Rules and Regulations of the State of Georgia

Department 295 JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Current through Rules and Regulations filed through April 4, 2023

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until

the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 295-1 entitled "Organization" and 295-2 entitled "Expiration, Renewal and Penalty Dates" have been adopted. Filed April 16, 1974; effective May 6, 1974.

Emergency Rule Chapters 295-3-0.1, 295-4-0.1, 295-5-0.1, 295-6-0.1, 295-7-.01, 295-8-0.1, 295-9-0.1, 295-10-0.1, 295-11-0.1, 295-12-0.1, 295-13-0.1 have been adopted. Filed and effective March 3, 1976, the date of adoption, to be in effect for 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the Agency, (These Emergency Rules will not be published; copies may be obtained from the Agency.)

Chapters 295-3 entitled "General Information" superseding Emergency Rule Chapter 295-3-0.1, 295-4 entitled "Pleadings" superseding Emergency Rule Chapter 295-4-0.1, 295-5 entitled "Motions" superseding Emergency Rule Chapter 295-5-0.1, 295-6 entitled "Service" superseding Emergency Rule Chapter 295-6-0.1, 295-7 entitled "Parties; Intervention" superseding Emergency Rule Chapter 295-7-0.1, 295-8 entitled "Evidence; Subpoenas" superseding Emergency Rule Chapter 295-8-0.1, 295-9 entitled "Taking of Testimony by Deposition" superseding Emergency Rule Chapter 295-9-0.1, 295- 10 entitled "Stipulations" superseding Emergency Rule Chapter 295-10-0.1, 295-11 entitled "Hearings" superseding Emergency Rule Chapter 295-11-0.1, 295-12 entitled "Consolidation and Continuances" superseding Emergency Rule Chapter 295-12-0.1, 295-13 entitled "Briefs and Post Hearing Procedure" superseding Emergency Rule Chapter 295-13-0.1 have been adopted. Filed March 30, 1976; effective April 19, 1976.

Rules 295-2-.03 and .04 have been amended. Filed February 10, 1983; effective March 2, 1983.

Chapter 295-2 has been repealed and a new Chapter adopted. Filed June 29, 1983; effective July 19, 1983.

Rule 295-2-.01 has been amended. Filed January 24, 1995; effective February 13, 1995.

Rule 295-2-.01 and .13 have been amended. Filed April 18, 1995; effective May 8, 1995.

Rules 295-2-.05 to .13 have been repealed and new Rules adopted.

Rule 295-2-.14 has been adopted. Filed September 20, 1995; effective October 9, 1995.

Rules 295-2-.04 and .13 have been amended. Rule 295-2-.15 has been adopted. Filed March 27, 1996; effective April 16, 1996.

Rule 295-15-.01 has been amended. Filed April 15, 1996; effective May 5, 1996.

Rule 295-15-.01 has been amended. Filed May 30, 1996; effective June 19, 1996.

Rules 295-2-.04 and .10 have been amended. Rule 295-2-.15 has been repealed. Filed November 27, 1996; effective December 17, 1996.

Rule 295-13-.04 has been amended. Filed January 26, 1998; effective February 15, 1998.

Rule 295-3-.03 has been amended. Filed February 18, 1998; effective March 10, 1998.

Rule 295-15-.01 has been amended. Filed August 25, 1998; effective September 14, 1998.

Emergency Rule 295-2-0.2-.06 has been adopted. Filed and effective February 25, 2002, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to facilitate an upgrade in the computer software used by the Office of Secretary of State, Professional Licensing Boards Division. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 295-16 entitled "Federal Student Loan Default" has been adopted. Filed September 30, 2002; effective October 20, 2002.

Rule 295-15-.01 has been repealed and a new Rule adopted. Filed October 23, 2003; effective November 12, 2003.

Rule 295-2-.05 has been amended. Rule 295-2-.12 has been repealed and a new Rule adopted. Filed May 10, 2004; effective May 30, 2004.

Rule 295-2-.04 has been repealed and a new Rule adopted. Rule 295-2-.15 has been adopted. Filed April 7, 2005; effective April 27, 2005.

Rule 295-15-.01 has been amended. Filed December 19, 2005; effective January 8, 2006.

Rule 295-15-.01 has been amended. Filed January 31, 2006; effective February 20, 2006.

Rules 295-1-.01 and .02 have been repealed and new Rules adopted. Filed July 25, 2006; effective August 14, 2006.

Rules 295-3-.01, .04, .05, 295-5-.03, 295-6-.02, and 295-8-.04 have been repealed and new Rules adopted. Filed July 26, 2006; effective August 15, 2006.

Rule 295-2-.03 has been repealed and a new Rule adopted. Filed October 23, 2006; effective November 12, 2006.

Rule 295-2-.16 has been adopted. Filed November 30, 2006; effective December 20, 2006.

Rule 295-2-.13 has been repealed and a new Rule adopted. Filed March 6, 2007; effective March 26, 2007.

Rule 295-2-.08 has been amended. Filed August 7, 2007; effective August 27, 2007.

Rule 295-2-.01 has been repealed and a new Rule adopted. Filed September 11, 2007; effective October 1, 2007.

Rule 295-2-.07 has been repealed and a new Rule adopted. Filed January 22, 2008; effective February 11, 2008.

Rule 295-2-.08 has been repealed and a new Rule adopted. Filed April 30, 2008; effective May 20, 2008.

Rules 295-2-.03 and .07 have been repealed and new Rules adopted. Filed July 25, 2008; effective August 14, 2008.

Rule 295-15-.01 has been amended. Filed October 28, 2008; effective November 17, 2008.

Rule 295-2-.10 has been repealed and a new Rule adopted. Filed March 9, 2009; effective March 29, 2009.

Rule 295-2-.16 has been repealed and a new Rule adopted. Filed April 21, 2009; effective May 11, 2009.

Rule 295-2-.17 has been adopted. Filed July 9, 2009; effective July 29, 2009.

Rule 295-2-.01 has been amended. Filed October 15, 2009; effective November 4, 2009.

Rules 295-2-.04 and 295-15-.05 repealed and new rules adopted. F. Oct. 4, 2011; eff. Oct. 24, 2011.

Rules 295-2-.01, 295-2-.11 repealed and readopted. F. Mar. 14, 2012; eff. Apr. 3, 2012.

Rule 295-15-.01 amended. F. Jun. 12, 2012; eff. Jul. 2, 2012.

Rule 295-15-.01 amended. F. May 8, 2013; eff. May 28, 2013.

Rule 295-2-.13 amended. F. Jul. 3, 2013; eff. Jul. 23, 2013.

Rule 295-15-.01 amended. F. Oct. 31, 2013; eff. Nov. 20, 2013.

Rule 295-15-.01 amended. F. Mar. 11, 2014; eff. Mar. 31, 2014.

Rule 295-2-.06 repealed and readopted. F. Mar. 17, 2014; eff. Apr. 6, 2014.

Rules 295-2-.05, 295-2-.12, 295-15-.01 amended. F. Nov. 6, 2014; eff. Nov. 26, 2014.

Rule 295-15-.01 amended. F. Feb. 2, 2016; eff. Feb. 22, 2016.

Rule 295-2-.10 amended. F. Feb. 10, 2016; eff. Mar. 1, 2016.

Rules 295-2-.01, .06 amended. F. Nov. 1, 2016; eff. Nov. 21, 2016.

Rule 295-2-.13 amended. F. Aug. 29, 2017; eff. Sep. 18, 2017.

Rules 295-2-.04, .07, .10 amended. F. Feb. 7, 2018; eff. Feb. 27, 2018.

Rule 295-2-.04 amended. F. Nov. 21, 2018; eff. Dec. 11, 2018.

Rule 295-2-.16 amended. F. Apr. 19, 2019; eff. May 9, 2019.

Rules 295-2-.01, .02, .03, .11, .13, .14, .17 amended. F. May 13, 2020; eff. Jan. 1, 2021, as specified by the Agency.

Rules 295-2-.06, .07, .08, .09, .16, amended. F. May 13, 2020; eff. Jan. 1, 2022, as specified by the Agency.

Rule 295-2-.04 amended. F. June 11, 2020; eff. Jan. 1, 2021, as specified by the Agency.

Rules 295-2-.10, .15 amended. F. June 11, 2020; eff. Jan. 1, 2022, as specified by the Agency.

Chapters 295-17 entitled "Petition for Rule Changes" and 295-18 entitled "Declaratory Rulings" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.

Rules 295-2-.06, .08, 295-3-.02 amended, Subject 295-15 repealed in its entirety and new Subject 295-15 with same title adopted. F. May 6, 2022; eff. May 26, 2022.

Note: Rule 295-15-.07, correction of typographical error, the version of the Rule filed on May 6, 2022, inadvertently omitted text in subparagraph 3.(b) after *"...notwithstanding"* (i.e., *the fact that they may have passed the Laws and Rules Examination on a prior date.)*. The correct Rule, as originally promulgated and adopted, was updated on the Rules and Regulations website as of July 5, 2022; the original filed and effective dates were retained, as specified by the Board. Effective July 5, 2022.

Rules 295-2-.04, .6, .08, 295-15-.02 amended, Rules 295-2-.18, .19 adopted. F. Aug. 24, 2022; eff. Sep. 13, 2022.

Chapter 295-1. ORGANIZATION.

Rule 295-1-.01. Organization.

The Office of Division Director shall be maintained under the supervision of the Secretary of State. The Division Director is appointed by the Secretary of State to serve at his or her pleasure.

Cite as Ga. Comp. R. & Regs. R. 295-1-.01
Authority: O.C.G.A. Secs. 43-1-2, 50-13-3.
History. Original Rule entitled "Organization" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule of same title adopted. F. July 25, 2006; eff. August 14, 2006.

Rule 295-1-.02. Duties.

It shall be the duty of the Division Director to bring together and keep all records relating to the several licensing boards; to receive all applications for licenses, with consent of the board concerned; to schedule the time and place for examination; to schedule the time and place for all hearings; to issue certificates upon authority of the licensing board concerned; to collect all fees now required by law in connection with licensing of trades and professions; and to determine expiration, renewal and penalty dates for licenses and certificates issued by the several licensing boards.

Cite as Ga. Comp. R. & Regs. R. 295-1-.02
Authority: O.C.G.A. Secs. 43-1-1 to 43-1-3, 50-13-3.
History. Original Rule entitled "Duties" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule of same title adopted. F. July 25, 2006; eff. August 14, 2006.

Chapter 295-2. EXPIRATION AND RENEWAL DATES.

Rule 295-2-.01. Licenses Expiring June 30-Odd Years.

