

Senate Bill 195

By: Senators Chance of the 16th, Staton of the 18th, Shafer of the 48th and Pearson of the 51st

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 26 and Title 43 of the Official Code of Georgia Annotated, relating to food,
2 drugs, and cosmetics and to professions and businesses, respectively, so as to clarify that the
3 applications submitted for certain professions and businesses are to be made in the form
4 prescribed and not necessarily as a written document; to change the definition of the term
5 "electronic data prescription drug order"; to change provisions relating to examinations to
6 obtain a license to engage in the practice of pharmacy; to change certain provisions relating
7 to the general powers of the division director; to change certain provisions relating to veteran
8 examinations; to provide for notification of current laws, rules, and regulations and standards
9 of conduct relating to the practice of architecture; to provide that the service upon the
10 division director on behalf of the State Board of Barbers or the State Board of Physical
11 Therapy shall be at his or her office; to change certain provisions regarding the training,
12 utilization, and licensing of apprentices in barbershops; to revise certain provisions relating
13 to the record of revocation of chiropractic licenses; to change certain provisions relating to
14 the rules and regulations as to sanitary requirements and inspections relative to
15 cosmetologists; to revise certain requirements for application for low-voltage electrical
16 contracting licenses; to require the examination for the land surveyor-in-training certificate
17 be board approved; to change provisions as to notice of meetings of the State Board of
18 Hearing Aid Dealers and Dispensers; to revise the general powers and duties of the State
19 Board of Hearing Aid Dealers and Dispensers and the division director; to change certain
20 provisions relating to the issuance of licenses relative to hearing aid dealers and dispensers;
21 to amend provisions relating to the qualifications and examination of hearing aid dispenser
22 apprentices; to provide for notice to the hearing aid dealer licensee or permit holder; to
23 change certain provisions relating to fees for licensure of landscape architects; to provide that
24 applicants for licensure as dispensing opticians may be required to pass a board approved
25 examination; to change certain provisions relating to examinations and examination fees
26 relative to dispensing opticians; to amend certain provisions as to continuing education
27 requirements relative to license renewals of dispensing opticians; to change certain
28 provisions relating to examinations for licenses to practice podiatric medicine; to change

29 certain provisions relating to the examination of applicants and appeals relative to
 30 psychologists; to change certain provisions relating to the test an applicant for a used motor
 31 vehicle and parts dealer license must pass; to provide for board approved examinations for
 32 applicants for certification as operators or laboratory analysts of treatment plants; to provide
 33 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
 34 purposes.

35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

36 **SECTION 1.**

37 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
 38 is amended by revising paragraph (14.1) of Code Section 26-4-5, relating to definitions
 39 relative to pharmacists and pharmacies, as follows:

40 (14.1) 'Electronic data prescription drug order' means any digitalized prescription drug
 41 order transmitted to a pharmacy, by a means other than by facsimile, which contains the
 42 secure, personalized digital key, code, number, or other identifier used to identify and
 43 authenticate the prescribing practitioner in a manner required by state laws and board
 44 regulations and includes all other information required by state laws and board
 45 regulations. Electronic data prescription drug order also includes any digitalized
 46 prescription drug order transmitted to a pharmacy that is converted into a visual image
 47 of a prescription order during the transmission process, received by the pharmacy
 48 through a facsimile machine, and includes the practitioner's electronic signature."

49 **SECTION 2.**

50 Said title is further amended by revising subsections (a) and (b) of Code Section 26-4-41,
 51 relating to qualifications for license, examination, and internships and other training
 52 programs relative to pharmacists and pharmacies, as follows:

53 "(a) *Qualifications.* To obtain a license to engage in the practice of pharmacy, an applicant
 54 for licensure by examination shall:

- 55 (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
 56 (2) Have attained the age of majority;
 57 (3) Be of good moral character;
 58 (4) Have graduated and received a professional undergraduate degree from a college or
 59 school of pharmacy as the same may be approved by the board; provided, however, that,
 60 since it would be impractical for the board to evaluate a school or college of pharmacy
 61 located in another country, the board may accept a graduate from such a school or college
 62 ~~as~~ so long as the graduate has completed all requirements of the Foreign Pharmacy

63 Equivalency Certification Program administered by the National Association of Boards
 64 of Pharmacy. This shall include successful completion of all required examinations and
 65 the issuance of the equivalency certificate and be based upon an individual evaluation by
 66 the board of the applicant's educational experience, professional background, and
 67 proficiency in the English language;

68 (5) Have completed an internship or other program that has been approved by the board
 69 or demonstrated to the board's satisfaction that experience in the practice of pharmacy
 70 which meets or exceeds the minimum internship requirements of the board;

71 (6) Have successfully passed an examination or examinations approved by the board;
 72 and

73 (7) Have paid the fees specified by the board for the examination and any related
 74 materials and have paid for the issuance of the license.

