>391-3-20-.11</u></a> , <a href="#"><u>391-3-20-.13</u></a> , <a href="#"><u>391-3-20-.15</u></a> , <a href="#"><u>391-3-20-.17</u></a> , <a href="#"><u>391-3-20-.22</u></a>	amended	Mar. 18, 2022	Apr. 7
	<a href="#"><u>391-3-24-.03</u></a> , <a href="#"><u>391-3-24-.06</u></a> , <a href="#"><u>391-3-24-.07</u></a>			
505. PROFESSIONAL STANDARDS COMMISSION	<a href="#"><u>505-3-.29</u></a>	amended	Mar. 25, 2022	Apr. 15
560. RULES OF DEPARTMENT OF REVENUE	<a href="#"><u>560-11-14-.01</u></a>	amended	Mar. 31, 2022	Apr. 20
	<a href="#"><u>560-11-16-.02</u></a> , <a href="#"><u>560-11-16-.03</u></a> , <a href="#"><u>560-11-16-.05</u></a>	amended	Mar. 31, 2022	Apr. 20
	<a href="#"><u>560-13-3-.01</u></a>	adopted	Mar. 25, 2022	Apr. 14

# **Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE**

## **Chapter 40-13. ANIMAL HEALTH DIVISION**

### **Subject 40-13-14. DOG AND CAT STERILIZATION PROGRAM**

#### **40-13-14-.01 Eligibility**

- (1) The Georgia Department of Agriculture may decide, in its discretion, to collaborate with veterinarians to host events providing sterilization procedures in chosen geographic areas.
- (2) A veterinarian that performs a sterilization procedure utilizing funds from the Dog and Cat Sterilization Program must be licensed by the Georgia State Board of Veterinary Medicine.
- (3) If a veterinarian intends to seek financial assistance from the Dog and Cat Sterilization Program to perform a sterilization procedure, the veterinarian must request financial assistance in writing or electronic mail from the Georgia Department of Agriculture prior to performing the procedure. If funds are available, the veterinarian will receive written approval from the Department prior to performing each procedure.
- (4) The veterinarian must perform all surgical procedures for which they receive financial assistance from the Dog and Cat Sterilization Program using acceptable standards of care as prescribed by the American Veterinary Medical Association guidelines.
- (5) Both the animal and owner must reside in Georgia in order for the veterinarian to qualify to perform a sterilization procedure utilizing financial assistance from the Dog and Cat Sterilization Program.

**Cite as** Ga. Comp. R. & Regs. R. 40-13-14-.01

**AUTHORITY:** O.C.G.A. § [4-15-1](#).

**HISTORY:** Original Rule entitled "Eligibility" adopted. F. Sept. 26, 2003; eff. Oct. 17, 2003, as specified by the Agency.

**Amended:** F. Aug. 31, 2006; eff. Sept. 20, 2006.

**Amended:** F. Apr. 4, 2022; eff. Apr. 24, 2022.

#### **40-13-14-.02 Distribution of Dog and Cat Sterilization Funds to Veterinarian**

- (1) The number of sterilization procedures for which veterinarians may apply for financial assistance from the Dog and Cat Sterilization Program will not be limited, provided that the Georgia Department of Agriculture will not be obligated to provide financial assistance for any sterilization procedure for which funding under the Dog and Cat Sterilization Program is not available.
- (2) The Georgia Department of Agriculture may, in its discretion, collaborate with veterinarians to host events providing sterilization procedures in chosen geographic areas, for which eligible veterinarians may receive financial assistance for performance of sterilization procedures otherwise approved in accordance with this Rule. Veterinarian participation in, and performance of sterilization procedures at, these events shall be at the discretion of and on the terms proscribed by the Department.
- (3) The veterinarian must inform the owner or agent in writing of any additional procedures with additional charges, including but not limited to vaccinations, laboratory services, or pain medication, prior to performing additional

services. The veterinarian performing a sterilization procedure for which they will receive financial assistance pursuant to the Dog and Cat Sterilization Program must inform the owner or agent of the animal in writing of the non-subsidized part of the sterilization fee for which the owner or agent shall be responsible.

(4) The following forms must be received by the Georgia Department of Agriculture prior to any disbursement of financial assistance for approved sterilization procedures.

(a) Veterinarian Collaboration Letter

(b) Veterinary Claim for Payment Owner/Client Verification of Surgical Procedure

1. The Veterinary Claim for Payment Owner/Client Verification of Surgical Procedure Form must be received by the Georgia Department of Agriculture within 60 days of the date of the sterilization procedure.

(c) Vendor Management Form

(d) W-9 Form

(5) Financial assistance for specific sterilization procedures shall be set by the Georgia Department of Agriculture annually and will reflect the average cost of such procedures as determined by the Georgia Department of Agriculture on an annual basis. The Georgia Department of Agriculture will make this determination on July 1<sup>st</sup> of each year.

**Cite as** Ga. Comp. R. & Regs. R. 40-13-14-.02

**AUTHORITY:** O.C.G.A. § [4-15-1](#).

**HISTORY:** Original Rule entitled "Distribution of Dog and Cat Sterilization Funds" adopted. F. Sept. 26, 2003; eff. Oct. 17, 2003.

**Amended:** F. Aug. 31, 2006; eff. Sept. 20, 2006.

**Amended:** Rule amended and retitled "Distribution of Dog and Cat Sterilization Funds to Veterinarian". F. Mar. 7, 2012; eff. Mar. 27, 2012.

**Amended:** F. Apr. 4, 2022; eff. Apr. 24, 2022.

### **40-13-14-.03 Dog and Cat Sterilization Grant Program**

(1) When funds are available, licensed municipal animal shelters located in Georgia, licensed nonprofit animal rescue organizations with 501(c)(3) status located in Georgia, and veterinary medical foundations with 501(c)(3) status located in Georgia may apply to the Department for a grant to assist with sterilization procedures on dogs and cats.

(2) A completed application must be timely received by the Department in order for an applicant to be eligible for financial assistance through the grant program. Incomplete and/or untimely applications will not be considered.

(3) Along with the completed grant application, the grant applicant must provide a letter of collaboration from the Georgia licensed veterinarian(s) that will be performing the sterilization procedure(s).

(4) Grant applications will be assessed by a grant review committee. Funding will be awarded based on the highest priority grant proposals. The grant review committee will consider factors, including, but not limited to, the following: targeting of important animal populations, ability to increase surgery numbers, cost-benefit ratio, record of grant applicant, and sustainability.

(5) All procedures shall be completed within twelve (12) months of receipt of Grant funds.

(6) A Final Progress Report shall be provided to the Department showing all sterilization procedures performed within 30 days of the completion of the last sterilization procedure utilizing Grant funds. Failure to submit the required Final Progress Report in a timely manner will result in ineligibility for future Grants.

(7) Grant funds shall only be used for sterilization surgery. Grant funds shall not be used for capital or administrative expenses or for procedures not directly related to sterilization surgery, such as promotions, vaccinations, testing, licensing, food, medicine, and/or other medical procedures, etc.

(8) The veterinarian that performs a sterilization procedure utilizing the Dog and Cat Sterilization Grant Program funds must be licensed by the Georgia State Board of Veterinary Medicine.

(9) The veterinarian must perform all surgical sterilization procedures using acceptable standards of care as prescribed by the American Veterinary Medical Association (AVMA) guidelines.

(10) The Dog and Cat Sterilization Grant Program funds shall not be used to assist with sterilization procedures on dogs and/or cats residing outside of Georgia, animals to be transferred out of the State of Georgia by the grant recipient, or for trap, neuter and release programs.

(11) Grant announcements and application directions will be made available by the Department one week prior to the commencement of the Grant application period. Applications will be due as designated by the Department.

**Cite as** Ga. Comp. R. & Regs. R. 40-13-14-.03

**AUTHORITY:** O.C.G.A. § [4-15-1](#).

**HISTORY:** Original Rule entitled "Dog and Cat Sterilization Grant Program" adopted. F. Mar. 7, 2012; eff. Mar. 27, 2012.

**Amended:** F. Sep. 10, 2012; eff. Sept. 30, 2012.

**Amended:** F. June 10, 2016; eff. June 30, 2016.

**Amended:** F. Nov. 19, 2019; eff. Dec. 9, 2019.

**Amended:** F. Apr. 4, 2022; eff. Apr. 24, 2022.

# **Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE**

## **Chapter 40-13. ANIMAL HEALTH DIVISION**

### **Subject 40-13-16. [Effective 5/15/2022] LOCAL GOVERNMENT COMPANION ANIMAL TRUST FUND**

#### **40-13-16-.01 [Effective 5/15/2022] Definitions**

(1) "Department" means the Georgia Department of Agriculture.