The following licenses expire on June 30 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Architects; with a lapsed, late renewal period from July 1 to July 31 of odd years;

(b) Athlete Agents; with a lapsed, late renewal period from July 1 to July 31 of odd years;

(c) Barbers (Instructors, Schools, and Shops); with a lapsed, late renewal period from July 1 to July 31 of odd years;

(d) Cosmetology (Instructors, Schools, and Shops, with the exception of Hair Design Instructors and Schools); with a lapsed, late renewal period from July 1 to July 31 of odd years;

(e) Private Detective and Security Agencies (Companies); with a lapsed, late renewal period from July 1 to July 31 of odd years; and

(f) Water and Wastewater Treatment Plant Operators and Laboratory Analysts with a lapsed, late renewal period from July 1 to July 31 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.01
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring June 30-Odd Years" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule of same title adopted. F. June 29, 1983; eff. July 19, 1983.
Amended: F. Dec. 5, 1983; eff. Dec. 25, 1983.
Amended: F. May 22, 1985; eff. June 11, 1985.
Amended: F. July 26, 1985; eff. August 15, 1985.
Amended: F. Nov. 7, 1989; eff. Nov. 27, 1989.
Amended: F. Feb. 14, 1994; eff. Mar. 6, 1994.
Amended: F. Jan. 24, 1995; eff. Feb. 13, 1995.
Amended: F. Apr. 18, 1995; eff. May 8, 1995.
Repealed: New Rule of same title adopted. F. Sept. 11, 2007; eff. Oct. 1, 2007.
Amended: F. Oct. 15, 2009; eff. Nov. 4, 2009.
Repealed: New Rule of same title adopted. F. Mar. 14, 2012; eff. Apr. 3, 2012.
Amended: F. Nov. 1, 2016; eff. Nov. 21, 2016.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.02. Licenses Expiring August 31-Odd Years.

The following licenses expire on August 31 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Podiatry; with a lapsed, late renewal period from September 1 to September 30 of odd years;

(b) Private Detective and Security Agencies (Employees and Weapons Permits); with a lapsed, late renewal period from September 1 to September 30 of odd years;

(c) Cosmetology (Estheticians and Manicurists); with a lapsed, late renewal period from September 1 to September 30 of odd years;

(d) Low Voltage Contractors (Unrestricted; Telecommunications, Alarm, General); with a lapsed, late renewal period from September 1 to September 30 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.02
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring August 31-Odd Years" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule of same title adopted. F. June 29, 1983; eff. July 19, 1983.
Amended: F. Dec. 5, 1983; eff. Dec. 25, 1983.
Amended: F. Aug. 10, 1984; eff. Aug. 30, 1984.
Amended: F. May 22, 1985; eff. June 11, 1985.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.03. Licenses Expiring November 30-Odd Years.

The following licenses expire on November 30 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Conditioned Air Contractors; with a lapsed, late renewal period from December 1 to December 31 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.03
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring June 30-Even Years" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Amended: F. Feb. 10, 1983; eff. Mar. 2, 1983.
Repealed: New Rule entitled "Licenses Expiring December 31-Odd Years" adopted. F. June 29, 1983; eff. July 9, 1983.
Amended: F. Dec. 5, 1983; eff. Dec. 25, 1983.
Amended: F. June 19, 1984; eff. July 9, 1984.
Amended: F. July 26, 1985; eff. August 15, 1985.
Repealed: New Rule entitled "Licenses Expiring November 30-Odd Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule of same title adopted. F. Oct. 23, 2006; eff. Nov. 12, 2006.
Repealed: New Rule of same title adopted. F. July 25, 2008; eff. August 14, 2008.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.04. Licenses Expiring December 31 - Odd Years.

The following licenses expire on December 31 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Forestry; with a lapsed, late renewing period from January 1 to January 31 of even years;

(b) Geology; with a lapsed, late renewal period from January 1 to January 31 of even years;

(c) Long-Term Care Facility Administrators; with a lapsed, late renewal period from January 1 to January 31 of even years;

(d) Hearing Aid Dealers and Dispensers; with a lapsed, late renewal period from January 1 to January 31 of even years;

(e) Optometry; with a lapsed, late renewal period from January 1 to January 31 of even years;

(f) Physical Therapy; with a lapsed, late renewal period from January 1 to January 31 of even years;

(g) Used Motor Vehicle Parts Dealers, Dismantlers, Rebuilders and Salvage Dealers; with a lapsed, late renewal period of January 1 to January 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.04
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring December 31 - Odd Years" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Amended: F. Feb. 10, 1983; eff. Mar. 2, 1983.
Repealed: New Rule entitled "Licenses Expiring March 31 - Even Years" adopted. F. June 29, 1983; eff. July 19, 1983.
Amended: F. Dec. 5, 1983; eff. Dec. 25, 1983.
Amended: F. June 19, 1984; eff. July 9, 1984.
Amended: F. July 26, 1985; eff. August 15, 1985.
Amended: F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring December 31 - Odd Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Amended: F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. Mar. 27, 1996; eff. Apr. 16, 1996.
Amended: F. Nov. 27, 1996; eff. Dec. 17, 1996.
Repealed: New Rule entitled "Licenses Expiring December 31 - Odd Years, and Lapsed, Late Renewal Periods" adopted. F. Apr. 7, 2005; eff. Apr. 27, 2005.
Repealed: New rule with same title adopted. F. Oct. 4, 2011; eff. Oct. 24, 2011.
Amended: F. Feb. 7, 2018; eff. Feb. 27, 2018.
Amended: F. Nov. 21, 2018; eff. Dec. 11, 2018.
Amended: New title "Licenses Expiring December 31 - Odd Years." F. June 11, 2020; eff. January 1, 2021, as specified by the Agency.
Amended: F. Aug. 24, 2022; eff. Sep. 13, 2022.

Rule 295-2-.05. Licenses Expiring January 31-Even Years.

The following licenses expire on January 31 in even numbered years:

(a) Registered Professional Nurses whose licenses were issued on or before May 31, 2004 and whose license number ends in an even number.

(b) Registered Professional Nurses whose licenses were issued on or after June 1, 2004 of an even numbered year.

(c) Registered Professional Nurses whose licenses expire on January 31st of even numbered years will be granted a lapsed, late renewal period from February 1st to the last day of February of even numbered years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.05
Authority: O.C.G.A. §§ 43-1-2, 43-1-3, 43-1-4, 50-13-3, 50-13-5, 50-13-13.
History. Original Rule entitled "Licenses Expiring December 31 - Even Years" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule entitled "Licenses Expiring June 30 - Even Years" adopted. F. June 29, 1983; eff. July 19, 1983.
Amended: F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring March 31 - Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule entitled "Licenses Expiring January 31 - Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. May 10, 2004; eff. May 30, 2004.

Repealed: New rule with same title adopted. F. Oct. 4, 2011; eff. Oct. 24, 2011.
Amended: F. Nov. 6, 2014; eff. Nov. 26, 2014.

Rule 295-2-.06. Licenses Expiring March 31-Even Years.

The following licenses expire on March 31 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Cosmetology (Masters); with a lapsed, late renewal period from April 1 to April 30 of even years;

(b) Funeral Services (Directors, Embalmers and Apprentices); with a lapsed, late renewal period from April 1 to April 30 of even years;

(c) Funeral Service (Homes); with a lapsed, late renewal period from April 1 to April 30 of even years;

(d) Occupational Therapy; with a lapsed, late renewal period for April 1 to April 30 of even years;

(e) Used Motor Vehicle Dealers; with a lapsed, late renewal period from April 1 to April 30 of even years;

(f) Dietitian; with a lapsed, late renewal period from April 1 to April 30 of even years.

(g) Lactation Consultant; with no lapsed late renewal period.

Cite as Ga. Comp. R. & Regs. R. 295-2-.06
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Renewal Dates" adopted. F. Apr. 16, 1974; eff. May 6, 1974.
Repealed: New Rule entitled "Licenses Expiring December 31-Even Years" adopted. F. June 29, 1983; eff. July 19, 1983.
Amended: F. June 19, 1984; eff. July 9, 1984.
Amended: F. Nov. 30, 1984; eff. Dec. 20, 1984.
Repealed: New Rule entitled "Licenses Expiring September 30-Even Years" adopted. F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring June 30-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule entitled "Licenses Expiring March 31-Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: ER. 295-2-0.2-.06 adopted. F. and eff. Feb. 25, 2002, the date of adoption.
Repealed: New Rule of same title adopted. F. Mar. 17, 2014; eff. Apr. 6, 2014.
Amended: F. Nov. 1, 2016; eff. Nov. 21, 2016.
Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.
Amended: F. May 6, 2022; eff. May 26, 2022.
Amended: F. Aug. 24, 2022; eff. Sep. 13, 2022.

Rule 295-2-.07. Licenses Expiring June 30-Even Years.

The following licenses expire on June 30 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Athletic Trainers; with a lapsed, late renewal period from July 1 to July 31 of even years;

(b) Electrical Contractors; with a lapsed, late renewal period from July 1 to July 31 of even years;

(c) Librarians; with a lapsed, late renewal period from July 1 to July 31 of even years.

(d) General Contractor Company, General Contractor Individual, General Contractor Qualifying Agent, Residential Basic Company, Residential Basic Individual, Residential Basic Qualifying Agent, Residential Light Commercial Individual, Residential Light Company, Residential Light Qualifying Agent, General Contractor Qualifying Agent-Limited Tier, General Contractor Company-Limited Tier, General Contractor Individual-Limited Tier; with a lapsed, late renewal period from July 1 to July 31 of even years.

(e) Professional Engineer and Land Surveyors Firms; with a lapsed, late renewal period from July 1 to July 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.07
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring Annually June 30" adopted. F. June 29, 1983; eff. July 19, 1983.
Repealed: New Rule entitled "Licenses Expiring December 31-Even Years" adopted. F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring September 30-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule entitled "Licenses Expiring June 30-Even Years" adopted. F. Sept. 30, 1995; eff. Oct. 9, 1995.
Repealed: New Rule of same title adopted. F. Jan. 22, 2008; eff. Feb. 11, 2008.
Repealed: New Rule of same title adopted. F. July 25, 2008; eff. August 14, 2008.
Amended: F. Feb. 7, 2018; eff. Feb. 27, 2018.
Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.

Rule 295-2-.08. Licenses Expiring September 30-Even Years.

The following licenses expire on September 30 of the even numbered years, effective as of the 2024 renewal cycle:

(a) Professional Counselors, Social Workers, and Marriage and Family Therapists; with a lapsed, late renewal period from October 1 to October 31 of even years.

(b) Cosmetology (Hair Design); with a lapsed, late renewal period from October 1 to October 31 of even years.

(c) Used Motor Vehicle Dealers; with a lapsed, late renewal period from October 1 to October 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.08
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring March 31-Odd Years" adopted. F. June 19, 1984; eff. July 9, 1984.
Amended: F. Nov. 30, 1984; eff. Dec. 20, 1984.
Repealed: New Rule entitled "Licenses Expiring Annually June 30" adopted. F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring November 30-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule entitled "Licenses Expiring September 30-Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. Aug. 7, 2007; eff. Aug. 27, 2007.
Repealed: New Rule of same title adopted. F. Apr. 30, 2008; eff. May 20, 2008.
Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.
Amended: F. May 6, 2022; eff. May 26, 2022.