75 (b) *Examinations.*

76 (1) The examination for licensure required under paragraph (6) of subsection (a) of this
 77 Code section shall be made available ~~by the board~~ at least two times during each year.
 78 The board shall determine the content and subject matter of each examination, and the
 79 place, time, and date of administration of the examination;

80 (2) The examination shall be prepared to measure the competence of the applicant to
 81 engage in the practice of pharmacy. The board may employ, cooperate, and contract with
 82 any organization or consultant in the preparation and grading of an examination, but shall
 83 retain the sole discretion and responsibility for determining which applicants have
 84 successfully passed such an examination; ~~and~~.

85 (3) Any person who takes the board approved examination and fails the examination may
 86 repeat the examination at regular intervals of administration; however, a person may not
 87 take the examination more than three times without permission from the board. A person
 88 who has taken the board approved examination and failed the examination for the third
 89 time may not practice as a pharmacy intern. A person who takes the board approved
 90 examination and successfully completes the examination must become licensed within
 91 two years of the examination date or the results of the examination shall become invalid."

92 **SECTION 3.**

93 Said title is further amended by revising subsection (c) of Code Section 26-4-42, relating to
 94 license transfers for pharmacists licensed in another jurisdiction relative to pharmacists and
 95 pharmacies, as follows:

96 "(c) To obtain a license to engage in the practice of pharmacy in this state, a pharmacist
 97 who is a graduate of a pharmacy school or college located in another country must
 98 complete all requirements of the Foreign Pharmacy Equivalency Certification Program

99 administered by the National Association of Boards of Pharmacy. This shall include
 100 without being limited to successful completion of all required examinations and the
 101 issuance of the equivalency certificate, and an individual evaluation by the board of the
 102 applicant's proficiency in the English language. Additionally, a foreign pharmacy graduate
 103 applicant shall:

- 104 (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
- 105 (2) Have attained the age of majority;
- 106 (3) Be of good moral character;
- 107 (4) Have possessed at the time of initial licensure as a pharmacist all qualifications
 108 necessary to have been eligible for licensure at that time in this state;
- 109 (5) Have graduated and been granted a pharmacy degree from a college or school of
 110 pharmacy recognized by the National Association of Boards of Pharmacy Foreign
 111 Pharmacy Graduate Examination Committee;
- 112 (6) Have successfully passed an examination approved by the board; and
- 113 (7) Have paid the fees specified by the board."

114 **SECTION 4.**

115 Said title is further amended by revising subsection (a) of Code Section 26-4-46, relating to
 116 pharmacy interns, eligibility, and requirements for licenses, as follows:

117 "(a) To obtain a license as a pharmacy intern, an applicant shall:

- 118 (1) Have submitted ~~a written~~ an application in the form prescribed by the board of
 119 pharmacy;
- 120 (2) Have attained the age of majority;
- 121 (3) Be of good moral character; and
- 122 (4) Have paid the fees specified by the board for the issuance of the license."

123 **SECTION 5.**

124 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 125 is amended by revising subsection (j) of Code Section 43-1-2, relating to appointment and
 126 general powers of division director, members and meetings of professional licensing boards,
 127 examination standards, roster of licenses, and funding, as follows:

128 "(j) The division director ~~shall~~ may establish administrative standards for the examination
 129 of applicants for licensure by the various professional licensing boards, notwithstanding
 130 any other provisions of law to the contrary. These administrative standards ~~shall~~ may
 131 include the setting of date, time, and location of examinations, subject to the approval of
 132 the respective professional licensing boards. Notwithstanding any other provisions of law
 133 to the contrary, examination criteria, examination grading procedures, examination fees,

134 examination passing score requirements, and other matters pertaining to the examination
135 of applicants for licensure may be adopted by rules of the respective professional licensing
136 boards as necessary to implement such examination standards. Examination standards,
137 including examination criteria, grading procedures, and passing score requirements,
138 developed in agreement or in conjunction with a national association of state boards or
139 other related national association for the administration of a nationally recognized uniform
140 examination may be adopted in lieu of state standards by the respective professional
141 licensing boards."