(2) "Fund" means the Local Government Companion Animal Trust Fund.

(3) "Qualified Expenses" means direct costs, including but not limited to the cost of transportation, veterinary care, and temporary boarding, reasonably and appropriately incurred by a Qualified Local Government due to:

(a) A Qualified Impoundment; or

(b) Qualified Provision of Care.

No expense related to the impoundment of or provision of care to livestock, as defined in O.C.G.A. § [4-3-2\(1\)](#), will constitute a Qualified Expense.

(4) "Qualified Impoundment" means the physical seizure, by an animal control officer who is an employee of state or local government or any law enforcement officer, due to an investigation into a violation of O.C.G.A. §§ [4-11-9.2](#), [16-12-4](#), or [16-12-37](#), of either:

(a) More than 29 dogs or cats; or

(b) More than 9 equines.

(5) "Qualified Local Government" means as defined in O.C.G.A. § [50-8-2\(18\)](#).

(6) "Qualified Provision of Care" means provision of care for more than 29 dogs or cats, or more than 9 equines, impounded pursuant to the Georgia Animal Protection Act, O.C.G.A. § [4-11-1](#), et seq., or a local ordinance, and subsequently cared for by a Qualified Local Government.

(7) "Statutory Period" means the period beginning on July 1, 2021, and ending on June 30, 2031, or as otherwise provided in O.C.G.A. § [4-11-3\(c.1\)\(1\)\(A\)](#).

**Cite as** Ga. Comp. R. & Regs. R. 40-13-16-.01

**AUTHORITY:** O.C.G.A. § [4-11-3](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

#### **40-13-16-.02 [Effective 5/15/2022] Establishment and Contribution to Fund**

(1) During each year of the Statutory Period, the Department may contribute up to \$50,000 of fees collected pursuant to O.C.G.A. § [4-11-3\(c\)](#) to the Fund, provided that at no point may the Fund exceed \$200,000.



- (a) The Department may make such yearly contributions to the Fund either in a lump sum or on a rolling basis.
- (2) By February 1 of each year in the Statutory Period, the Department shall prepare a report detailing the money received and expended by the Fund.

**Cite as** Ga. Comp. R. & Regs. R. 40-13-16-.02

**AUTHORITY:** O.C.G.A. § [4-11-3](#).

**HISTORY:** Original Rule entitled "Establishment and Contribution to Fund" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

### **40-13-16-.03 [Effective 5/15/2022] Disbursement Process**

(1) A Qualified Local Government may apply for reimbursement from the Fund by submitting an accounting of proposed Qualified Expenses incurred during that year of the Statutory Period.

(a) Submitted expenses must be:

1. Itemized; and

2. Include a description of each individual expense's relation to a Qualified Impoundment or Qualified Provision of Care.

(b) Applications for reimbursement must be submitted through the Department's website and provide all information required therein.

(2) The Department will distribute funds for Qualified Expenses after considering and approving proposed Qualified Expenses.

(a) The Department will not reimburse proposed Qualified Expenses it deems not to have been reasonably and appropriately accrued. The Department's determination of the reasonableness and appropriateness of Qualified Expenses shall be final and not subject to appeal.

(b) In assessing the reasonableness and appropriateness of proposed Qualified Expenses, the Department may consider such factors as matching funds or other resources available to Qualified Local Governments, the severity of conditions at care facilities, and the duration of provision of care.

(3) If the total amount of Qualified Expenses submitted by Qualified Local Governments and deemed reasonable and appropriate by the Department exceeds the total amount of the Fund, the Department may divide the existing Funds for reimbursement between the Qualified Local Governments applying for reimbursement.

(a) The Department may divide funds for reimbursement on a pro rata basis or on any other reasonable basis. Department decisions on allocation of funds for reimbursement shall be final and not subject to appeal.

(b) No individual disbursement may exceed \$50,000.

**Cite as** Ga. Comp. R. & Regs. R. 40-13-16-.03

**AUTHORITY:** O.C.G.A. § [4-11-3](#).

**HISTORY:** Original Rule entitled "Disbursement Process" adopted. F. Apr. 25, 2022; eff. May 15, 2022.

# Department 144. RULES OF GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL

## Chapter 144-4. FUNCTIONS AND POWERS

### 144-4-.06 Crime Victims Compensation Board

(1) **Purpose.** In accordance with O.C.G.A. § [17-15-1](#) et. seq., the Council acts as the Crime Victims Compensation Board to administer the Crime Victims Emergency Fund. These Rules prescribe policies and procedures in addition to those set forth in O.C.G.A. § [17-15-1](#), et. seq.

#### (2) Definitions

(a) "Board" means the Georgia Crime Victims Compensation Board.

(b) "Crime" means an act of violence as defined by O.C.G.A. § [17-15-2\(3\)](#) that results in physical injury, serious mental or emotional trauma, or death.

(c) "Crime scene sanitization" means the removal or attempted removal of blood, dirt, stains or debris which requires hauling and dumping from the crime scene and may include the reasonable out-of-pocket cost of cleaning supplies, paint, equipment rental, and labor purchased as a direct result of the crime or investigation of the crime scene.

(d) "Claimant" means a victim or other person as defined by O.C.G.A. § [17-15-7\(a\)\(1\)](#) who was not actively engaged in criminal conduct at the time of their injury and who has incurred expenses that may be reimbursed by the Crime Victims Compensation Board.

(e) "Director" means the Director of the Criminal Justice Coordinating Council or their designee.

(f) "Health care" means the organized provision of medical care to individuals or a community.

(g) "Investigator" means an investigator of the Criminal Justice Coordinating Council.

#### (3) Members of the Board; Terms and Administration.

(a) The Director shall appoint at least five members of the Council to serve as the Crime Victims Compensation Board. The members must include a law enforcement officer, a member of the State Bar of Georgia and an individual who shall be, by virtue of training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs.

(b) Board members shall serve at the pleasure of the Director for terms of four years. However, the term of any Board member shall terminate in the event that Board member is no longer serving as a member of the Criminal Justice Coordinating Council.

(c) The Director shall designate one member of the Board as Chairperson and one member as Vice Chairperson for terms of two years. The Chair and Vice-Chair shall serve at the pleasure of the Director.

(d) Upon appointment to the Board, new members shall not be viewed as a voting member until *after* attending their first Victims Compensation Board meeting. The Chair may make an exception if it is deemed necessary to establish a quorum.

(e) The Victims Compensation Board is located as follows:

104 Marietta Street, NW, Suite 440

Atlanta, Georgia 30303

The Board shall meet in Atlanta or elsewhere throughout the State as necessary, at the call of the Chairperson or Director.

The Board is empowered to contract for services from actuaries, investigators, and other specialized personnel as shall be necessary to enable the Board to carry out its functions.

(4) Applications and Decisions by the Director.

(a) Claimants shall submit a completed application to initiate a compensation claim. The Board shall make available the application and any additional forms necessary for the processing of claims.

(b) The submission of a completed application to the agency will be deemed proper filing with the Board. The agency shall assist claimants with incomplete applications as necessary to assure their completeness.

(c) The Director may overturn a 72-hour reporting denial for good cause shown.

(d) The Director may overturn the denial for lack of cooperation with the program where all requested documentation is submitted before the scheduled appeals hearing.

(5) Eligibility and Exhaustion of Resources.

(a) With the exception of those acts enumerated in O.C.G.A. § [17-15-2\(3\)\(A\)](#), a crime must have been committed in Georgia to qualify for compensation.

(b) The agency shall review each claim for the required findings, shall render an agency decision as to eligibility, and shall award an amount based on the factors set forth in O.C.G.A. § [17-15-7](#) and O.C.G.A. § [17-15-8](#). No award will be made until the claimant has exhausted all other public and private resources available to him or her (such as health insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare).

(6) Medical Expenses.

(a) As set forth in O.C.G.A. § [17-15-8](#), for all dates of service on or after July 1, 2022, payments made to a medical service provider for expenses related to the claimant's victimization shall be made in accordance with charges published by the State Board of Workers Compensation unless a reasonable health care justification to deviate from the listed charges is determined by the Board. Reasonable health care justifications may include but are not limited to the following:

1. Receipt of one or more medical bills that exceed the maximum amount available for medical expenses; or
2. The amount billed has been adjusted due to the application of health insurance, workers' compensation, or Medicaid/Medicare.

(b) Payment in Full. Payments accepted by a medical provider shall be considered payment in full for all dates of service on or after July 1, 2022. Payment shall be considered accepted if:

1. A physical check is either cashed, deposited, or otherwise negotiated by the medical service provider or its assignee; or
2. The medical service provider has entered into an agreement with CJCC to receive electronic payments and the provider has not:

(i) Provided notification of the intent to reject a payment within 45 days of the date of issuance; and

(ii) Returned the funds to CJCC within 45 days of the date of issuance.