Rule 295-2-.09. Licenses Expiring November 30-Even Years.

The following licenses expire on November 30 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Plumbing Contractors/Journeymen; with a lapsed, late renewal period from December 1 to December 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.09
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring March 31-Odd Years" adopted. F. Apr. 20, 1987; eff. May 10, 1987.
Repealed: New Rule entitled "Licenses Expiring December 31-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Amended: F. Dec. 26, 1990; eff. Jan. 15, 1991.
Amended: F. Sept. 7, 1994; eff. Sept. 27, 1994.
Repealed: New Rule entitled "Licenses Expiring November 30-Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.

Rule 295-2-.10. Licenses Expiring December 31 - Even Years.

The following licenses expire on December 31 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Barbers (Masters); with a lapsed, late renewal period from January 1 to January 31 of odd years;

(b) Chiropractic; with a lapsed, late renewal period from January 1 to January 31 of odd years;

(c) Engineers and Land Surveyors; with a lapsed, late renewal period from January 1 until December 31 four years after the expiration date. See O.C.G.A. § 43-15-17(b);

(d) Landscape Architects; with a lapsed, late renewal period from January 1 to January 31 of odd years;

(e) Psychology; with a lapsed, late renewal period from January 1 until January 31 of the odd years;

(f) Veterinarians; with a lapsed, late renewal period from January 1 until January 31 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.10
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring Annually June 30" adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule entitled "Licenses Expiring December 31 - Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. Nov. 27, 1996; eff. Dec. 17, 1996.
Repealed: New Rule entitled "Licenses Expiring December 31 - Even Years, and Lapsed, Late Renewal Periods" adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.
Amended: F. Feb. 10, 2016; eff. Mar. 1, 2016.
Amended: F. Feb. 7, 2018; eff. Feb. 27, 2018.
Amended: New title "Licenses Expiring December 31 - Even Years." F. June 11, 2020; eff. January 1, 2022, as specified by the Agency.

Rule 295-2-.11. Licenses Expiring Annually.

The following licenses expire annually:

(a) Immigration Assistance Provider licenses expire annually on August 31, with a lapsed, late renewal period from September 1 until September 30.

(b) Pre-need sales agent licenses expire annually on the registration date, with a lapsed, late renewal period of one month.

Cite as Ga. Comp. R. & Regs. R. 295-2-.11
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring March 31-Odd Years" adopted. F. July 15, 1988; eff. August 4, 1988.
Amended: F. Dec. 26, 1990; eff. Jan. 15, 1991.
Amended: F. Mar. 22, 1993; eff. Apr. 11, 1993.
Amended: F. Feb. 14, 1994; eff. Mar. 6, 1994.
Repealed: New Rule entitled "Licenses Expiring January 31-Odd Years" adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.

Repealed: New Rule entitled "Licenses Expiring Annually June 30" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Repealed: F. Mar. 13, 2012; eff. Apr. 2, 2012.
Amended: New title "Licenses Expiring Annually." F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.12. Licenses Expiring January 31-Odd Years.

The following licenses expire on January 31 of the odd numbered years:

(a) Registered Professional Nurses whose licenses were issued on or before May 31, 2004 and whose license number ends in an odd number.

(b) Registered Professional Nurses whose licenses were issued on or after June 1, 2004 of an odd numbered year.

(c) Registered Professional Nurses whose licenses expire on January 31st of odd numbered years will be granted a lapsed, late renewal period from February 1st to the last day of February of odd numbered years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.12
Authority: O.C.G.A. §§ 43-1-2, 43-1-3, 43-1-4, 50-13-3, 50-13-5, 50-13-13.
History. Original Rule entitled "Licenses Expiring April 30 - Odd Years" adopted. F. Sept. 2, 1993; eff. Sept. 22, 1993.
Repealed: F. Feb. 14, 1994; eff. Mar. 6, 1994.
Amended: New Rule entitled "Licenses Expiring April 30 - Odd Years" adopted. F. May 18, 1994; eff. June 7, 1994.
Repealed: New Rule entitled "Licenses Expiring March 31 - Odd Years" adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.
Repealed: New Rule entitled "Licenses Expiring January 31 - Odd Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Repealed: New Rule of same title adopted. F. May 10, 2004; eff. May 30, 2004.
Amended: F. Nov. 6, 2014; eff. Nov. 26, 2014.

Rule 295-2-.13. Licenses Expiring March 31-Odd Years.

The following licenses expire on March 31 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Licensed Practical Nurses with a lapsed, late renewal period from April 1 to April 30 of odd years;

(b) Licensed Dispensing Opticians; with a lapsed, late renewal period from April 1 to April 30 of odd years;

(c) Audiologists, Speech-Language Pathologists, Audiology Assistants, and Speech-Language Pathology Aides; with a lapsed, late renewal period from April 1 to April 30 of odd years;

(d) Interior Designers; with a lapsed, late renewal period from April 1 to April 30 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.13
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring April 30-Odd Years" adopted. F. Sept. 7, 1994; eff. Sept. 27, 1994.
Amended: F. Apr. 18, 1995; eff. May 8, 1995.
Repealed: New Rule entitled "Licenses Expiring March 31-Odd Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. Mar. 27, 1996; eff. Apr. 16, 1996.
Repealed: New Rule of same title adopted. F. Mar. 6, 2007; eff. Mar. 26, 2007.
Amended: F. Jul. 3, 2013; eff. July 23, 2013.
Amended: F. Aug. 29, 2017; eff. Sept. 18, 2017.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.14. Licenses Expiring April 30-Odd Years.

The following licenses expire on April 30 in odd numbered years, effective as of the 2021 renewal cycle:

(a) Utility (Managers, Foremen, and Contractors); with a lapsed, late renewal period from May 1 to May 31 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.14
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring April 30-Odd Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.15. Licenses Expiring February 28 - Even Years.

The following licenses expire on February 28 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Auctioneers; with a lapsed, late renewal period of March 1 to March 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.15
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Renewed in 1997 or Issued After 3-31-97 and Before 12-31-99 Shall Expire on December 31, 1999, and Thereafter, on December 31 - Odd Years" adopted. F. Mar. 27, 1996; eff. Apr.

16, 1996.
Repealed: F. Nov. 27, 1996; eff. Dec. 17, 1996.
Amended: New Rule entitled "Licenses Expiring February 28 - Even Years, and Lapsed, Late Renewal Periods" adopted. F. Apr. 7, 2005; eff. Apr. 27, 2005.
Amended: New title "Licenses Expiring February 28 - Even Years." F. June 11, 2020; eff. January 1, 2022, as specified by the Agency.

Rule 295-2-.16. Licenses Expiring October 31-Even Years.

The following licenses expire on October 31 of the even numbered years, effective as of the 2022 renewal cycle:

(a) Massage Therapists; with a lapsed, late renewal period from November 1 to November 30 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.16
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring October 31-Even Years" adopted. F. Nov. 30, 2006; eff. Dec. 20, 2006.
Repealed: New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.
Amended: F. Apr. 19, 2019; eff. May 9, 2019.
Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.

Rule 295-2-.17. Licenses Expiring September 30-Odd Years.

The following licenses expire on September 30 of the odd numbered years, effective as of the 2021 renewal cycle:

(a) Cosmetology (Hair Design Instructor and Hair Design School); with (lapsed, late renewal status) from October 1 to October 31 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.17
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring September 30-Odd Years" adopted. F. July 9, 2009; eff. July 29, 2009.
Amended: F. May 13, 2020; eff. January 1, 2021, as specified by the Agency.

Rule 295-2-.18. Licenses Expiring Every Three Years.

The following licenses expire every three years from the issue date of the license:

(a) Trauma Scene Practitioners

Cite as Ga. Comp. R. & Regs. R. 295-2-.18
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Licenses Expiring Even Three Years" adopted. F. Aug. 24, 2022; eff. Sep. 13, 2022.

Rule 295-2-.19. Expiration of Massage Therapy Programs.

(1) Massage therapy programs issued on even years shall expire on March 31 of even years; with a lapsed late renewal period from April 1 to April 30 of even years.

(2) Massage therapy programs issued on odd years shall expire on March 31 of odd years; with a lapsed late renewal period from April 1 to April 30 of odd years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.19
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Expiration of Massage Therapy Programs" adopted. F. Aug. 24, 2022; eff. Sep. 13, 2022.

Chapter 295-3. GENERAL INFORMATION.

Rule 295-3-.01. Scope and Application of These Rules.

The following Rules govern procedure in "contested cases" as that term is defined in the Georgia Administrative Procedure Act (O.C.G.A. 50-13-2(2)) and which are conducted before the several Professional Licensing Boards.

Cite as Ga. Comp. R. & Regs. R. 295-3-.01
Authority: O.C.G.A. Secs. 43-1-1 to 43-1-4, 50-13-2, 50-13-3.
History. Original Rule entitled "Scope and Application of These Rules" adopted as ER. 295-3-0.1-.01. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. Dec. 5, 1983; eff. Dec. 25, 1983.
Repealed: New Rule of same title adopted. F. July 26, 2006; eff. August 15, 2006.

Rule 295-3-.02. Docket.

(1) The Joint Secretary shall keep a record known as a docket, which shall be arranged by a sequential numbering system for each case or other matter and shall show for each case of matter, as permitted by law, all proceedings, actions and filings.

(2) The Joint Secretary shall keep a docket index by both docket number and alphabetical list of the names of the Respondents in all proceedings.

Cite as Ga. Comp. R. & Regs. R. 295-3-.02
Authority: O.C.G.A. § 43-1-4.
History. Original Rule entitled "Docket" adopted as ER. 295-3-0.1-.02. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. June 20, 1988; eff. July 10, 1988.
Amended: F. May 6, 2022; eff. May 26, 2022.

Rule 295-3-.03. Office Hours.

The offices of the Joint Secretary shall be open from 8:00 a.m. to 5:00 p.m. each week-day except Saturdays, Sundays and legal holidays.

Cite as Ga. Comp. R. & Regs. R. 295-3-.03
Authority: O.C.G.A. Sec. 43-1-3.
History. Original Rule entitled "Office Hours" adopted as ER. 295-3-0.1-.03. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Amended: F. Feb. 18, 1988; eff. Mar. 10, 1998.

Rule 295-3-.04. Communications.

All communications, including correspondence, motions, and pleadings, shall be filed with the Division Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217. Copies shall be furnished to all parties of record, including the attorney representing the State. An original and one duplicate of all correspondence, motions, and pleadings shall be filed with the Division Director and shall comply in all respects with Rule 295-6-.04.

Cite as Ga. Comp. R. & Regs. R. 295-3-.04
Authority: O.C.G.A. Secs. 43-1-2 to 43-1-4, 43-1-19, 50-13-3, 50-13-13.
History. Original Rule entitled "Communications" adopted as ER. 295-3-0.1-.04. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. June 20, 1988, eff. July 10, 1988.
Repealed: New Rule of same title adopted. F. July 26, 2006; eff. August 15, 2006.

Rule 295-3-.05. Date of Filing.