142 **SECTION 6.**

143 Said title is further amended by revising Code Section 43-1-9, relating to point credit for
144 veterans taking examination given by professional licensing boards, as follows:

145 "43-1-9.

146 Any applicant taking an examination ~~given~~ required by any professional licensing board
147 except the State Board of Accountancy shall receive points in the following manner:

148 (1) Any applicant who served on active duty in the armed forces of the United States or
149 on active duty in a reserve component of the armed forces of the United States, including
150 the National Guard, for a period of one year or more, of which at least 90 days were
151 served during wartime or during any conflict when military personnel were committed
152 by the President of the United States, shall be entitled to a credit of five points. Such
153 points shall be added by the person grading the examination to the grade made by the
154 applicant in answering the questions propounded in any such examination;

155 (2) Any applicant who is a disabled veteran and who served on active duty in the armed
156 forces of the United States or on active duty in a reserve component of the armed forces
157 of the United States, including the National Guard, during wartime or during any conflict
158 when military personnel were committed by the President of the United States shall be
159 entitled to a credit of five points if the disability was for an injury or illness incurred in
160 the line of duty and such disability is officially rated at less than 10 percent at the time
161 of taking the examination. Such points shall be added by the person grading the
162 examination to the grade made by the applicant in answering the questions propounded
163 in any such examination; and

164 (3) Any applicant who is a disabled veteran who served on active duty in the armed
165 forces of the United States or on active duty in a reserve component of the armed forces
166 of the United States, including the National Guard, during wartime or during any conflict
167 when military personnel were committed by the President of the United States shall be
168 entitled to a credit of ten points if the disability was for an injury or illness incurred in the
169 line of duty and such disability is officially rated at 10 percent or above at the time of

170 taking the examination. Such points shall be added by the person grading the
171 examination to the grade made by the applicant in answering questions propounded in
172 any such examination."

173 **SECTION 7.**

174 Said title is further amended by revising Code Section 43-1-10, relating to veteran's
175 grades when examination given in parts or by subject, as follows:

176 "43-1-10.

177 If an examination given by a professional licensing board is ~~given~~ required in parts or by
178 subjects and the applicant is required to make a minimum grade on each of the parts or
179 subjects, the points to which the applicant is entitled shall be added to the grade made on
180 each part or subject before the average of his or her grade on all of the parts or subjects is
181 determined."

182 **SECTION 8.**

183 Said title is further amended by revising Code Section 43-1-11, relating to veteran's
184 examination to be graded prior to determination of eligibility for credit, as follows:

185 "43-1-11.

186 A person grading an examination ~~given~~ required by a professional licensing board shall
187 first grade the examination without reference to veteran credit, determining thereafter from
188 the proof submitted whether an applicant is a veteran and is entitled to such credit; if so,
189 the credit shall be added; and if after such addition the applicant equals or exceeds the
190 grade required to pass the examination, the applicant shall be entitled to be certified as
191 having passed the examination."

192 **SECTION 9.**

193 Said title is further amended by revising subsection (b) of Code Section 43-4-9, relating to
194 adoption of rules, regulations, and standards of conduct and utilization of the Internet relative
195 to architects, as follows:

196 "(b) The board shall post all current laws, rules, regulations, and standards of conduct
197 relating to the practice of architecture in this state on the board's official website. The
198 board shall also provide on the website notification of recent changes in such laws, rules,
199 regulations, or standards and information pertaining to disciplinary actions taken by the
200 board. ~~Individual notice of changes in such laws, rules, regulations, or standards shall be~~
201 ~~sent by the board at least once a year to each registered architect and building official.~~
202 ~~Individual notice may be sent by e-mail or regular mail."~~

203 **SECTION 10.**

204 Said title is further amended by revising Code Section 43-7-7, relating to board meetings,
 205 secretary of the board, service of process and documents, and records relative to barbers, as
 206 follows:

207 "43-7-7.