(7) Lost Wages/Loss of support

(a) Lost Wages. With the submission of verified documentation and following current payment guidelines, the Board may consider covering all or part of the victim's income loss due to the victimization. The Board may authorize payment of lost wage benefits:

1. To the victim who has been physically injured and/or suffered serious mental and emotional trauma;
2. To the parent or legal guardian of a minor child or developmentally disabled adult who has been physically injured and/or suffered serious mental and emotional trauma;
3. To a claimant attending court proceedings and/or meetings with investigative agencies (e.g., law enforcement, DFCS, etc.) or Prosecutor's offices when not subpoenaed. In the case of deceased victims, this benefit will be limited to the parents, children, and spouse of the decedent; and
4. To bereaved parents, children, spouses, step-parents, step-children and siblings of a decedent.

(b) Loss of Support. With the submission of verified documentation and following current payment guidelines, the Board may authorize payment of loss of support benefits:

1. To the surviving spouse, parent, step-parent, child, or step-child who is dependent for his or her principal support upon a deceased victim.

(i) In computing loss of support in the case of a deceased victim, the Board shall only consider the victim's earnings and/or the amount of money or economic contributions the deceased victim was contributing to the claimant's household at the time of the injury; and

(ii) In computing loss of support in the case of a deceased victim with minor children, the Board shall consider proof of parentage and gainful employment of the deceased victim.

2. To a claimant who can establish financial dependency on the income of an incarcerated/absent offender at the time of the victimization.

(i) To establish financial dependency, a claimant must submit documentation showing that the claimant is:

I. a spouse, child, or a person covered under the offender's health care insurance coverage; or

II. a person that is listed as a dependent on the offender's Federal or State Tax Return.

(ii) The Board may also consider other evidence establishing financial dependency including proof of co-habitation along with joint financial documents that substantiates a claimant's dependency on the incarcerated/absent offender at the time of the victimization.

(iii) In computing loss of support in the case of an incarcerated/absent offender:

I. the victim or claimant must establish verifiable loss due to the assailant/offender's incarceration and/or absence from the home;

II. the Board may only consider the offender's earnings, and/or the amount of money or economic assistance contributed to the victim and victim's household at the time of the victimization; and

III. where the victim has received or is receiving a greater share of support contributed by sources other than the offender at the time of the incident, no compensation for loss of support may be awarded.

(8) Crime Scene Sanitization ("CSS").

(a) The Board may award compensation to the victim or claimant for the reasonable and necessary cost of crime scene sanitization which is the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available.

(b) The CSS company must have specialized training or certification in crime scene or trauma sanitization.

(c) Awards of compensation by the Board shall not supplant existing state and federal funding sources for crime scene sanitization.

(9) **Counseling.**

(a) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. After the fourth visit, compensation will not be provided for counseling services without the submission of a complete Psychological Service Report ("PSR")/ treatment plan or counseling verification form.

(b) Members of an adult victim's immediate family may receive compensation for counseling services provided that the adult victim authorizes such use of their benefits for family members.

(c) Where a minor victim is involved, counseling benefits are reserved solely for the minor victim. Benefits may be approved for the parent, guardian, and/or step-parents of the minor victim if deemed necessary by the licensed professional and approved by the Director or Board.

(10) Disposition and Review.

(a) Approval or Denial. The Criminal Justice Coordinating Council must provide the claimant with an electronic or mailed copy of the agency's approval or denial of their claim, as well as any associated payment requests.

1. When the Director has initially denied a claim and, thereafter, the claimant makes a written application for review of the Director's decision, the Director has the discretion, for good cause shown and prior to review by the Board, to withdraw their decision denying the claim and to refer it back to the initial investigator for additional investigation.

2. The Board, Director, or an investigator may request additional information from the claimant. Any claimant who does not submit the documentation requested by the Board, Director, or an investigator within the time specified in written correspondence requesting the information is subject to having their claim denied.

(b) Review by Board. A claimant may submit a written request to the Board to request review of the disposition of a claim. On its own motion, the Board may request that the Director or their designee review a claim and make a written recommendation to the Board prior to a hearing.

1. A hearing will be set on the Board calendar and the claimant must be notified of the date and time.

2. Hearings before the Board may be conducted by a quorum of the Board.

3. Although hearings will be conducted in an informal manner so as to encourage claimants to plead their own claims, if a claimant chooses to be represented by an attorney, that claimant shall be responsible for the payment of their attorney's fees. Compensation funds shall not be awarded to pay attorney's fees.

4. The Board shall render its decision within ten (10) business days after the conclusion of the hearing. The Board may uphold, overturn or remand the agency decision for additional findings or investigation.

5. When victims or claimants seek compensation for more than two claims within one year, any subsequent claims may be submitted to the Georgia Crime Victims Compensation Board for consideration.

**Cite as** Ga. Comp. R. & Regs. R. 144-4-.06

**AUTHORITY:** O.C.G.A. §§ [17-15-1](#) *et seq.*, 35-6A-4.

**HISTORY:** Original Rule entitled "Crime Victims Compensation Board" adopted. F. Jan. 8, 2010; eff. Jan. 28, 2010.

**Amended:** New title "Crime Victims Compensation Board. Amended." F. June 30, 2015; eff. July 20, 2015.

**Amended:** F. July 9, 2019; eff. July 1, 2019, as specified by the Agency.

**Amended:** F. Apr. 1, 2022; eff. Apr. 21, 2022.

### **144-4-.07 Unclaimed Restitution**

(1) Court-ordered restitution that has not been claimed from the collecting authority within two years of the first restitution payment is transferred to the Criminal Justice Coordinating Council for deposit into the Georgia Crime Victims Emergency Fund.

(2) Entities that collect restitution must submit a victims' report on a periodic basis, including any restitution amount submitted to the agency for transfer to the Crime Victims Emergency Fund. For each restitution amount, this report must contain, at a minimum: the victim's name, last known address, the date(s) that funds were first available and the case docket number. When there is no restitution amount reported, the report should indicate that there are no restitution transactions for the period.

**Cite as** Ga. Comp. R. & Regs. R. 144-4-.07

**AUTHORITY:** O.C.G.A. §§ [17-15-1](#) *et seq.*, 35-6A-4.

**HISTORY:** Original Rule entitled "Unclaimed Victim Restitution" adopted. F. Jan. 8, 2010; eff. Jan. 28, 2010.

**Amended:** New title "Unclaimed Restitution." F. July 9, 2019; eff. July 1, 2019, as specified by the Agency.

**Amended:** F. Apr. 1, 2022; eff. Apr. 21, 2022.

### **144-4-.08 Forensic Medical Exams ("FMEs")**

(1) FME Eligibility.

(a) The Georgia Crime Victims Compensation Program (CVCP) will reimburse licensed providers for forensic medical exams (FMEs) conducted with the purpose of collecting evidence related to an alleged sexual offense as defined in O.C.G.A. § [16-6-1\(c\)](#) or O.C.G.A. § [16-6-2\(c\)](#) that occurred in Georgia on or after July 1, 2011. At minimum, an FME must include:

1. An examination for physical trauma related to the sexual offense
2. A determination as to the nature and extent of the physical trauma
3. A patient interview
4. Collection and evaluation of the evidence collected; and
5. Any additional testing deemed necessary by the examiner in order to collect evidence and provide treatment.

(b) Eligible applications for payment must include the following:

1. Written acknowledgement by an authorized agency representative that the FME was conducted by a licensed physician, physician assistant, registered nurse, SANE-A (adult adolescent) or SANE-P (pediatric).
2. In cases where the victim is a minor or a developmentally-disabled adult, an FME application must also include a Law Enforcement or Division of Family and Children Services Verification Form or an investigative document indicating an allegation or disclosure of a sexual offense.

(c) CVCP will pay for FMEs performed in another state as long as the crime occurred in Georgia and the provider performing the exam and the facility meets the criteria set forth by the Program.

(d) FMEs conducted for minors in custody of the Department of Juvenile Justice at the time of the sexual assault are ineligible for reimbursement by the CVCP.

(e) FMEs conducted for crimes other than sexual offenses as defined in O.C.G.A. § [16-6-1\(c\)](#) or O.C.G.A. § [16-6-2\(c\)](#) (e.g., physical abuse) are ineligible for reimbursement by the CVCP.

(2) FME Billing/Payment Guidelines.

(a) The CVCP's Fee Schedule complies with the Georgia Worker's Compensation medical fee guidelines, as such the Current Procedural Terminology (CPT) Codes, are considered "reasonable expenses."