All communications, correspondence, motions and pleadings in any proceedings shall be deemed to be filed or received on the date on which they are actually received by the Division Director.

Cite as Ga. Comp. R. & Regs. R. 295-3-.05
Authority: O.C.G.A. Secs. 43-1-2, 43-1-3, 50-13-3, 50-13-13.
History. Original Rule entitled "Date of Filing" adopted as ER. 295-3-0.1-.05. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Repealed: New Rule of same title adopted. F. July 26, 2006; eff. August 15, 2006.

Rule 295-3-.06. Computation of Time.

Computation of any period of time referred to in these rules shall begin with the first day following that on which the act which initiates such period of time occurs. When the last day of the period so computed is a day on which the office of the Joint Secretary is closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is seven (7) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; or otherwise such days shall be included in the computation.

Cite as Ga. Comp. R. & Regs. R. 295-3-.06
Authority: Ga. L. 1931, pp. 7, 35, 37.
History. Original Rule entitled "Computation of Time" adopted as ER. 295-3-0.1-.06. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Rule 295-3-.07. Extension of Times.

It shall be within the discretion of the presiding officer to extend, for good cause shown, any time limit prescribed or allowed by these rules. All requests for an extension should be made by a motion in accordance with Rule 295-5-.01 and shall indicate therein whether all parties concur. The presiding officer shall notify all parties of its action upon the motion. Extension shall be granted only when the presiding officer is satisfied that good cause has been shown and not otherwise.

Cite as Ga. Comp. R. & Regs. R. 295-3-.07
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule entitled "Extension of Times" adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-3-.08. Signatures.

Every notice, pleading, petition, motion or other document filed by a party, represented by an attorney other than the Agency, shall be signed by at least one attorney of record in his individual name and his address and telephone number shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address and telephone number. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading, and that it is not interposed for delay.

Cite as Ga. Comp. R. & Regs. R. 295-3-.08
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule entitled "Signatures" adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: New Rule of same title adopted. Filed January 18, 1989; effective February 7, 1989.

Rule 295-3-.09. Ex-parte Communication.

No person not employed by the Agency or the Joint Secretary shall communicate exparte with the presiding officer, any member of the Agency or any employee of the Agency involved in the decisional process with respect to the merits of a contested case. If any ex-parte communication is directed to any person in violation of these rules, the presiding officer and all other parties shall be immediately informed of the substance of the communication and the circumstances of its receipt; provided, that a request for information with respect to the status of a proceeding shall not be prohibited by this section.

Cite as Ga. Comp. R. & Regs. R. 295-3-.09
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule entitled "Ex-parte Communication" adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-3-.10. Petition for Promulgation, Amendment, or Repeal of Rules.

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

(a) The name and address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

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

(d) Citations of legal authority, if any, which authorize, support, or require the action requested by petition. The petition shall be verified under oath by or in proper behalf of; the petitioner.

(2) Proceeding on Petition. Upon receipt of the petition, the examining board shall decide upon the action to be taken. Within thirty days after receipt of the petition, the board either shall deny the petition in writing (stating its reasons for the denial) or shall initiate rule-making or rule-changing proceedings in accordance with Section 4 of the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 295-3-.10
Authority: O.C.G.A. Sec. 43-1-4.
History. Original Rule entitled "Petition for Promulgation, Amendment, or Repeal of Rules" adopted. F. July 1, 1994; eff. July 21, 1994.

Chapter 295-4. PLEADINGS.

Rule 295-4-.01. Initial Pleading.

(1) The hearing in a contested case shall be commenced by the agency's filing of a notice of hearing directed to the respondent, or respondents.

(2) Every pleading or other paper submitted for filing in a contested case, to the extent possible, shall contain the following:

(a) A title which indicates the nature of the proceeding and the parties involved therein;

(b) The name of the agency;

(c) A short and plain statement of the nature of the pleading (e.g. Answer, Motion for Continuance, etc.);

(d) In addition, the notice of hearing shall, to the extent possible, contain the following:

1. A short and plain statement of the matters asserted or the issues involved;

2. A clear and concise statement of the laws involved;

3. A notice of the rights of the person to whom the notice of hearing is directed;

4. A statement that an answer to the matters asserted is required;

5. Any other information required by law or deemed appropriate by the agency.

Cite as Ga. Comp. R. & Regs. R. 295-4-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended. Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-4-.02. Answer.

The party to whom a notice of hearing is directed must file with the agency an answer within fourteen (14) days after service of the notice of hearing. All allegations contained in the notice of hearing which are not specifically admitted are deemed denied.

Cite as Ga. Comp. R. & Regs. R. 295-4-.02
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-4-.03. Replies.

A reply to the answer shall not be permitted and any new matters asserted in the answer shall be deemed denied.

Cite as Ga. Comp. R. & Regs. R. 295-4-.03
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-4-.04. Amendments.

Any party, including the agency, may amend any pleading or notice without leave of the agency until the eighth day prior to the date set for the hearing on the matter. Thereafter a party may amend his pleadings only by leave of the presiding officer, and leave shall be freely given when justice so requires. If an amendment is made to a notice of hearing, the answer to said amended notice shall be filed within seven (7) days after service of the amended notice, unless otherwise ordered by the presiding officer.

Cite as Ga. Comp. R. & Regs. R. 295-4-.04
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.

Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Chapter 295-5. MOTIONS AND PRE-HEARING PROCEDURES - AMENDED.

Rule 295-5-.01. Motions: Written and Oral.

(1) An application to the agency for an order to take any action or to enter any order shall be made by motion which, unless made during the hearing, shall be made in writing, shall state specifically the grounds therefor, and shall set forth the action or order sought. A copy of all written motions shall be served upon the parties in accordance with Chapter 295-6.

(2) A motion for a continuance or an extension of time shall be ruled upon by the presiding officer forthwith. All other motions shall be ruled upon by the presiding officer at the outset of the hearing, after an opportunity for argument by the parties; provided, however, that when the presiding officer is a duly appointed hearing officer, the presiding officer may establish a hearing schedule and dispose of motions at his discretion. The presiding officer may request briefs in support of or in opposition to any motion.

Cite as Ga. Comp. R. & Regs. R. 295-5-.01
Authority: Ga. L. 1931, pp. 7, 35, 37.
History. Original Rule entitled "Motions: Written and Oral" adopted as ER. 295-5-0.1-.01. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Rule 295-5-.02. More Definite Statement.

A motion for more definite statement shall be filed and ruled upon pursuant to rule 295-5-.01.

Cite as Ga. Comp. R. & Regs. R. 295-5-.02
Authority: Ga. L. 1931, pp. 7, 35, 37.
History. Original Rule entitled "More Definite Statement" adopted as ER. 295-5-0.1-.02. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Rule 295-5-.03. General Procedures.

Proceedings before the agency shall be conducted as expeditiously as possible, with due regard to the rights of the parties. In contested cases before the professional licensing boards, upon issuance of a notice of hearing, the procedures set forth in this chapter and Chapter 295-8 shall enable the parties to obtain relevant information needed for preparation of the case, to the extent that such disclosure is authorized by law.

Cite as Ga. Comp. R. & Regs. R. 295-5-.03
Authority: O.C.G.A. Secs. 43-1-1, 43-1-3, 43-1-19, 43-1-22, 50-13-3, 50-13-13, 50-13-15.
History. Original Rule entitled "Pre-Hearing Procedures" adopted. F. Jan. 18, 1989; eff. Feb. 7, 1989.
Repealed: New Rule entitled "General Procedures" adopted. F. July 26, 2006; eff. August 15, 2006.

Rule 295-5-.04. Witnesses, Respondent Statements, Witness Statements.

(1) The parties shall within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, exchange lists of the names, addresses, and phone numbers of witnesses, including experts, whom each party expects to call or may call on its behalf.

(2) The parties shall also, within a reasonable period of time prior to the hearing, exchange copies of documents, and designate documents already in the possession of the other party which are intended to be introduced as evidence at the hearing. The parties shall similarly, upon request, make available to each other for inspection, copying, testing or sampling any tangible item intended to be introduced as evidence.

(3) Respondent shall be furnished, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, any written statements or other record memorializing oral statements made by the Respondent during the course of the investigation.

(4) The parties shall be required to confer either in person or by telephone, in reasonable advance of a scheduled hearing date but at least seven (7) days prior to the hearing, in a good-faith attempt to reach an agreement as to the admissibility of any documents or tangible items intended to be offered in evidence for either side. The parties may stipulate as to any matter of fact and such stipulation will satisfy a party's burden of proving the fact alleged. The parties shall be encouraged to reach pre-hearing stipulations which could facilitate adjudication of the case. The hearing officer, upon his or her own motion or upon the request of either party, may schedule a pre-hearing conference to hear and rule on motions or other preliminary matters, or otherwise facilitate adjudication of the case.

Cite as Ga. Comp. R. & Regs. R. 295-5-.04
Authority: O.C.G.A. Sec. 43-1-22.
History. Original Rule entitled "Witnesses, Respondent Statements, Witness Statements" adopted. F. Jan. 19, 1989; eff. Feb. 7, 1989.

Rule 295-5-.05. Pre-Hearing Discovery.

Except as may be expressly authorized by these rules or by statute, no other forms of prehearing discovery shall be authorized or permitted including, but not limited to the following: interrogatories; requests for production of documents and things; requests for physical or mental examination; and requests for admission.

Cite as Ga. Comp. R. & Regs. R. 295-5-.05
Authority: O.C.G.A. 43-1-22.
History. Original Rule entitled "Pre-Hearing Discovery" adopted. Filed January 18, 1989, effective February 7, 1989.

Chapter 295-6. SERVICE.

Rule 295-6-.01. By the Agency.

Service of the notice of hearing, initial decision and final order shall be by personal delivery or certified mail to the licensee or applicant, in addition to counsel of record. All other notices, pleadings, orders, motions and other documents shall be served by hand delivery or first class mail.

Cite as Ga. Comp. R. & Regs. R. 295-6-.01
Authority: O.C.G.A. Sec. 43-1-22.
History. Original Rule entitled "By the Agency" adopted as ER. 295-6-0.1-.01. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. Jan. 18, 1989; eff. Feb. 7, 1989.

Rule 295-6-.02. Service On All Parties.

A copy of the answer and all other pleadings, notices, motions, briefs, memoranda and other documents filed by any party with the Division Director shall be served upon all other parties to the proceeding, including counsel for the agency, by personal delivery or by first-class mail.

Cite as Ga. Comp. R. & Regs. R. 295-6-.02
Authority: O.C.G.A. Secs. 43-1-2, 43-1-3, 50-13-3, 50-13-13.
History. Original Rule entitled "By Other Parties" adopted as ER. 295-6-0.1-.02. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule entitled "Service On All Parties" adopted. F. July 26, 2006; eff. August 15, 2006.

Rule 295-6-.03. To Party's Attorney.