208 The board shall meet at least six days a year but shall not meet more than 36 days in one
 209 year. All meetings shall be open to the public except that the board may hold restricted
 210 attendance sessions to prepare, give, and grade examinations and to deliberate in
 211 connection with the decision in a contested case. The division director shall be secretary
 212 of the board and, in addition to his or her duties as prescribed by Code Section 43-1-3, shall
 213 perform such other administrative duties as may be prescribed by the board. All legal
 214 process and all documents required by law to be served upon or filed with the board shall
 215 be served upon or filed with the division director at his or her office ~~in Atlanta~~. All official
 216 records of the board, or affidavits by the division director as to the content of such records,
 217 shall be prima-facie evidence of all matters required to be kept therein."

218 **SECTION 11.**

219 Said title is further amended by revising Code Section 43-7-12 , relating to requirements for
 220 license to operate a barbershop, as follows:

221 "43-7-12.

222 A license to operate a barbershop shall be issued, renewed, or restored to any person who
 223 can show that such barbershop:

224 (1) Provides and maintains such physical and sanitary facilities and equipment as may
 225 be required by the rules and regulations of the board;

226 (2) ~~Does not train more than one apprentice at any one time, which apprentice shall be~~
 227 ~~under the supervision of a master barber~~ Trains and utilizes apprentices in a manner and
 228 number as required by the board; and

229 (3) Does business only at the location shown on the application for licensure."

230 **SECTION 12.**

231 Said title is further amended by revising subsection (a) of Code Section 43-7-16 , relating to
 232 requirement for license as apprentice barber and limitation on renewal, as follows:

233 "(a) A license to practice barbering as an apprentice shall be issued to any person applicant
 234 who shall furnish the board evidence that such applicant:

235 (1) ~~Evidence that he will~~ Will practice under the supervision of a licensed barber with
 236 at least 18 months' experience in the practice of barbering; and

237 (2) Evidence that he has completed the fifth grade of school instruction or its equivalent
 238 Is 16 years of age or older."

239 **SECTION 13.**

240 Said title is further amended by revising subsections (a), (b), and (c) of Code Section 43-9-7,
 241 relating to qualifications of applicants for license to practice chiropractic, as follows:

242 "(a) Any person wishing to practice chiropractic in this state shall make ~~written~~ application
 243 to the board through the division director in such form as may be adopted and directed by
 244 the board.

245 (b) ~~Application shall be in writing and shall be signed by the applicant in his own~~
 246 ~~handwriting; shall be sworn to before some officer authorized under the laws to administer~~
 247 ~~oaths; The application shall recite the history of the applicant's educational qualifications,~~
 248 ~~how long he has studied chiropractic, what collateral branches, if any, he has studied, and~~
 249 ~~the length of time he has engaged in clinical practice, with proof thereof in the form of~~
 250 ~~diplomas, certificates, etc.; and shall accompany the application with satisfactory evidence~~
 251 ~~of good character and reputation.~~

252 (c) Each applicant shall ~~send~~ provide with his application an application fee in an amount
 253 established by the board."

254 **SECTION 14.**

255 Said title is further amended by revising Code Section 43-9-14, relating to record of license
 256 revocation relating to chiropractors, as follows:

257 "43-9-14.

258 ~~In all cases wherein a license has been revoked and no appeal has been taken within the~~
 259 ~~time allowed by law, it shall be the duty of the division director, immediately after the~~
 260 ~~expiration of the time allowed for appeal, to transmit to the clerk of the superior court in~~
 261 ~~whose office the revoked license is recorded a copy of the order of the board revoking the~~
 262 ~~license, certified by the division director, and it shall be the duty of the clerk to cancel the~~
 263 ~~record of the license by entering upon the face thereof a copy of the certified order. In cases~~
 264 ~~wherein appeal proceedings are had and not sustained, the revoked license shall be~~
 265 ~~canceled in the manner provided in this Code section immediately after the final~~
 266 ~~termination of such case. Reserved."~~

267 **SECTION 15.**

268 Said title is further amended by revising Code Section 43-10-6, relating to rules and
 269 regulations as to sanitary requirements, instruction on HIV and AIDS, inspections, and
 270 unsanitary conditions as nuisances relative to cosmetologists, as follows:

271 "43-10-6.