(b) The provider and/or facility must bill the CVCP usual and customary charges for the FME and the actual amount paid will be determined by the description in the itemized statement in conjunction with the associated CPT Code, and/or the Revenue Code, as applicable.

(c) A Registered Nurse, SANE-A (adult adolescent) or SANE-P (pediatric) must bill their usual and customary charge for the FME, and the bill for service must include a descriptive itemized statement of the service(s) provided. As a convenience, the CVCP provides a CPT Code/Description of Services Reference Sheet to select the applicable description for the medical service(s) provided.

(d) Payment made by the CVCP for an FME must be considered as payment in full. CVCP is not bound by any billing or contractual agreements made between agencies and/or service providers.

(e) If the grand total for all bills (per application) exceeds \$1,000, then a formula will be utilized to distribute equitable payments to each service provider up to \$1,000 per victimization.

(f) For each victimization, CVCP will cover the cost of one FME per victim. If more than two FMEs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

(g) CVCP may conduct audits and/or site visits annually and, as needed, to ensure compliance with the preceding guidance and accuracy of reporting. Audits and/or site visits may include a review of forensic medical exam-related documentation and interviews with staff, including but not limited to the SANEs responsible for conducting the exams, victims' advocates and financial staff. A law enforcement verification document and any supplemental investigative documents may be obtained as part of the auditing process.

(h) Payments for FME's are funded by federal and/or state funds. Potential fraud, waste, abuse, or misconduct involving or relating to payments for FME's will be referred by CVCP to an appropriate investigative agency.

**Cite as** Ga. Comp. R. & Regs. R. 144-4-.08

**AUTHORITY:** O.C.G.A. §§ [17-15-1](#) *et seq.*, [35-6A-4](#).

**HISTORY:** Original Rule entitled "Forensic Medical Exams ("FMEs")" adopted. F. June 30, 2015; eff. July 20, 2015.

**Amended:** F. July 9, 2019; eff. July 1, 2019, as specified by the Agency.

**Amended:** F. Apr. 1, 2022; eff. Apr. 21, 2022.

## **144-4-.09 Forensic Interviews ("FIs")**

### **(1) FI Eligibility.**

(a) The crime must have occurred in Georgia on or after July 1, 2014.

(b) The Georgia Crime Victims Compensation Program ("CVCP") will pay for interviews performed in another state as long as the crime occurred in Georgia and the provider performing the interview and the facility meet the criteria set forth by the Program.

(c) For each victimization, CVCP will cover the cost of one Forensic Interview per victim. If more than two FIs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

### **(2) CVCP Billing/Payment Guidelines.**

(a) The provider and/or facility must bill the CVCP usual and customary charges with verifiable documentation related to the FI that details the specific referring agencies and the contact information to include:

1. the name of the service provider,
2. the location,
3. the date of referrals, and
4. the specific services recommended.

(b) A maximum amount of up to \$200 will be paid when funds are available.

1. The results of the interview must be used for the identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services, and must be documented by submitting the Forensic Interview Referral Document (FIRD) or similar form with the Application for Payment;

2. The interview must be conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center;

3. The interviewer must have 40 hours of specialized training and be certified to conduct forensic interviews appropriate to the developmental age and abilities of children or the developmental cognitive, and physical or communication disabilities presented by adults;

4. Each interviewer must submit documentation of their training with the initial application before payment will be disbursed; and

5. No award will be made until the provider and/or facility certifies that it has exhausted all other public and private resources available and annually submits the Forensic Interviewer Funding Certification Document (FIFCD).

6. CVCP may conduct audits and/or site visits annually and, as needed, to ensure compliance with the proceeding guidance and accuracy of reporting. Audits and/or site visits may include a review of forensic interview related documentation including videos. In cases where the forensic interview results in a forensic medical examination all forensic medical exam-related documentation and interviews with the SANes responsible for conducting the exams



may be reviewed and audited. A law enforcement verification document and any supplemental investigative documents may be obtained as part of the auditing process.

7. Payments for FI's are funded by federal and/or state funds. Potential fraud, waste, abuse, or misconduct involving or relating to payments for FI's will be referred by CVCP to an appropriate investigative agency.

**Cite as** Ga. Comp. R. & Regs. R. 144-4-.09

**AUTHORITY:** O.C.G.A. §§ [17-15-1](#) *et seq.*, 35-6A-4.

**HISTORY:** Original Rule entitled "Forensic Interviews ("FIs")" adopted. F. June 30, 2015; eff. July 20, 2015.

**Amended:** F. July 9, 2019; eff. July 1, 2019, as specified by the Agency.

**Amended:** F. Apr. 1, 2022; eff. Apr. 21, 2022.

# Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

## Chapter 160-1.

### Subject 160-1-4. GRANT PROGRAMS

#### 160-1-4-.299 Graduate Ready to Attain Success in Postsecondary ("GRASP") Grant

1. **Purpose of Grant.** The purpose of the grant is to provide financial support to eligible high schools as they work to increase their students' likelihood of graduating high school, completing postsecondary programs, and productively participating in the workforce.

2. **Term and Conditions.** Grants are awarded through a competitive process to local educational agencies ("LEA") that have at least one eligible high school. An "eligible high school" is a high school that has a four-year cohort graduation rate below 75% for the immediately preceding school year.

LEAs shall use the funds at the eligible high school to provide an additional counselor. The counselor shall implement programs that assist identified high school at-risk students in achieving academic, personal, social, and career development success. The counselor shall support high school counseling programs that work with identified high school at-risk students. The counselor must also support middle school counseling programs for targeted at-risk middle school students who are zoned to attend the eligible high school. The LEA shall ensure that the caseload of the counselor shall comply with all requirements outlined in the application.

The grant awards are one-time funds for use at the eligible high school(s) during the fiscal period outlined in the application. There is no allowability for carryover.

3. **Eligible Recipient(s).** This competitive grant is open to LEAs that have at least one public high school that was awarded GRASP funds in the previous fiscal year and all other LEAs that have an eligible high school, as defined in the Term and Conditions.

4. **Criteria for Award.** Applications are reviewed and scored by the Georgia Department of Education. Funding will be awarded based on the quality of the application, the alignment with the grant rubric, and available funding.

5. **Directions and Deadlines for Applying.** Information about the grant, including the deadline, can be found on the Office of School Improvement, Division of School and District Effectiveness's webpage (<https://www.gadoe.org/School-Improvement/School-Improvement-Services/Pages/default.aspx>) or by contacting the Office of School Improvement at [Sigrant@doe.k12.ga.us](mailto:Sigrant@doe.k12.ga.us). Information about the grant will be shared with all eligible districts.

**Cite as** Ga. Comp. R. & Regs. R. 160-1-4-.299

**AUTHORITY:** O.C.G.A. § [20-2-240](#).

**HISTORY:** Original grant description entitled "Graduate Ready to Attain Success in Postsecondary ("GRASP") Grant" submitted June 15, 2021.

Submitted: Apr. 12, 2022.

## **160-1-4-.308 Graduates Ready to Attain Success in Postsecondary (GRASP) Student Transition Support Grant**

1. **Purpose of Grant.** The GRASP Student Transition Support Grant provides funding to current school year GRASP Grant awardees to support transition programs between elementary, middle, and high school levels for at-risk students to promote academic success. The grant will support high schools currently in a GRASP cohort and their feeder elementary and middle school(s).

2. **Term and Conditions.** Grants are awarded through a competitive process. LEAs must respond to a need identified in their comprehensive needs assessment and identify specific transition support goals. Recipients must also agree to produce a report at the conclusion of the grant period. Grant award funds are one-time funds and must be used during the fiscal year in which the funds are awarded. There is no allowability for carryover.

3. **Eligible Recipient(s).** LEAs that are current school year GRASP Grant awardees are eligible to apply. Individual schools are not eligible to apply.

4. **Criteria for Award.** Applications will be reviewed and scored by the Georgia Department of Education. Funding will be awarded based on rank (the highest score first) and available funding.

5. **Directions and Deadlines for Applying.** Information about the grant, including the deadline, can be found on the Office of School Improvement, Division of School and District Effectiveness's webpage (<https://www.gadoe.org/School-Improvement/School-Improvement-Services/Pages/default.aspx>) or by contacting the Office of School Improvement at [Sigrant@doe.k12.ga.us](mailto:Sigrant@doe.k12.ga.us). Information about the grant will be shared with all eligible districts.

**Cite as** Ga. Comp. R. & Regs. R. 160-1-4-.308

**AUTHORITY:** O.C.G.A. § [20-2-240](#).

**HISTORY:** Original grant description entitled "Graduates Ready to Attain Success in Postsecondary (GRASP) Student Transition Support Grant." Submitted Apr. 4, 2022.