Service upon a party's attorney shall be deemed service upon the party, except as provided in 295-6-.01

Cite as Ga. Comp. R. & Regs. R. 295-6-.03
Authority: O.C.G.A. Sec. 43-1-22.
History. Original Rule entitled "To Party's Attorney" adopted as ER. 295-6-0.1-.03. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. Jan. 18, 1989; eff. Feb. 7, 1989.

Rule 295-6-.04. Filing of Pleading.

A pleading subsequent to the Notice of Hearing shall not be entitled to filing unless accompanied by an Acknowledgement of Service required hereunder or a certificate that the service required hereunder has been made. In addition, a pleading shall not be entitled to filing unless it is stamped or otherwise marked in the upper left hand corner on the first page of the document as "original", and a duplicate copy is simultaneously submitted which is stamped or otherwise marked as "duplicate" in the upper left hand corner on the first page.

Cite as Ga. Comp. R. & Regs. R. 295-6-.04
Authority: O.C.G.A. Sec. 43-1-4.
History. Original Rule entitled "Filing of Pleading" adopted as ER. 295-6-0.1-.04. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. June 20, 1988; eff. July 10, 1988.

Chapter 295-7. PARTIES; INTERVENTION.

Rule 295-7-.01. Substitution of Parties.

The presiding officer may upon motion, at any time during the course of the proceeding, permit such substitution of parties as justice may require.

Cite as Ga. Comp. R. & Regs. R. 295-7-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-7-.02. Intervention.

Any person desiring to intervene pursuant to Section 14 of the Georgia Administrative Procedure Act (O.C.G.A. 50-12-14) shall file a motion in accordance with Rule 295-6-.04, which motion shall state therein the specific grounds for seeking intervention. The agency and any other parties shall have fourteen (14) days from the date of service to file a response to such request.

Cite as Ga. Comp. R. & Regs. R. 295-7-.02
Authority: O.C.G.A. Sec. 43-1-4.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 5, 1983; effective December 25, 1983.
Repealed: New Rule of same title adopted. Filed January 18, 1989; effective February 7, 1989.

Chapter 295-8. EVIDENCE; SUBPOENAS - AMENDED.

Rule 295-8-.01. Evidence on Hearings.

In all hearings the testimony of witnesses shall be taken orally before the agency or hearing officer, unless otherwise provided by these rules.

Cite as Ga. Comp. R. & Regs. R. 295-8-.01
Authority: Ga. L. 1931, pp. 7, 35, 37.
History. Original Rule entitled "Evidence of Hearings" adopted as ER. 295-8-0.1-.01. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Rule 295-8-.02. Evidence on Motions.

When a motion is based on facts not appearing of record the presiding officer may hear the matter on affidavits presented by the respective parties, but the presiding officer may direct that the matter by heard wholly or partly on oral testimony.

Cite as Ga. Comp. R. & Regs. R. 295-8-.02
Authority: O.C.G.A. Sec. 43-1-22.
History. Original Rule entitled "Evidence of Motions" adopted as ER. 295-8-0.1-.02. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. Jan. 18, 1989; eff. Feb. 7, 1989.

Rule 295-8-.03. Objections and Exceptions.

Formal exceptions to rulings on evidence are unnecessary. It is sufficient that a party, at the time that a ruling of the presiding officer is made or sought, makes known to the presiding officer the action which he desires taken or his objections to such action and his grounds therefor.

Cite as Ga. Comp. R. & Regs. R. 295-8-.03
Authority: Ga. L. 1931, pp. 7, 35, 37.
History. Original Rule entitled "Objections and Exceptions" adopted as ER. 295-8-0.1-.03. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Rule 295-8-.04. Subpoenas.

(1) In contested cases, subpoenas shall be issued without discrimination between public and private parties. At any time after issuance of the Notice of Hearing, and prior to the scheduled date for the hearing, the parties may request the issuance of subpoenas by filing a written request with the Division Director, in accordance with Rule 295-3-.04, with

appropriate service on the opposing party or counsel. Subpoena requests shall state the name and complete address of the person to whom it is directed.

(2) Subpoenas issued pursuant to a request in accordance with Rule 295-8-.04(1) shall not be issued in blank. Every subpoena issued by the Division Director shall state the name of the agency and the title of the action, and shall command each person to whom it is directed to attend and give testimony at the hearing at a time and place therein specified, or to produce documents for examination at the hearing, or both. If such a subpoena is directed to any member, investigator, employee, or other agent or representative of the agency, including experts retained by the agency for purposes of the particular case, production of documentary evidence from the agency or investigative file of the applicant or licensee and the taking of testimony at the hearing from such person or persons shall be governed by applicable provisions in the practice act regulating the business or profession, and by O.C.G.A. 43-1-19(h)(2).

Cite as Ga. Comp. R. & Regs. R. 295-8-.04
Authority: O.C.G.A. Secs. 43-1-2, 43-1-3, 43-1-22, 50-13-3, 50-13-5, 50-13-13.
History. Original Rule entitled "Subpoenas" adopted as ER. 295-8-0.1-.04. F. and eff. March 3, 1976, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.
Repealed: New Rule of same title adopted. F. Jan. 18, 1989; eff. Feb. 7, 1989.
Repealed: New Rule of same title adopted. F. July 26, 2006; eff. August 15, 2006.

Chapter 295-9. TAKING OF TESTIMONY BY DEPOSITION - AMENDED.

Rule 295-9-.01. Taking of Testimony by Deposition.

(1) At anytime during the course of the proceeding, the presiding officer may, in his discretion, permit the testimony of a witness to be taken by deposition. Application to take testimony by deposition shall be made in writing and shall be filed with the Joint Secretary and served upon all parties to the proceedings, including counsel for the agency.

(2) The application shall state the name and address of the witness, the subject matter concerning which the witness is expected to testify, the date, time and place of the proposed deposition, and the reason why the witness cannot appear and testify before the agency. The presiding officer may, in his discretion, allow the application where the circumstances are such that the witness to be deposed cannot appear before the agency without substantial hardship to the deponent or to the parties to the case or that testimony by any other method will unduly delay expeditious completion of the proceedings. An application for the taking of testimony by deposition shall not be allowed if the deposition would result in any undue burden to another party or any undue delay of the proceedings.

If the application is allowed, the presiding officer should give notice of the taking of the testimony by deposition to all parties.

Cite as Ga. Comp. R. & Regs. R. 295-9-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-9-.02. Conduct of the Deposition.

(1) Examination and cross-examination of the witness shall proceed as would be permitted at the hearing and under those rules of evidence applicable to proceedings conducted pursuant to the Georgia Administrative Procedure Act. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. All objections made at the time of examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objection.

(2) All errors and irregularities in the notice of taking testimony by deposition shall be deemed waived unless written objection thereto is served upon the agency prior to the deposition. Objections to taking testimony by depositions because of disqualification of the officer before whom it is to be taken shall be deemed waived unless made before the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(3) Objections to the competency of a witness are not waived by failure to make them before or during the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time. Errors and irregularities occurring at the taking of the testimony in the manner of taking the deposition, in the form that the questions are answered, in the oath of affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, removed or cured if properly presented, shall be deemed waived unless reasonable objection thereto is made at the deposition.

(4) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer taking the testimony are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

(5) The deposition shall be sealed and filed with the Joint Secretary.

Cite as Ga. Comp. R. & Regs. R. 295-9-.02
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-9-.03. Taking of Testimony by Interrogatory.

Application to take testimony by interrogatory shall be made and allowed in the same manner as prescribed in Rule 295-9-.01.

Cite as Ga. Comp. R. & Regs. R. 295-9-.03
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 295-9-.04
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: Filed January 18, 1989; effective February 7, 1989.

Chapter 295-10. REPEALED.

Rule 295-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 295-10-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: Filed January 18, 1989; effective February 7, 1989.

Chapter 295-11. HEARINGS.

Rule 295-11-.01. Notice of Hearing.

The agency shall notify all parties of the date, time and place of the hearing.

Cite as Ga. Comp. R. & Regs. R. 295-11-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-11-.02. Conduct of the Hearing.

(1) Presiding Officer. The hearing shall be conducted by the presiding officer, who shall be a duly appointed hearing officer, the chairman or president of the agency, or a member of the agency appointed by the agency or the chairman or president thereof to conduct the hearing.

(2) Duties of the Presiding Officer. The presiding officer shall have the authority to do the following: to administer oaths and affirmations; rule upon offers of proofs; regulate the course of the hearing; set the time and place for continued hearings; fix the time for filing briefs and memoranda; dispose of motions; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the presiding officer.

(3) Sworn Testimony. All testimony given at the hearing shall be under oath administered by the presiding officer or any person designated by him.

(4) Order of Presentation. The State, or in a proper case a moving or complaining party, shall present its evidence or testimony first. Where there is more than one moving or complaining party, the order of presentation shall be at the discretion of the presiding officer. After all of the evidence and testimony of the State, or the moving or complaining party, has been received, all other parties shall be allowed to present their evidence or testimony. All parties, other than the party introducing the testimony, shall be allowed to cross-examine any witness immediately after his testimony has been received. The State, or the moving or complaining party, shall be allowed to present rebuttal testimony or evidence if it so desires.

Cite as Ga. Comp. R. & Regs. R. 295-11-.02
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-11-.03. Hearing Officers.

The agency or the Chairman or president of the agency may appoint a hearing officer to act as the presiding officer in the proceeding.

Cite as Ga. Comp. R. & Regs. R. 295-11-.03
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-11-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 295-11-.04
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: F. Oct. 1, 1990; eff. Oct. 21, 1990.

Chapter 295-12. CONSOLIDATION AND CONTINUANCES - AMENDED.

Rule 295-12-.01. Consolidation.

The presiding officer upon his own motion, or upon motion by a party or other person joined in the proceeding, may order proceedings involving a common question of law or fact to be consolidated for hearing on any or all of the matters at issue in such proceedings.

Cite as Ga. Comp. R. & Regs. R. 295-12-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Chapter 295-13. BRIEFS AND POST HEARING PROCEDURE.

Rule 295-13-.01. Briefs.

Briefs may be filed by a party or any interested person either before or during the course of the hearing, or within such time thereafter as the presiding officer shall designate. Failure to file a brief shall in no way prejudice the rights of any party.

Cite as Ga. Comp. R. & Regs. R. 295-13-.01
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.

Rule 295-13-.02. Filing of Documents Subsequent to Hearing.

(1) Upon request, the presiding officer may, for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the presiding officer. If a request for such subsequent filing is granted, the requesting party shall, on or before the date set for filing, send copies of all documents or exhibits which are the subject of the request to all other parties.

(2) Prior to the admission into evidence of any documents or exhibits filed subsequent to the hearing, the opposing party shall have ten (10) days from the date of service of copies of such proposed documents or exhibits to file any objections to the admission of such evidence.

Cite as Ga. Comp. R. & Regs. R. 295-13-.02
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended. O.C.G.A. Sec. 43-1-14.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Amended: Filed January 18, 1989; effective February 7, 1989.

Rule 295-13-.03. Motion to Reopen Hearing.