272 (a) The board is authorized to adopt reasonable rules and regulations prescribing the
 273 sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of
 274 esthetics, schools of hair design, and schools of nail care, subject to the approval of the
 275 Department of Human Resources, and to cause the rules and regulations or any subsequent
 276 revisions to be in suitable form, ~~and to transmit a copy thereof~~ The board shall make the
 277 rules and regulations available to the proprietor of each beauty shop, beauty salon, school
 278 of cosmetology, school of esthetics, school of hair design, or school of nail care. It shall
 279 be the duty of every proprietor or person operating a beauty shop, salon, school of
 280 cosmetology, school of esthetics, school of hair design, and school of nail care in this state
 281 to keep a copy of such rules and regulations posted in a conspicuous place in his or her
 282 business, so as to be easily read by his or her customers.

283 (b) The board is authorized to adopt reasonable rules and regulations requiring that persons
 284 licensed under this chapter undergo instruction on Human Immunodeficiency Virus and
 285 Acquired Immune Deficiency Syndrome.

286 (c) Any inspector employed by the ~~division director~~ Secretary of State shall have the
 287 power to enter and make reasonable examination of any beauty shop, salon, and school in
 288 the state during business hours for the purpose of enforcing the rules and regulations of the
 289 board and for the purpose of ascertaining the sanitary conditions thereof.

290 (d) Any beauty shop, salon, or school in which tools, appliances, and furnishings used
 291 therein are kept in an unclean and unsanitary condition so as to endanger health is declared
 292 to be a public nuisance."

293 **SECTION 16.**

294 Said title is further amended by revising subsection (c) of Code Section 43-14-8.1, relating
 295 to license requirement for low-voltage electrical contracting, businesses conducted by
 296 partnerships, limited liability companies, and corporations, and applications relative to
 297 electrical contracting, as follows:

298 "(c) Any person desiring to qualify under the provisions of this subsection who meets the
 299 requirements of this subsection, submits proper application prior to and including
 300 December 31, 1984, and pays or has paid the required fees and is not otherwise in violation
 301 of this chapter shall be issued a state-wide Low-voltage Contractor Class LV-A, LV-G,
 302 LV-U, or LV-T license without examination. An individual desiring to obtain Low-voltage
 303 Contractor Class LV-T shall submit to the division an affidavit ~~sworn before a notary~~
 304 ~~public~~ which outlines the experience of said individual in the practice of low-voltage
 305 wiring relating to telecommunication systems. An individual desiring to obtain a
 306 Low-voltage Contractor Class LV-A license shall submit to the division an affidavit, ~~sworn~~

307 ~~before a notary public~~, which outlines the experience of said individual in the practice of
 308 low-voltage wiring relating to alarm systems. An individual desiring to obtain a
 309 Low-voltage Contractor Class LV-G license shall submit to the division an affidavit, ~~sworn~~
 310 ~~before a notary public~~, which outlines the experience of said individual in the practice of
 311 low-voltage wiring relating to general systems. Each such affidavit for licensure shall
 312 describe in detail the installation of at least three complete low-voltage wiring jobs which
 313 shall demonstrate that the individual has successfully performed low-voltage wiring in the
 314 area of licensure requested for a period of at least one year immediately prior to the time
 315 of application. An individual desiring to obtain a Low-voltage Contractor Class LV-U
 316 license shall submit to the division an affidavit, ~~sworn before a notary public~~, which
 317 outlines the experience of said individual in the practice of low-voltage wiring relating to
 318 alarm and telecommunication systems and which describes in detail the installation of at
 319 least six complete low-voltage wiring jobs, three in alarm and three in telecommunication
 320 systems, which shall demonstrate that the individual has successfully performed
 321 low-voltage wiring in those areas for a period of at least one year immediately prior to the
 322 time of application."

323 **SECTION 17.**

324 Said title is further amended by revising Code Section 43-15-12, relating to land
 325 surveyor-in-training certificate and eligibility, as follows:

326 "43-15-12.

327 To be eligible for certification as a land surveyor-in-training, an applicant must meet the
 328 following minimum requirements:

- 329 (1)(A) Earn a bachelor's degree in a curriculum approved by the board; ~~or~~
 330 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the board
 331 and acquire not less than two years of combined office and field experience in land
 332 surveying of a nature satisfactory to the board; or
 333 (C) Earn a high school diploma, or its equivalent, and acquire not less than four years'
 334 experience in land surveying of a nature satisfactory to the board; ~~and~~
 335 (2) Acquire a minimum of 15 quarter hours' credit, or its equivalent, in land surveying
 336 subjects in a course of study approved by the board; provided, however, that on and after
 337 January 1, 1995, the minimum requirement shall be 20 quarter hours' credit, five of which
 338 shall be in hydrology; and
 339 (3) Subsequently pass the ~~board's written~~ board approved examination in the
 340 fundamentals of land surveying (land surveyor-in-training examination)."