# Department 297. GRANTS OF JUDICIAL COUNCIL OF GEORGIA ADMINISTRATIVE OFFICE OF THE COURTS

## Chapter 297-1. GRANT PROGRAMS

### 297-1-.01 Legal Assistance to Families Victimized by Domestic Violence Project

I. Name of Grant Program: Civil Legal Assistance to Families Victimized by Domestic Violence Project (Short name: Civil Legal Assistance Project).

II. Legal Authority: O.C.G.A. § [15-5-24](#) and Supreme Court of Georgia Order of January 15, 1981 relating to the duties of the Judicial Council/Administrative Office of the Courts.

III. Definition: This is a statewide project designed to provide civil legal services to all persons, adults and children, victimized by or under the direct threat of domestic violence.

IV. Scope: Domestic violence is endemic throughout the nation and in Georgia. From 2012 to 2021, there were 2,632 **family violence related fatalities in Georgia**.<sup>1</sup> Domestic violence shelters refer more than an estimated 10,000 victims of domestic violence to legal service agencies each year. Other legal resources are inadequate to meet the serious needs of these families. This project provides a framework under which Georgia's non-profit legal services programs can serve approximately 6,000 families of domestic violence per year.

V. Purpose: The purpose of this program is to provide civil legal assistance to persons victimized or threatened by domestic violence. Such legal assistance helps with immediate needs through protective orders or orders for custody and child support, and also includes legal assistance with such issues as access to credit and bank accounts, housing, public benefits, employment and other consumer and financial problems that must be resolved to achieve safety, stability and economic security.

#### A. Eligible Services

This project focuses on providing direct services to victims in two major areas of need by:

1. Providing legal services related to domestic violence, child custody, and family support; and
2. Providing legal services related to the family's economic security and stability, including housing issues, employment-related problems, problems with access to education, and health care.

#### B. Excluded Services

Certain services are specifically excluded from this program. Excluded services are:

1. Class action suits;
2. Criminal defense;
3. Deportation proceedings;
4. Initial Temporary Protective Orders;
5. Juvenile delinquency;
6. Indirect legal services such as attorney training;
7. Matters to be adjudicated in courts outside of Georgia; or

8. Other client-initiated proceedings not related to the safety, stability, or economic security of the victim or the victim's family.

#### C. Eligible Clients

Victims or persons under the threat of domestic violence who have no reasonable access to resources that may be used for legal services are eligible. Evidence of violence or the threat of violence shall be reasonably demonstrated, but may also be shown by the following:

1. A protective order issued by a court of competent jurisdiction;
2. A referral from a domestic violence program or program for children or the elderly; or
3. A warrant or police report indicating an incident involving domestic violence.

#### D. Eligible Grantees

1. Eligible grantees for these funds are non-profit corporations registered and in good standing with the State of Georgia with at least two years of experience providing civil legal services in the State.
2. Recipients must also demonstrate they have the personnel and expertise necessary to deliver the services required, that their service delivery structure can adequately provide coverage throughout the geographical area for which the services are proposed, and that they have sufficient administrative recordkeeping capabilities to fulfill reporting requirements necessary for the evaluation of these projects.
3. Community partnerships are critical to achieving success with this program. The applicants must show broad community support and the support and cooperation of local domestic violence programs. Letters of support or other evidence establishing these relationships should accompany applications.

VI. General Terms and Conditions: Grants will be awarded for a one-year term. Each of Georgia's fifty circuits will be included. The amount of funds available for distribution to grantees may change each year based on the amount of funds appropriated to the Judicial Council/Administrative Office of the Courts and the cost of the administrative oversight of these funds. The grant awards are generally announced in July.

Grantees will be required to report to the Judicial Council/Administrative Office of the Courts every six months detailing how the grant funds were specifically used to assist victims throughout Georgia.

VII. Criteria for the Award of Grants: The total population of residents in each county served by the grant recipient will be considered. This number is based on the most current estimates from the U. S. Census Bureau.

In no event shall a grantee provide legal services to a client whose income exceeds 200% of the federal poverty guidelines. Special needs categories (such as homelessness, rural counties with fewer than ten attorneys, or regional areas or counties with a disproportionately high rate of death from domestic violence<sup>2</sup>) will also be considered.

Grant funds used for divorces must be directly related to the protection and safeguarding of domestic violence victims. Grant funds used for divorces must not exceed more than 10% of the total amount awarded to the grantee.

VIII. Directions and Deadlines for Application: Applications for grant funds **must be submitted via email** to the Judicial Council/Administrative Office of the Courts at [grants@georgiacourts.gov](mailto:grants@georgiacourts.gov).

Comments may be submitted to the Judicial Council/Administrative Office of the Courts at [grants@georgiacourts.gov](mailto:grants@georgiacourts.gov) or (404) 656-5171.

#### Footnotes:

<sup>1</sup> Georgia Commission on Family Violence annual fact sheet on domestic violence, available at <https://gcfv.georgia.gov/resources/data>

<sup>2</sup> GEORGIA COMM'N ON FAMILY VIOLENCE, GEORGIA STATE PLAN FOR ENDING FAMILY VIOLENCE, at iv-v, 61-62 (December 2012), available at <http://www.gcfv.org/>.

**Cite as** Ga. Comp. R. & Regs. R. 297-1-.01

**AUTHORITY:** O.C.G.A. § [15-5-24](#).

**HISTORY:** Original grant description entitled "Legal Assistance to Families Victimized by Domestic Violence Project" submitted July 2, 2002.

**Submitted:** July 9, 2004.

**Submitted:** Apr. 13, 2018.

**Submitted:** Apr. 14, 2022.

## **297-1-.02 Legal Assistance to Kinship Care Families Project**

I. Name of Grant Program: Civil Legal Services to Kinship Care Families in Georgia (Short name: Kinship Care Project).

II. Legal Authority: O.C.G.A. § [15-5-24](#) and Supreme Court of Georgia Order of January 15, 1981 relating to the duties of the Judicial Council/Administrative Office of the Courts.

III. Definition: This is a statewide project designed to provide civil legal services to kinship caregivers and children living with caregivers who need support to maintain stable homes and care.

IV. Scope: Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents.<sup>1</sup> Studies show that the benefits of kinship care are substantial. A Georgia House of Representatives study committee noted that "[k]inship care families provide a safe, stable, and nurturing home for children suffering from the trauma of parental separation and other hardship."<sup>2</sup> It is estimated that informal kinship caregivers save U.S. taxpayers \$4 billion annually by caring for children who would otherwise fall into state custody.<sup>3</sup> Many kinship families are low-income households and face complex issues. Relatives and other caregivers often struggle to care and provide for new members of the household, who often arrive in their care following trauma or crisis. This project will provide civil legal services to this target population to help caregivers create safer and more sustainable households and equip caregivers with resources to stabilize the lives of the children in their care.

V. Purpose: The purpose of this project is to provide civil legal assistance to kinship care families. Such legal assistance helps keep at risk children out of the foster care system and supports them in homes by providing holistic civil legal representation. Legal services can help secure legal custody, financial benefits, healthcare support, educational support, and safe housing.

### **A. Eligible Services**

Eligible civil legal services for kinship families include:

1. Formalizing the relationship between the child and the kinship caregiver;
2. Services related to the family's economic security and stability including housing issues, employment-related issues, problems with access to education, and health care;

3. Helping families access home, school, and community-based support for children who are living with disabilities; and
4. Helping families with estate planning to protect the child's stability if the kinship caregiver passes away.

#### B. Excluded Services

Certain services are specifically excluded from this program, including:

1. Class action suits;
2. Criminal defense;
3. Deportation proceedings;
4. Juvenile delinquency;
5. Indirect legal services such as attorney training;
6. Matters to be adjudicated in courts outside of Georgia; and
7. Other proceedings not related to the safety, stability, or economic security of the at-risk child or kinship care family.

#### C. Eligible Clients

Eligible clients are kinship care families in need civil legal services related to the safety, stability, or economic security of the child or kinship care family.

#### D. Eligible Grantees

1. Eligible grantees for these funds are non-profit corporations registered and in good standing with the State of Georgia with at least ten years of experience providing kinship legal services or similar civil legal services in the State.
2. Recipients must also demonstrate they have the personnel and expertise necessary to deliver the services required, that their service delivery structure can adequately provide coverage throughout the geographical area for which the services are proposed, and that they have sufficient administrative recordkeeping capabilities to fulfill reporting requirements necessary for the evaluation of these projects.
3. Community partnerships are critical to achieving success with this program. The applicants must show broad community support and the support and cooperation of local programs. Letters of support or other evidence establishing these relationships should accompany applications.