A party may, at any time prior to the rendering of a final decision by the agency, move that the hearing be reopened for the purpose of receiving new evidence. Such motions shall be filed in accordance with the provisions of Rule 295-5-.01 and shall be granted only for good cause shown. The agency shall notify all parties of its action upon the motion. Notwithstanding the above, the agency may at any time prior to the rendering of a decision, reopen the hearing on its own motion.

Cite as Ga. Comp. R. & Regs. R. 295-13-.03
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended: O.C.G.A. Sec. 43-1-14.
History. Original Rule was filed and effective as Emergency Rule an March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: New Rule of same title adopted. Filed January 18, 1989; effective February 7, 1989.

Rule 295-13-.04. Review of Initial Decision.

(1) Either the Respondent or the Board may seek review of the initial decision of the hearing officer pursuant to O.C.G.A. 50-13-17(a). If the Respondent files a timely motion for review of the initial decision of the hearing officer, the Respondent may include therein a statement of the reasons for seeking review and alleged errors made by the hearing officer in the initial decision. If the Board files a timely order for review of the initial decision on its own motion, it may include in its order the issues to be considered by the Board at the review hearing.

(2) Upon the filing of a timely motion by Respondent seeking review of the initial decision of the hearing officer, or upon the filing of a timely order for review of an initial decision by the Board on its own motion, notice of the date and time for the review shall be served on Respondent or counsel for Respondent and counsel for the agency.

(3) The Board may appoint a hearing officer for review, other than the hearing officer who entered the initial decision, who shall preside over the review proceedings and control the conduct of the review hearing. In acting as presiding officer, the hearing officer for review shall rule on all procedural and evidentiary questions that arise during the course of the review. At the direction of the Board, the hearing officer for review shall draft the final decision for the Board.

(4) On review, the Board shall have all the powers it would have in making the initial decision, and in its discretion shall have the power to take additional testimony or remand the case to the original hearing officer for such purpose, as provided in the Administrative Procedure Act, O.C.G.A. 50-13-17 and in accordance with this Rule. The Respondent or Respondent's counsel and counsel for the Board shall docket any motion, including motions to present additional evidence, at least fourteen (14) days before the date set for the review hearing. Responses to any such motions shall be docketed at least seven (7) days before the date set for the review hearing.

   (a) Motions to present additional evidence or to remand the case to the original hearing officer for such purpose shall be granted only if the additional evidence is material and there was good cause for failing to present such evidence before the original hearing officer. The hearing officer for review who acts as presiding officer over the review proceedings shall enter an order as to the legal sufficiency of all motions, including motions for the presentation of additional evidence, prior to the review hearing.

(5) Oral argument up to 30 minutes per side is permitted in the review hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the review hearing.

(6) Once the review hearing is concluded, the Board shall deliberate as to the final decision. Neither the hearing officer for review nor the parties nor their counsel shall be present during or participate in the deliberations or voting on the final decision. Provided,

however, that during the course of the deliberations the Board may seek or obtain legal advice of its counsel or make an inquiry on the record concerning either procedure or the merits of the case in the presence of all parties.

(a) At the conclusion of the deliberations, the decision of the Board shall be announced in open session, unless the sanction imposed by the decision is made confidential by statute, in which case it shall be announced in camera to the Respondent and counsel for the parties. The Board may take the matter under advisement and continue the deliberations until a date certain if deemed necessary due to the Board's agenda or the complexity of the issues.

Cite as Ga. Comp. R. & Regs. R. 295-13-.04
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended: O.C.G.A. Sec. 43-1-14.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Repealed: New Rule of same title adopted. Filed January 18, 1989; effective February 7, 1989.
Repealed: New Rule entitled "Review of Initial Decision" adopted. F. October 1, 1990: eff. October 21, 1990.
Amended: F. Jan. 26, 1998; eff. Feb. 15, 1998.

Rule 295-13-.05. Rehearing.

Any party may file a motion for rehearing of a final decision of the Board within ten (10) days after the date of actual service of such final decision on the Respondent or Respondent's counsel. Such motion shall be in accordance with Rule 295-5-.01 and, in addition, shall include a statement of all matters alleged to have been erroneously decided and, if applicable, a statement as to any newly discovered matters or circumstances that have arisen subsequent to the final decision. The filing of said motion shall not operate as a stay of the final decision of the agency unless so ordered by the Board.

Cite as Ga. Comp. R. & Regs. R. 295-13-.05
Authority: Ga. L. 1931, pp. 7, 35, 37, as amended; O.C.G.A. Sec. 43-1-4.
History. Original Rule was filed and effective as Emergency Rule on March 3, 1976, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule.
Amended: Permanent Rule adopted. Filed March 30, 1976; effective April 19, 1976.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 5, 1983; effective December 25, 1983.
Repealed: New Rule entitled "Rehearing" adopted. F. Oct. 1, 1990; eff. Oct. 21, 1990.

Rule 295-13-.06. Appeals.

All appeals shall be filed in accordance with the Georgia Administrative Procedure Act and O.C.G.A. 43-1-19(f) or O.C.G.A. 43-1-20.1(c).

Cite as Ga. Comp. R. & Regs. R. 295-13-.06
Authority: O.C.G.A. Secs. 50-13-3(a)(2), 43-1-3(a).
History. Original Rule entitled "Appeals" adopted. F. Oct. 1, 1990; eff. Oct. 21, 1990.

Chapter 295-14. PROCEDURAL RULES FOR BAD CHECKS.

Rule 295-14-.01. Policy.

It is the policy of the Examining Boards Division to pursue its legal remedies under O.C.G.A. 16-9-20 when a bad check is issued in payment of examination, license or renewal fees, application fees, or similar fees, and to take such other action as is outlined in the following rules and regulations. Any person issuing a bad check will be subject to the service charge as provided in O.C.G.A. 16-9-20(a) (2).

Cite as Ga. Comp. R. & Regs. R. 295-14-.01
Authority: O.C.G.A. 43-1-3.
History. Original Rule entitled "Policy" was filed on September 10, 1984; effective September 30, 1984.

Rule 295-14-.02. Applicants For Examination.

If an applicant for examination issues a bad check, such applicant shall not be entitled to stand for the examination until the examination fee and the service charge are paid either by cashier's check or money order. If an applicant for examination takes the examination before it is determined that the applicant paid for the examination with a bad check, the applicant will not be entitled to receive notification of the results of the examination until the examination fee and the service charge are paid either by cashier's check or money order.

Cite as Ga. Comp. R. & Regs. R. 295-14-.02
Authority: O.C.G.A. 43-1-3.
History. Original Rule entitled "Applicants for Examination" was filed on September 10, 1984; effective September 30, 1984.

Rule 295-14-.03. Applicants For Licensure.

If an applicant for licensure by reciprocity, endorsement, comity, or by experience and/or education issues a bad check to cover required licensure fees, such applicant shall not be issued a license until the applicant has paid the appropriate fees and the service charge. If a license is issued prior to determining that the applicant issued a bad check, such license will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure fees and service charge within ten (10) days after the applicant has received a notice mailed by certified or registered mail. The applicant must pay the licensure fees and the service charge by cashier's check or money order.

Cite as Ga. Comp. R. & Regs. R. 295-14-.03
Authority: O.C.G.A. 43-1-3.
History. Original Rule entitled "Applicants for Licensure" was filed on September 10, 1984; effective September 30, 1984.

Rule 295-14-.04. License Renewal.

If a licensee attempts to renew a license by the issuance of a bad check, the license will not be renewed until the licensee pays all fees due including any applicable late renewal fees plus the service charge. If the license is renewed and reissued to the licensee prior to determination that the licensee issued a bad check, the licensee will be notified by certified or registered mail that the renewed license will be deemed not current unless the licensee remits all fees due for renewal plus the service charge within ten (10) days after receipt of notice. The licensee must pay the fees and service charge by cashier's check or money order.

Cite as Ga. Comp. R. & Regs. R. 295-14-.04
Authority: O.C.G.A. 43-1-3.
History. Original Rule entitled "License Renewal" was filed on September 10, 1984; effective September 30, 1984.

Chapter 295-15. INACTIVE STATUS LICENSES.

Rule 295-15-.01. State Examining Boards Inactive Status Licenses.

(a) Prior to revocation for non-renewal of a license as defined in O.C.G.A. 43-1-19(1), licensees of these Professional Licensing Boards may apply for inactive licensure status in accordance with the following provisions: Joint Secretary and Board Rules.

(b) An individual whose license is under any investigation, is the subject of active disciplinary proceedings, or has a sanction in effect may not transfer the license to an inactive status.

Cite as Ga. Comp. R. & Regs. R. 295-15-.01
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "State Examining Boards Inactive Status Licenses" adopted. F. June 25, 1987; eff. July 15, 1987.
Amended: F. Nov. 23, 1988; eff. Dec. 13, 1988.
Amended: F. Dec. 28, 1988; eff. Jan. 17, 1989.
Amended: F. Aug. 21, 1990; eff. Sept. 10, 1990.
Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.
Amended: F. Apr. 15, 1996; eff. May 5, 1996.
Amended: F. May 30, 1996; eff. June 19, 1996.
Amended: F. Aug. 25, 1998; eff. Sept. 14, 1998.
Repealed: New Rule of same title adopted. F. Oct. 23, 2003; eff. Nov. 12, 2003.
Amended: F. Dec. 19, 2005; eff. Jan. 8, 2006.
Amended: F. Jan. 31, 2006; eff. Feb. 20, 2006.
Amended: F. Oct. 28, 2008; eff. Nov. 17, 2008.
Amended: F. Jun. 12, 2012; eff. July 2, 2012.

Amended: May 8, 2013; eff. May 28, 2013.
Amended: F. Oct. 31, 2013; eff. Nov. 20, 2013.
Amended: F. Mar. 11, 2014; eff. Mar. 31, 2014.
Amended: F. Nov. 6, 2014; eff. Nov. 26, 2014.
Amended: F. Feb. 2, 2016; eff. Feb. 22, 2016.
Amended: F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.02. Long-Term Care Facility Administrators.

1. Any licensee who holds a current license and who is not practicing as a Long-Term Care Facility Administrators may request the Board to place that license into an "inactive status" upon written application to the Board and payment of a non-refundable inactive status application fee. See fee schedule. The Board, in its sole discretion, may grant or deny the request for inactive status. Any licensee whose license is on inactive status may not engage in the practice of Long-Term Care Facility Administration.

2. In order to reactivate an inactive license, submit the appropriate application, forms, and fee to the Board.

   (a) If a license is inactive for twelve (12) months or less, but no more than twenty-four months (24), the applicant must submit forty (40) hours of Continuing Education "CE" obtained since the Board's last renewal period.

   (b) If a license is inactive for twenty-four (24) months, but not more than thirty-six (36) months, eighty (80) hours of CE obtained since the Board's last renewal period must be submitted to the Board.

   (c) If the license has been inactive more than thirty-six (36) months, the applicant must meet current requirements and either submit eighty (80) hours of CE since the Board's last renewal period, OR take and pass the national exam.