VI. General Terms and Conditions: Grants will be awarded for a one-year term. Each of Georgia's fifty circuits will be included. The amount of funds available for distribution to grantees may change each year based on the amount of funds appropriated to the Judicial Council/Administrative Office of the Courts and the cost of the administrative oversight of these funds. The grant awards are generally announced in July.

Grantees will be required to report to the Administrative Office of the Courts every six months detailing how the grant funds were specifically used to assist kinship care families throughout Georgia.

VII. Criteria for the Award of Grants: The total poverty population in each county served by the grant recipient will be considered. This number is based on the most current estimates from the U. S. Census Bureau.

In no event shall a grantee provide legal services to a client whose income exceeds 200% of the federal poverty guidelines. Special needs categories (such as homelessness, or rural counties with fewer than ten attorneys) will also be considered.

VIII. Directions and Deadlines for Application: Applications for grant funds **must be submitted via email** to the Judicial Council/Administrative Office of the Courts at [grants@georgiacourts.gov](mailto:grants@georgiacourts.gov).

Comments may be submitted to the Judicial Council/Administrative Office of the Courts at [grants@georgiacourts.gov](mailto:grants@georgiacourts.gov) or (404) 656-5171.

**Footnotes:**

<sup>1</sup> *Private Kinship Care: An Underutilized Child Welfare Resource*, Testimony of the National Committee of Grandparents for Children's Rights and the Empire Justice Center for the June 16, 2011 Ways and Means Hearing Record on Improving Programs Designed to Protect at Risk Youth, available at <https://empirejustice.org/wp-content/uploads/2017/12/private-kinship-care.pdf>.

<sup>2</sup> Final Report of the Georgia House of Representatives Study Committee on Grandparents Raising Grandchildren and Kinship Care, 2015, Report prepared by the Georgia House Budget and Research Office, available at [http://www.house.ga.gov/Documents/CommitteeDocuments/2015/Report%20of%20the%20House%20Study%20Committee%20on%20Kinship%20Care\\_signed.pdf](http://www.house.ga.gov/Documents/CommitteeDocuments/2015/Report%20of%20the%20House%20Study%20Committee%20on%20Kinship%20Care_signed.pdf).

<sup>3</sup> Id.

**Cite as** Ga. Comp. R. & Regs. R. 297-1-.02

**AUTHORITY:** O.C.G.A. § [15-5-24](#).

**HISTORY:** Original Grant Description entitled "Legal Assistance to Kinship Care Families Project" submitted Apr. 16, 2019.

**Submitted:** Apr. 14, 2022.



# **Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES**

## **Chapter 375-3. DRIVER LICENSE SERVICES**

### **Subject 375-3-3. REVOCATION AND SUSPENSION**

#### **375-3-3-.03 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 375-3-3-.03

**AUTHORITY:** O.C.G.A. § [40-5-59](#).

**HISTORY:** Original Rule entitled "Recertification of Driving Ability under Georgia Assigned Risk Plan" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

**Repealed:** F. Apr. 20, 2022; eff. May 10, 2022.

# **Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH**

## **Chapter 511-2. DISEASE SURVEILLANCE AND CONTROL**

### **Subject 511-2-9. SYRINGE SERVICES PROGRAMS**

#### **511-2-9-.08 [Effective 5/18/2022] Granting and Suspension or Revocation of Registration**

(1) The Department shall grant an application for registration only upon a satisfactory showing that both the Program and its Administrator are willing and able to operate in compliance with the Program's Policies and Procedures Manual and all provisions of these rules.

(2) The Department may deny an application for registration or suspend or revoke a registration, after notice and an opportunity for a hearing, upon a finding that the Applicant, Program, or Administrator has:

(a) Failed to meet all requirements for Program registration;

(b) Violated any federal or state law or rule related to Syringe Services Programs, without regard to whether such violation is criminally punishable;

(c) Knowingly made misleading, deceptive, untrue, or fraudulent representations related to the operation of a Syringe Services Program or on any document connected therewith, or made a false or deceptive statement to the Department; or

(d) Engaged in any practice harmful to the public which materially affects the ability of the Applicant, Program, or Administrator to operate a Syringe Services Program or threatens the public health, safety, or welfare.

(3) In its sole discretion, the Department may allow a Program an opportunity to correct alleged deficiencies prior to initiating the suspension or revocation of a registration, in accordance with the following procedures:

(a) The Department shall provide written notice to the Administrator, via email and first class U.S. mail to the Administrator's address on file with the Department, of the Program's alleged deficiencies. Notice shall be complete upon mailing.

(b) Within thirty calendar days of the notice, the Program shall develop and submit to the Department a written corrective action plan to address the deficiencies. The corrective action plan shall include:

(c) Steps required to correct the deficiencies; and

(d) A deadline of no more than ninety calendar days for completion.

(e) If the Department, in its sole discretion, approves the corrective action plan, the Program shall implement the plan. The Department may conduct a Site inspection at any time during the implementation period. If the Department determines, in its sole discretion, that the deficiencies have been corrected, no further action shall be taken.

(f) If the Program fails to submit a sufficient corrective action plan, fails to correct the deficiencies as specified in the corrective action plan, or if the Department determines for any reason that a corrective action program is no longer appropriate, the Department may take action to suspend or revoke the Program's registration.

(4) Procedures for the denial of an application or suspension or revocation of a Program registration.

(a) The Department shall provide written notice to the Program's Administrator, via email and certified mail to the Administrator's address on file with the Department, of the denial of the Program's application or the suspension or revocation of the Program's registration and the grounds therefor. Notice shall be complete upon mailing.

(b) The denial, suspension, or revocation shall become effective twenty days after notice is complete, unless the Program submits a timely request for a hearing; provided, however, that a Program registration may be suspended immediately, prior to a hearing, upon a written finding set forth in the notice that the public health, safety, or welfare imperatively require emergency action. All hearing requests must be delivered to and received by the Director of the Syringe Services Program no later than thirty days after notice is complete.

(c) The Department shall refer a timely request for a hearing to the Office of State Administrative Hearings within thirty days after receipt, unless the Department and the Program agree otherwise. After thirty days from the Department's receipt of the hearing request, the Program may petition the Office of State Administrative Hearings for an order permitting the request to be filed directly with the Office of State Administrative Hearings.

(d) At least one year shall pass from the date of denial of an application before the Department will consider a new application for registration. At least two years shall pass from the date of revocation of a registration before the Department will consider a new application for registration; provided, however, that a Program whose registration was revoked for failure to renew may submit a new application prior to the expiration of the two-year waiting period.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.08

**AUTHORITY:** O.C.G.A. §§ [16-13-32](#), [31-5-2](#), [50-13-13](#), [50-13-41](#).

**HISTORY:** Original Rule entitled "Granting and Suspension or Revocation of Registration" adopted. F. July 27, 2020; eff. August 16, 2020.

**Amended:** F. Apr. 20, 2022; eff. May 18, 2022, as specified by the Agency.

# **Department 513. RULES OF PUBLIC RETIREMENT SYSTEMS**

## **Chapter 513-1. EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA**

### **Subject 513-1-1. ADMINISTRATIVE RULES**

#### **513-1-1-.09 Membership Eligibility - Percent Time**

(1) Any individual who becomes an ERS member by being employed in a position that qualifies the employee for membership and subsequently reduces the number of hours of actual working time within the position below the required 35 hours a week as per Rule 513-1-1-.08, then the employee is able to maintain membership in ERS. The member's employer will report the employee at percentage time, determined by dividing the actual hours worked during a month by the normal full-time hours for the month. Service will be credited at the percentage reported.

**Cite as** Ga. Comp. R. & Regs. R. 513-1-1-.09

**AUTHORITY:** O.C.G.A. § [47-2-21](#).

**HISTORY:** Original Rule entitled "Membership Eligibility - Percent Time" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

#### **513-1-1-.10 Membership Eligibility - Transfers to Tax Office**

(1) A "break in service," as used in O.C.G.A. § [47-2-292](#), is defined as more than 31 days of separation from the last day of employment, such that any actively contributing member, whose membership date is prior to July 1, 2012 and is transferring between tax offices or from an ERS position and employer to a tax office within 31 days, is eligible to maintain their ERS membership provided such position meets general ERS membership eligibility requirements.

**Cite as** Ga. Comp. R. & Regs. R. 513-1-1-.10

**AUTHORITY:** O.C.G.A. § [47-2-292](#).

**HISTORY:** Original Rule entitled "Membership Eligibility - Transfers to Tax Office" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

#### **513-1-1-.11 Formula Salary - Use of Merged Service**

(1) When calculating Formula Salary for members who have purchased past, refunded ERS Service and/or lost membership service that has been merged with the current membership, all associated salary shall be considered.

**Cite as** Ga. Comp. R. & Regs. R. 513-1-1-.11

**AUTHORITY:** O.C.G.A. § [47-2-21](#).

**HISTORY:** Original Rule entitled "Formula Salary - Use of Merged Service" adopted.F. Apr. 21, 2022; eff. May 11, 2022.

#### **513-1-1-.12 Formula Salary - Members with Less Than 24 Consecutive and/or Total Months of ERS Service**

(1) When calculating a member's highest average monthly earnable compensation and they do not have 24 consecutive months of ERS service, but have accrued at least or more than 24 total months, then the highest average over 24 successive months of service will be used in the Formula Salary.

(2) When calculating a member's highest average monthly earnable compensation and they have less than 24 total months of ERS service, then the total number of available months will be used in the Formula Salary.

**Cite as** Ga. Comp. R. & Regs. R. 513-1-1-.12

**AUTHORITY:** O.C.G.A. § [47-2-21](#).

**HISTORY:** Original Rule entitled "Formula Salary - Members with Less Than 24 Consecutive and/or Total Months of ERS Service" adopted. F. Apr. 21, 2022; eff. May 11, 2022.

# **Department 560. RULES OF DEPARTMENT OF REVENUE**

## **Chapter 560-2. ALCOHOL AND TOBACCO TAX UNIT**

### **Subject 560-2-18. [Repealed effective 5/16/2022]**

#### **560-2-18-.01 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.01

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rules entitled "Definitions" adopted as ER. 560-2-18-0.48-.01. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

#### **560-2-18-.02 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.02

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Qualifications" adopted as ER. 560-2-18-0.48-.02. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

#### **560-2-18-.03 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.03

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Application Requirements" adopted as ER. 560-2-18-0.48-.03. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

#### **560-2-18-.04 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.04

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Master License" adopted as ER. 560-2-18-0.48-.04. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.05 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.05

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Location License" adopted as ER. 560-2-18-0.48-.05. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.06 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.06

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Temporary License" adopted as ER. 560-2-18-0.48-.06. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.07 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.07

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Temporary Location Permit" adopted as ER. 560-2-18-0.48-.07. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.08 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.08

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Permit Stickers" adopted as ER. 560-2-18-0.48-.08. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.09 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.09

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Removal of Permit Stickers" adopted as ER. 560-2-18-0.48-.09. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.10 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.10

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Inspection of Licensed Premises and Records" adopted as ER. 560-2-18-0.48-.10. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.11 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.11

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Failure to Comply with Tax Laws" adopted as ER. 560-2-18-0.48-.11. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.12 [Repealed effective 5/16/2022]**

**Cite as** Ga. Comp. R. & Regs. R. 560-2-18-.12

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Subterfuge" adopted as ER. 560-2-18-0.48-.12. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.



### **560-2-18-.13 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.13

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Consequences for Violations" adopted as ER. 560-2-18-0.48-.12. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Note:** Correction of typographical error in Rule 560-2-18-.13 History on Rules and Regulations website, rule title corrected from "Subterfuge" to "Consequences for Violations", as originally filed on Dec. 15, 2010 and published in the Official Compilation Rules and Regulations of the State of Georgia. Effective May 16, 2022.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-18-.14 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.14

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Non-Cash Redemption" adopted as ER. 560-2-18-0.48-.14. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

## **Department 560. RULES OF DEPARTMENT OF REVENUE**

### **Chapter 560-2. ALCOHOL AND TOBACCO TAX UNIT**

#### **Subject 560-2-19. [Repealed effective 5/16/2022]**

##### **560-2-19-.01 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.01

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Applicability of Rules; Persons Authorized to Hold Hearings, Authority of Hearing Officer" adopted as ER. 560-2-19-0.49-.01. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

##### **560-2-19-.02 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.02

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Nature of the Proceedings; Hearing Procedures; Burden of Proof" adopted as ER. 560-2-19-0.49-.02. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

##### **560-2-19-.03 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.03

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Evidence; Official Notice" adopted as ER. 560-2-19-0.49-.03. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

##### **560-2-19-.04 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.04

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Executive Orders" adopted as ER. 560-2-19-0.49-.04. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-19-.05 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.05

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Intra-Agency Appeal Procedure; Post Hearing Motions" adopted as ER. 560-2-19-0.49-.05. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-19-.06 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.06

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Continuances and Postponements" adopted as ER. 560-2-19-0.49-.06. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-19-.07 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.07

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Subpoena Forms; Service" adopted as ER. 560-2-19-0.49-.07. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

### **560-2-19-.08 [Repealed effective 5/16/2022]**

Cite as Ga. Comp. R. & Regs. R. 560-2-19-.08

**AUTHORITY:** O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

**HISTORY:** Original Rule entitled "Transcript of Hearing" adopted as ER. 560-2-19-0.49-.08. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

**Repealed:** F. Apr. 26, 2022; eff. May 16, 2022.

# Department 590. RULES OF OFFICE OF SECRETARY OF STATE

## Chapter 590-7. COMMISSIONER OF CORPORATIONS

### Subject 590-7-29. [Effective 5/17/2022] STRUCTURED SETTLEMENT PURCHASE COMPANIES

#### 590-7-29-.01 [Effective 5/17/2022] Definitions

(1) **Annuity Issuer.** As defined herein the term "annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) **Assistant Corporation Commissioner.** As used herein all references to the "Assistant Corporation Commissioner" shall mean the Assistant Corporation Commissioner appointed by the Secretary of State as the Director of the Corporations Division

(3) **Code.** As used herein, all citations to "the Code" or "Code" refers to the Georgia Structured Settlement Protection Act (O.C.G.A. [51-12-71](#), et seq.), as amended.

(4) **Division.** As used herein all references to "Division" shall mean the Corporations Division of the Office of the Secretary of State which is the division that is delegated the authority by the Secretary of State to administer the provisions of the Code.

(5) **Entity.** As used herein, the term "entity" includes corporation, general partnership, limited liability company, limited partnership, limited liability partnership, and business trust.

(6) **Fee Schedule.** As used herein the term "fee schedule" shall mean the schedule published and maintained by the Secretary of State clearly setting forth the fees and charges for documents filed with the Division and for services provided by the Secretary of State and the Division. Fees and charges may only be changed by the posting by the Secretary of State of such changes in the public access area of the Division offices for a minimum of thirty (30) days prior to such change being effective.

(7) **Individual.** As used herein the term "individual" means a natural person.

(8) **Person.** As used herein all references to "person" includes an individual and entity as defined herein.

(9) **Rule.** As used herein all references to "Rule" or "the Rules" shall mean the rules as they appear in the "Official Compilation, Rules and Regulations of the State of Georgia" as compiled and printed by the Secretary of State pursuant to the Georgia Administrative Procedure Act, O.C.G.A. §§ [50-13-1](#) et seq.

(10) **Secretary of State.** As used herein all references to the "Secretary of State" shall mean the Secretary of State of the State of Georgia.

(11) **Structured Settlement.** As used herein the term "structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim.

(12) **Structured Settlement Agreement.** As used herein the term "structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(13) **Structured Settlement Obligor.** As used herein the term "structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or qualified assignment agreement.

(14) **Structured Settlement Payment Rights.** As used herein the term "structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where the payee is domiciled in this state or the structured settlement agreement was approved by a court in this state.

(15) **Structured Settlement Purchase Company.** As used herein the term "structured settlement purchase company" means a person that acts as a transferee in this state and who is registered with the Secretary of State pursuant to O.C.G.A. Section [51-12-73](#).

(16) **Transfer.** As used herein the term "transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration. Such term shall not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

(17) **Transferee.** As used herein the term "transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.01

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Apr. 27, 2022; eff. May 17, 2022.

## **590-7-29-.02 [Effective 5/17/2022] Fees, Charges, and Penalties**

(1) The Secretary of State shall publish a comprehensive list of filing fees, charges, penalties and other fees collected by the Division. Fees, charges, and penalties may only be changed by the posting by the Secretary of State of such changes in the public access area of the Division offices for a minimum of thirty (30) days prior to such changes being effective.

(2) Every registration, renewal, or other filing required or permitted pursuant to the Code or any Rule or Regulation promulgated thereunder shall be accompanied by the required fee or funds as listed on the fee schedule published and maintained by the Secretary of State. All filing fees shall be immediately docketed into the automated database by the staff of the Secretary of State. Docketing of the filing fees shall be for accounting and document control only and shall not constitute acceptance of the filing nor shall it imply that the filer has met the filing requirements of the Code.