   (d) If the inactive license holds an active license from the Georgia Board's approved state's list and has been employed for one year as a Long-Term Care Facility Administrators prior to the date of the application, then the applicant must submit an application, fee, and verification of an active, current license from the state or jurisdiction in which the license is held.

Cite as Ga. Comp. R. & Regs. R. 295-15-.02
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Nursing Home Administrators." F. May 6, 2022; eff. May 26, 2022.
Amended: New title, "Long-Term Care Facility Administrators." F. Aug. 24, 2022; eff. Sep. 13, 2022.

Rule 295-15-.03. State Board of Examiners of Psychologists.

1. A licensee who holds a current license and who is not using the title "psychologist" in Georgia and will not practice psychology in the State of Georgia may apply for inactive status by completing an Application for Inactive Status and submitting the appropriate fee to the Board. A licensee may not use their license in the State of Georgia while that license is on inactive status.

2. A licensee who wishes to reactivate an inactive status license who has an active license in another state and who has been actively practicing psychology there within the past two (2) years must submit to the Board an Application to Reactivate, documentation of forty (40) hours of continuing education activities that were completed within two (2) calendar years of the date the application is received by the Board, and appropriate fee.

3. For the Board to approve reactivation of the license of a psychologist who has not had an active license in another state and who has not been actively practicing psychology, the licensee must also pass both the Georgia Jurisprudence and Oral Examinations in addition to the requirements set forth in (2) above.

Cite as Ga. Comp. R. & Regs. R. 295-15-.03
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "State Board of Examiners of Psychologists." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.04. Georgia State Board of Veterinary Medicine.

1. A veterinarian or veterinary technician who wishes to discontinue the practice of veterinary medicine may apply for an "inactive license." A veterinarian or veterinary technician holding an "inactive license" may not practice in the state of Georgia.

2. A Doctor of Veterinary Medicine or a veterinary technician who holds a valid current active license to practice as a veterinarian or veterinary technician in the State of Georgia may request the license be placed on inactive status under the following provisions:

   (a) The licensee must submit a written request to the Board requesting inactive status. The written request shall contain the notarized signature of the licensee and contain the following statements:

      (i) "I understand that with an inactive license I shall not engage in the practice of veterinary medicine as a veterinarian or veterinary technician and shall not hold myself out to the public as being available to provide veterinary services."

      (ii) "I understand that I am not required to renew said license while on inactive status."

      (iii) "I understand I am not required to obtain the continuing education credits while on inactive status unless I request to be placed on active status."

(iv) "I understand that to practice or to hold oneself out as available to practice veterinary medicine with an inactive license is unlicensed practice and I would be subject to disciplinary action."

3. In order to reinstate the license to active status the licensee must:

   (a) Submit a written request for reinstatement of said inactive status license.

   (b) Submit proof of attendance at not less than thirty (30) hours of Board approved continuing education within two (2) years of the date of the request to reinstate.

   (c) Provide evidence acceptable to the Board that the licensee has not had a license revoked, suspended, disciplined or otherwise sanctioned in any other jurisdiction that ever issued a license to practice.

   (d) Provide evidence acceptable to the Board that licensee has not been convicted of a felony or any crime involving moral turpitude.

   (e) Pay the reinstatement fee, as determined by the Board.

Cite as Ga. Comp. R. & Regs. R. 295-15-.04
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Veterinary Medicine." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.05. Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists.

(1) Inactive licensure status is not available for Associate Professional Counselors or Associate Marriage and Family Therapist licensees. Inactive licensure status is available for Professional Counselors, Social Workers, and Marriage and Family Therapists.

(2) A licensee who does not intend to practice in Georgia or to use the title Professional Counselor, Social Worker, or Marriage and Family Therapist may apply for an inactive license status by submitting an application for inactive status and paying the fee required by the Board's fee schedule. A licensee granted inactive status is exempt from filing a biennial license renewal application and paying a license renewal fee. A licensee who holds an inactive status license shall not practice as a Professional Counselor, Social Worker, or Marriage and Family Therapist.

(3) An inactive status license may be changed to active status by filing an application for reinstatement with the Board, complying with reinstatement requirements as defined in Board Rule 135-6-.04, and paying the fee required by the Board's fee schedule. The Board may require the applicant to demonstrate to the satisfaction of the Board that he or

she has maintained current knowledge, skill and proficiency in the practice of professional counseling, social work or marriage and family therapy, and that he or she is mentally and physically able to practice professional counseling, social work or marriage and family therapy with reasonable skill and safety.

Cite as Ga. Comp. R. & Regs. R. 295-15-.05
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.06. Georgia Board of Athletic Trainer.

1. A licensee who does not intend to hold themselves out as an athletic trainer or to practice as an athletic trainer in Georgia may apply for inactive status. An individual who holds an inactive status license will not be required to renew that license.

2. A licensee may apply for inactive status by submitting an affidavit to the Board requesting inactive status and affirming that while on inactive status, he/she will not practice athletic training in Georgia or hold themselves out to the public as an athletic trainer in Georgia.

3. A licensee may maintain his/her license on inactive status for no more than five (5) years. If licensee does not apply to reactivate his/ her license before the end of the five-year period, the license will be revoked for failure to reactivate.

4. The board will reactivate a license upon receipt of the following:
   (a) Application for Reactivation;

   (b) Reactivation Fee (See Fee Schedule);

   (c) Evidence of completion of six (6) hours of continuing education approved by the Board for each year the license was inactive, unless, during the period that the Georgia license was inactive, the licensee was:

      (i) practicing with an active license in a jurisdiction that requires continuing education to maintain that license; or

      (ii) practicing with the Board of Certification in a jurisdiction that has licensing requirement.

Cite as Ga. Comp. R. & Regs. R. 295-15-.06
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Athletic Trainers." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.07. Georgia State Board of Funeral Service.

1. A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for inactive status by completing an Application for inactive status and submitting the appropriate fee to the Board. An embalmer or funeral director shall not practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status.

2. In order to be placed on inactive status, the license must be in good standing and the licensee must show that he/she has met continuing education hours, which will be required at their next renewal.

3. A funeral director or embalmer who wishes to reactivate an inactive status license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education.

    a. If the request to reactivate is received more than two (2) years but less than four (4) years from the date on which inactive status was approved, the licensee must document five (5) continuing education hours.

    b. If the request to reactivate is received four (4) or more years after the date on which inactive status was approved, the licensee must document ten (10) continuing education hours and take and pass the State Laws and Rules Examination, notwithstanding the fact that they may have passed the Laws and Rules Examination on a prior date.

Cite as Ga. Comp. R. & Regs. R. 295-15-.07
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Funeral Service." F. May 6, 2022; eff. May 26, 2022.
Note: Correction of typographical error, the version of the Rule filed on May 6, 2022, inadvertently omitted text in subparagraph 3.(b) after "...notwithstanding" (i.e., the fact that they may have passed the Laws and Rules Examination on a prior date.). The correct Rule, as originally promulgated and adopted, was updated on the Rules and Regulations website as of July 5, 2022; the original filed and effective dates were retained, as specified by the Board. Effective July 5, 2022.

Rule 295-15-.08. State Board of Registration for Professional Engineers and Land Surveyors.

1. A licensee who is over the age of 65 and retired; or who has become disabled may apply to the Board for inactive status by submitting the required application and paying the proper fee.

2. While on inactive status, a licensee is exempt from the payment of the biennial renewal fee and continuing education requirements.

3. An inactive status licensee may not practice professional engineering or land surveying in this State.

4. To reactivate an inactive status license, the licensee must submit the appropriate application, proof of the required continuing education, and proper fee.

Cite as Ga. Comp. R. & Regs. R. 295-15-.08
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "State Board of Registration for Professional Engineers and Land Surveyors." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.09. Georgia Board of Chiropractic Examiners.

1. A chiropractor who holds a valid license to practice chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:
   (a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession or will no longer practice chiropractic in the State of Georgia.

   (b) Provides a statement acknowledging that he or she shall not engage in the practice of chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services in Georgia.

2. Upon meeting the aforementioned conditions said license shall be considered inactive and the licensee:
   (a) Shall not be required to obtain the necessary continuing education credits for renewal of the license; and

   (b) Shall not be assessed a renewal fee for the period that the license is inactive.

3. Within the State of Georgia, the practice of chiropractic with an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.

4. Should a chiropractor holding an inactive status license choose to return to active practice in this state, the following requirements must be met:
   (a) Submit an application for reactivation along with the reactivation fee established by the Board.

   (b) Submit evidence of attendance at forty (40) hours of Board approved continuing education within the last two (2) years.

   (c) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.

(d) After five (5) years of continuous inactive status, the Board may, at its discretion require successful completion of the Board approved exam and/or additional coursework.

Cite as Ga. Comp. R. & Regs. R. 295-15-.09
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Chiropractic Examiners". F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.10. Georgia State Board of Physical Therapy.

1. Any licensee who is no longer practicing as a physical therapist or physical therapist assistant in the State of Georgia may request an inactive license status by filing an application for inactive status and paying the appropriate fee.
   (a) An individual holding inactive status may not practice as a physical therapist or work as a physical therapist assistant within the State of Georgia.

   (b) Any individual holding inactive status is not subject to the biennial renewal fees or continuing competence requirements.

   (c) An individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

   (d) Any individual holding inactive status may return to active status by meeting all requirements for reinstatement as outlined by Board Rule.

Cite as Ga. Comp. R. & Regs. R. 295-15-.10
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Physical Therapy." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.11. Georgia Board of Examiners of Licensed Dietitians.

1. The holder of an active license may request to place the license on inactive status by submitting a written request to the Board no later than April 30 following the March 31 expiration date.

2. The holder of an inactive status license that continues to practice is subject to disciplinary action for unlicensed practice.

3. An inactive status license may be reinstated by submitting an application for reinstatement and any supporting documents as required in Board Rules.

4. The holder of an inactive status license is required to obtain the required continuing professional education units that are required for active licensees.

Cite as Ga. Comp. R. & Regs. R. 295-15-.11
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Examiners of Licensed Dietitians." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.12. Georgia State Board of Architects and Interior Designers.

1. A registered interior designer holding a valid license to practice in Georgia who has retired from active practice and is no longer practicing as a registered interior designer in Georgia, may request inactive license status by filing the required application and paying the appropriate fee indicated in the fee schedule.

2. Any individual whose license is under any sanction and is not in good standing may not transfer to inactive status while sanctions are in effect.

3. An individual holding inactive status shall abide by the following conditions:
   (a) may not practice and may not offer registered interior design services;

   (b) may not hold themselves out to the public as being available to provide such services; and

   (c) may only use the term registered interior designer as long as it is not used to imply active practice or that registered interior design services are currently offered.

4. Any practice of registered interior design services while holding an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.

5. Any individual holding an inactive status license is not subject to the biennial renewal fee or the professional development requirements.

6. An individual may apply to have an inactive status license reactivated by submitting the following:
   (a) a completed application;

   (b) the appropriate fee as indicated in the fee schedule; and

   (c) the evidence of having satisfied the reinstatement requirements for professional development as provided in Board rules.