(3) No registration, renewal, or other filing required or permitted pursuant to the Code or any Rule shall be considered officially received by the Secretary of State unless said documents are accompanied by the required fee or funds. Said fee or funds shall be received by the Secretary of State or by a person designated by the Secretary of State.

(4) All fees, charges, and penalties are nonrefundable unless specifically authorized by the Secretary of State or Assistant Corporation Commissioner and a written request for refund is received from the filer.

(5) All fees, charges, and penalties are nontransferable unless specifically authorized by the Secretary of State or Assistant Corporation Commissioner.

(6) All filing fees, charges, and penalties shall not be deemed to be paid unless payment is made in United States currency, certified funds, or until any check given for such fees, charges or penalties has been paid by the financial institution upon which such check is drawn.

(7) Fees paid by check or money order shall have the name of the proposed structured settlement purchase company or, in the case of a registered structured settlement purchase company, the structured settlement purchase company registrant's name or registration number written on it.

(8) All invoices for certificates, copies, or other charges are due immediately upon receipt. Failure to pay the invoice may result in the invoice being referred for collection and in any future payment being accepted only if submitted by cashier's check or United States Postal Service money order.

(9) The Secretary of State may impose service charges in order for persons to have the ability to make electronic filings into the automated database. Such charges shall be posted on the fee schedule prepared and maintained by the Secretary of State.

(10) The Secretary of State may impose service charges for the filing of documents in paper format. Such charges shall be posted on the fee schedule prepared and maintained by the Secretary of State.

(12) No filing will be accepted by the Secretary of State without the payment of any past due fees, charges, or penalties assessed pursuant to the Code or the Rules promulgated thereunder.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.02

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Fees, Charges, and Penalties" adopted. F. Apr. 27, 2022; eff. May 17, 2022.

### **590-7-29-.03 [Effective 5/17/2022] Dishonored Payments**

(1) Checks or other forms of payment returned to the Secretary of State because of nonpayment and/or charge backs of credit card or debit card payments (hereinafter referred to as the "dishonored" or "dishonored payment") shall be processed according to the following procedures:

#### **(a) Pending Filings.**

1. The filing for which the payment was made shall be placed in "pending," "hold," or similar status and the nonpayment of fees noted upon the records of the Secretary of State;
2. A notice of nonpayment demanding immediate payment shall be issued to the person who submitted the payment;
3. If payment is not received within sixty (60) calendar days from the date of notice of nonpayment, the filing will be deemed abandoned as provided in Rule 590-7-29-.05(3); and
4. If the filing is deemed abandoned, all records pertaining to the filing shall be destroyed and a new filing, including the payment of filing fees, shall be required. Any filing fees submitted with the new filing may be required to be paid by cashier's check or United States Postal Service money order.

#### **(b) Completed Filings.**

1. The structured settlement purchase company for which the filing was made shall be deemed to be not in good standing by the Secretary of State. The records of the structured settlement purchase company maintained by the Secretary of State shall be marked to show such status and to show the nonpayment of fees;
2. A notice of nonpayment demanding immediate payment shall be issued to the person who submitted payment;
3. If payment is not received within sixty (60) calendar days from the date of the notice of nonpayment, written notice shall be issued stating the Secretary of State's intent to revoke the structured settlement purchase company's registration and the grounds therefore. A copy of the notice of nonpayment may be attached to the notice of intent to

revoke and mailed to the structured settlement purchase company at the last known address of its principal office; and

4. If payment is not received sixty (60) calendar days from the date of the notice of intent to revoke, the structured settlement purchase company's registration shall be revoked.

**(c) Services.**

1. The records of the Secretary of State for the structured settlement purchase company, entity or person which requested the services shall be marked to reflect nonpayment for the services performed;

2. A notice of nonpayment demanding immediate payment shall be issued to the structured settlement purchase company, entity or person who submitted payment; and

3. If payment is not received within thirty (30) calendar days from the date of notice of nonpayment, a second notice will be issued to the structured settlement purchase company, entity or person who requested the service. The notice shall state that if payment is not made immediately, all payments for services, fees and filings submitted by the structured settlement purchase company, entity or person shall be required to be made by cashier's check or United States Postal Service money order.

(2) Subsequent requests for services or subsequently submitted filings from any structured settlement purchase company, entity or person that has submitted payment which has been dishonored may be required to be accompanied by cashier's check or United States Postal Service money order.

(3) Payments tendered for returned checks which are also dishonored shall be redeemed by cashier's check or United States Postal Service money order only.

(4) The Secretary of State may require the payment of any service charge in addition to the amount owed as a result of any dishonored payment. Such service charge shall be published in the fee schedule maintained by the Secretary of State.

(5) The records of the Secretary of State may be marked to show nonpayment status for any structured settlement purchase company, entity, or person that has submitted payment which has been dishonored.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.03

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Dishonored Payments" adopted. F. Apr. 27, 2022; eff. May 17, 2022.

**590-7-29-.04 [Effective 5/17/2022] Filing of Documents**

(1) The filing of the documents by a structured settlement purchase company shall be made with the Secretary of State in the following manner:

(a) By mailing the required documents and fees to the Secretary of State at 2 Martin Luther King, Jr. Drive, Suite 313 West Tower, Atlanta, Georgia 30334;

(b) By delivering the required documents and fees to the Secretary of State at the address referred to in subparagraph (a) above; or

(c) By electronic transmission in the manner authorized by the Division on its website.

(2) Documents filed with the Secretary of State shall be processed in time receipt order. Expedited processing shall not be available for structured settlement purchase company filings.



(3) The documents presented for filing shall be written in English, shall be of sufficient quality for legible reproduction by microfilm, and shall be typed or printed on white, letter-size (8 1/2" x 11") paper in black or blue ink only.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.04

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Filing of Documents" adopted. F. Apr. 27, 2022; eff. May 17, 2022.

### **590-7-29-.05 [Effective 5/17/2022] Returned Documents**

(1) **Documents must be complete.** The Secretary of State may return any documents that are not complete and appropriate for filing. The returned documents shall be accompanied by a Deficient Document Notice with an explanation of the rejection or deficiency, and an acknowledgement of the receipt by the Secretary of State for the filing fee, if applicable.

(2) **Correcting deficient filings.** The documents may be corrected and returned to the Secretary of State for processing. The filer must attach to the corrected and returned documents the Deficient Document Notice issued by the Secretary of State. If the corrected documents are returned to the Secretary of State by the filer within sixty (60) days of the date of the Deficient Document Notice, the filing date will be the date the corrected and completed filing is received by the Secretary of State.

(3) **Abandoned filings.** If the filing is not returned to and received by the Secretary of State within sixty (60) days of the date of the Deficient Document Notice, it will be deemed abandoned and all records pertaining to the filing may be destroyed. A new filing, including payment of the filing fees to the Secretary of State, will be required to complete the filing.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.05

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Returned Documents" adopted. F. Apr. 27, 2022; eff. May 17, 2022.

### **590-7-29-.06 [Effective 5/17/2022] Renewal of Structured Settlement Purchase Company Registration**

(1) A structured settlement purchase company registration shall be effective for a term of one (1) year from the date of issuance; and, upon renewal application filed within sixty (60) days prior to the expiration of such term on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. The fee for renewal is listed in the fee schedule published and maintained by the Secretary of State, and the fee payment, payable to the Secretary of State, shall accompany the application for renewal of the registration. Also accompanying the renewal application shall be a copy of the bond, letter of credit, or cash bond in compliance with the provisions of the Georgia Structured Settlement Protection Act (O.C.G.A. [51-12-71](#), et seq.).

(2) A structured settlement purchase company registration may be renewed for successive periods of one (1) year in like manner.

(3) The Secretary of State may send a renewal notification to a structured settlement purchase company registrant within sixty (60) days preceding the expiration of the registration for informational purposes. The renewal notification will be sent by mail or electronic methods, such as email, to the last known address of the registrant. Renewal notifications will not be sent to those registrants with expired, cancelled, inactive, or terminated registrations.

(4) A structured settlement purchase company registration expires if it is not renewed by its expiration date. An expired registration may not be renewed, reactivated, or reinstated. If the registrant wishes to continue to be registered as an active structured settlement purchase company in Georgia, then that registrant must apply for a new structured settlement purchase company registration.

**Cite as** Ga. Comp. R. & Regs. R. 590-7-29-.06

**AUTHORITY:** O.C.G.A. § [51-12-73](#).

**HISTORY:** Original Rule entitled "Renewal of Structured Settlement Purchase Company Registration" adopted. F. Apr. 27, 2022; eff. May 17, 2022.