7. Reactivation of a license is at the sole discretion of the Board.

Cite as Ga. Comp. R. & Regs. R. 295-15-.12
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Architects and Interior Designers." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.13. State Licensing Board for Residential and General Contractors.

1. A residential or general contractor who holds a valid residential or general contractor's license in the State of Georgia may request the license be placed on inactive status under the following provisions:
   (a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession.
   (b) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide contractor services.
   (c) Shall not be required to obtain the necessary continuing education credits.
   (d) Shall not be assessed a renewal fee for the period that the license is inactive.
2. Contracting with an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.
3. Should a contractor holding an inactive status license choose to return to active status, the following requirements must be met:
   (a) Submit a completed application on a Board approved form with the appropriate fee.
   (b) Submit evidence of attendance of the required Board-approved continuing education for each biennium that the license was inactive.
   (c) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed. A reactivation fee as established by the board must be submitted with the application for reactivation.
   (d) Submit proof of current general liability insurance and workers' compensation as required by law for the license type that is to be reinstated.
   (e) Submit other proof of financial responsibility as is required for the license type that is to be reactivated.
4. After five (5) years of continuous inactive status, the Board may, at its discretion require successful passing of the contractor examination in the contractor field for the license that the contractor wishes to reactivate.

Cite as Ga. Comp. R. & Regs. R. 295-15-.13
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "State Licensing Board for Residential and General Contractors." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.14. Georgia Board of Nursing.

1. A currently licensed registered professional nurse or licensed practical nurse who wishes to maintain his or her license but who does not wish to practice nursing in this State may apply for inactive licensure status by submitting an application for inactive status and paying the required fee. A licensee granted inactive status is exempt from filing a biennial license renewal application and paying a license renewal fee. A licensee who holds an inactive status license shall not practice as a registered professional nurse or licensed practical nurse.

2. An inactive status license may be changed to active status by filing an application for reinstatement with the Board, complying with reinstatement requirements as defined by the Board, and paying a reinstatement fee, as determined by the Board. Applicants must be able to demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill, and proficiency in the practice of nursing and that he or she is mentally and physically able to practice nursing with reasonable skill and safety.

Cite as Ga. Comp. R. & Regs. R. 295-15-.14
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Nursing." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.15. Georgia Board of Optometry.

1. Georgia licensed optometrists may request in writing to the Board that their active license to practice optometry in Georgia be placed in inactive status under the following conditions:

   (a) The request must be received prior to the license expiration date to be considered.

   (b) In the event that a Doctor of Optometry who holds a valid license to practice Optometry in the State of Georgia notifies the Board that he chooses to retire from active practice of the profession, his license shall be considered to be inactive;

   (c) Doctors holding an inactive license shall not engage in the practice of Optometry and shall not hold themselves out to the public as being available to provide optometric services;

   (d) A Doctor of Optometry holding an inactive license shall not be required to obtain the necessary continuing education credits and no renewal fee shall be assessed.

(e) In order to return to the practice of optometry, a reinstatement application for licensure must be submitted to the Board, in accordance with Board Rules.

Cite as Ga. Comp. R. & Regs. R. 295-15-.15
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Optometry." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.16. Georgia Board of Podiatry Examiners.

1. The Board has determined inactive status will be available for those persons meeting the prescribed criteria, which shall remain in full force for life, unless reactivated under Board rules, and which shall incur no fees. To be eligible to be placed in inactive status, a licensee must:
   (a) Demonstrate an inability to practice podiatry due to age, physical impairment, or infirmity which time is not expected to resolve;
   (b) Have a current active license in good standing to practice podiatry in the State of Georgia;
   (c) Must not be under administrative disciplinary action or court action or probation;
   (d) Licensees desiring to be placed on inactive status must apply in writing to the Board and submit evidence of inability to practice.
2. Once placed in inactive status, the license holder thereafter shall not engage in the practice of podiatry in any manner in the State of Georgia.
3. The only avenue of reactivation shall be at the discretion of the Board under conditions acceptable to the Board. Licensees seeking reactivation shall be required to pay past license renewal fees based on the current renewal rate for each inactive renewal cycle and submit proof of continuing education for each biennium the license is in inactive status.

Cite as Ga. Comp. R. & Regs. R. 295-15-.16
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Podiatry Examiners." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.17. Georgia State Board of Registration for Professional Geologists.

1. A licensee who is over the age of 65 and retired; or who has become disabled may apply to the Board for inactive status by submitting the required application and any applicable fee.

2. While on inactive status, a licensee is exempt from the payment of the biennial renewal fee.

3. An inactive status licensee may not practice Geology in this State.

4. An inactive status license may be reactivated by filing the proper application, submitting any required documents, and paying the reactivation fee.

Cite as Ga. Comp. R. & Regs. R. 295-15-.17
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia State Board of Registration for Professional Geologists." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.18. Georgia Board of Massage Therapists.

1. Licensees may request by application to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status prior to the license expiration date. Applications for inactive status request will not be considered if postmarked on or after November 1 of an even numbered year. There is no fee to apply for inactive status.

2. An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

3. An individual whose license is under any investigation, is the subject of active disciplinary proceedings, or has a sanction in effect may not transfer the license to an inactive status.

4. Licensees shall request in writing to the Board for the reactivation of their massage therapy license. Reactivation of an inactive status license is within the discretion of the Board. The following requirements must be met:

   a) If a licensee has been on inactive status for two (2) years or less, the applicant must meet the requirements for renewal of licensure pursuant to Board rules.

   b) If a licensee has been on inactive status for a period greater than two (2) years, the applicant must meet the requirements for reinstatement of licensure pursuant to Board Rules.

Cite as Ga. Comp. R. & Regs. R. 295-15-.18
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Massage Therapists." F. May 6, 2022; eff. May 26, 2022.

Rule 295-15-.19. Georgia Board of Electrical Contractors.

1. Any Electrical Contractor licensee who holds a current Georgia license and who is not practicing as an Electrical Contractor may request the Board to place the license into an "inactive status" as follows:

   (a) Submit to the Board a written request on a Board-approved form, along with payment of a non-refundable inactive status application fee. See fee schedule.

   (b) Any individual whose license is under any sanction and is not in good standing may not transfer to inactive status while sanctions are in effect.

   (c) The licensee must show that they have attained the continuing education hours required through the calendar year the inactive status is effective.

   (d) During inactive status, the licensee must cease engaging in the practice of Electrical Contracting.

   (e) The licensee has not been on inactive status within the last four (4) years.

2. An individual holding inactive status shall abide by the following conditions:

   (a) may not practice and may not offer Electrical Contracting services;

   (b) may not hold themselves out to the public as being available to provide such services;

   (c) may only use the term Electrical Contractor as long as it is not used to imply active contracting services are currently offered.

3. Any practice of Electrical Contracting while holding an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

4. Any individual holding inactive status is not subject to the biennial renewal fee or the continuing education requirements.

5. An individual may apply to have an inactive license reactivated by submitting the following items:

   (a) a completed Request to Reactivate License form to the Board along with payment of a non-refundable Request to Reactivate form fee. See fee schedule; and

   (b) evidence of having satisfied the reactivation requirements for Continuing Education as follows:

      (i) If the request to reactivate is received less than four (4) years from the date on which Inactive Status was granted, the licensee must provide evidence of two (2) years of continuing education hours of the current National Electrical Code as required by active status during this period;

(ii) If the request to reactivate is received four (4) or more years after the date on which Inactive Status was approved, the licensee must provide evidence four (4) years of continuing education hours of the current National Electrical Code as required by active status.

(iii) If the applicant requesting to reactivate has held an Electrical Contractors License with a reciprocating state and can show this state's license as being in good standing the whole period the Georgia inactive status has been in place, the applicant need only to request reactivation and submit the fee.

6. After ten (10) years on inactive status the license expires without the possibility of renewal or reinstatement.

Cite as Ga. Comp. R. & Regs. R. 295-15-.19
Authority: O.C.G.A. § 43-1-22.
History. Original Rule entitled "Georgia Board of Electrical Contractors." F. May 6, 2022; eff. May 26, 2022.

Chapter 295-16. FEDERAL STUDENT LOAN DEFAULT.

Rule 295-16-.01. Federal Student Loan Default.

(1) A person holding a current license issued by a professional licensing board as defined in O.C.G.A. § 43-1-1(3) may have his/her license indefinitely suspended if he/she is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth therein.

(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the professional licensing board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:

(a) The professional licensing board's intended action to suspend the license;

(b) The licensee's right to request an appearance before the professional licensing board;

(c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and

(d) The address and telephone number of the board.

(3) If the licensee does not request an appearance before the professional licensing board within thirty (30) days, the licensee waives the right for an appearance before the professional licensing board and the license will be suspended.

(4) If a request to appear is timely received by the professional licensing board, the suspension of the license shall be stayed pending the licensee's appearance before the professional licensing board.

(5) Upon receipt of the request for an appearance before the professional licensing board, the professional licensing board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail set to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:

(a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;

(b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;

(c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.

(6) Within fourteen (14) working days after the licensee's appearance before the professional licensing board, the board will issue its decision. The board will mail a copy of its decision to the licensee by certified or registered mail to the licensee's address of record.

(7) If the license is suspended, the licensee may not practice during the period of suspension.

(8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:

(a) Request in writing to the professional licensing board that the suspension be lifted;

(b) Provide the professional licensing board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;

1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.

(c) Demonstrate to the satisfaction of the professional licensing board that the license has been timely renewed and, other than the suspension provided by this rule, is otherwise in good standing; and

(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.

(9) Upon compliance with paragraph (8), the professional licensing board shall lift the suspension on the license; however, the professional licensing board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.

(10) If the licensee fails to timely renew his license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the professional licensing board. The person who held the lapsed suspended license must comply with the professional licensing board's rules for reinstatement, pay any reinstatement fee, and provide the professional licensing board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the professional licensing board whether to reinstate the license.

Cite as Ga. Comp. R. & Regs. R. 295-16-.01
Authority: O.C.G.A. Secs. 43-1-19, 43-1-29, 50-31-3.
History. Original Rule entitled "Federal Student Loan Default" adopted. F. Sept. 30, 2002; eff. Oct. 20, 2002.

Chapter 295-17. PETITION FOR RULE CHANGES.

Rule 295-17-.01. Petition for Rule Changes.

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

(a) The name and address of the petitioner:

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

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

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

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

Cite as Ga. Comp. R. & Regs. R. 295-17-.01
Authority: O.C.G.A. § 50-13-9.
History. Original Rule entitled "Petition for Rule Changes" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.

Chapter 295-18. DECLARATORY RULINGS.

Rule 295-18-.01. Declaratory Rulings.

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

Cite as Ga. Comp. R. & Regs. R. 295-18-.01
Authority: O.C.G.A. § 50-13-11.
History. Original Rule entitled "Declaratory Rulings" adopted. F. Sep. 14, 2020; eff. Oct. 4, 2020.