341 **SECTION 18.**

342 Said title is further amended by revising subsection (c) of Code Section 43-18-41, relating
 343 to qualifications of embalmer or funeral director applicants, as follows:

344 "(c) In addition to the qualifications set out in subsection (a) of this Code section, an
 345 applicant for a funeral director's license shall have, prior to the issuance of said license, a
 346 valid embalmer's license; shall furnish an affidavit which lists the names of the 50 funerals
 347 at which the apprentice assisted as provided in Code Section 43-18-50; and, effective
 348 January 1, 1991, must pass ~~a written~~ an examination approved by the board which tests
 349 knowledge of the law of this state relating to funeral directors."

350 **SECTION 19.**

351 Said title is further amended by revising paragraph (1) of subsection (a) Code Section
 352 43-18-42, relating to reciprocity and examination upon meeting qualifications relative to
 353 funeral directors and establishments, as follows:

354 "(1)(A) On or after January 1, 1991, such person successfully passes ~~a written~~ an
 355 examination approved by the board which tests knowledge of the law of this state
 356 relating to funeral directors; and

357 (B) Such person satisfied in another state, territory, country, or District of Columbia
 358 the requirements for licensure which are:

359 (i) In effect in Georgia on the date of application; or

360 (ii) Substantially equal to the requirements for a similar license in Georgia; or"

361 **SECTION 20.**

362 Said title is further amended by revising subsection (b) of Code Section 43-20-5, relating to
 363 meetings, reimbursement of members, and notice of meetings relating to the State Board of
 364 Hearing Aid Dealers and Dispensers, as follows:

365 "(b) The division director shall notify each member of the board ~~by certified mail or~~
 366 ~~statutory overnight delivery~~ not less than ten days in advance of the time and place of any
 367 meeting of the board."

368 **SECTION 21.**

369 Said title is further amended by revising Code Section 43-20-6, relating to general powers
 370 and duties of the State Board of Hearing Aid Dealers and Dispensers and the division
 371 director, as follows:

372 "43-20-6.

373 (a) The board shall have the responsibility and duty of administering and enforcing this
 374 chapter. ~~The board shall be responsible for preparing the examinations required by this~~

375 ~~chapter, and the division director shall assist the board in carrying out this chapter.~~ The
 376 board shall have the power to establish and to revise minimal procedure and equipment
 377 requirements which shall be used in the dispensing of hearing aids.

378 (b) The board shall:

379 ~~(1) Authorize, with the advice of the division director, all disbursements necessary to~~
 380 ~~carry out this chapter and the rules and regulations promulgated by the board;~~

381 ~~(2)~~(1) Supervise the issuance of licenses and administer qualifying examinations;

382 ~~(3)~~(2) License persons who make proper application to the division director and who
 383 meet the qualifications for licensure;

384 ~~(4) Purchase and maintain or rent facilities necessary to carry out the examination of~~
 385 ~~applicants as provided in this chapter;~~

386 ~~(5)~~(3) Issue and renew licenses;

387 ~~(6)~~(4) Suspend, revoke, or otherwise sanction licenses in the manner provided in this
 388 chapter;

389 ~~(7)~~(5) Appoint representatives to conduct or supervise examinations; and

390 ~~(8)~~(6) Provide to each licensed dealer Make available to the public a copy of this chapter,
 391 any amendments thereto, and all adopted rules.

392 (c) The division director shall be guided by the recommendations of the board in all
 393 matters relating to this chapter and shall assist the board in carrying out this chapter.

394 (d) In the administration and enforcement of this chapter, the board shall have the power
 395 to adopt reasonable rules and regulations not inconsistent with this chapter and the
 396 Constitution and laws of this state or of the United States for governing its times and places
 397 of meetings; for organization and reorganization; for the holding of examinations; for
 398 governing all other matters requisite to the exercising of its powers; for the performance
 399 of its duties relating to examinations; for granting, suspending, revoking, or otherwise
 400 sanctioning licenses; and for the transaction of its business under this chapter.

401 (e) The board may provide, by regulation, for the general scope of the examination
 402 described in Code Section 43-20-9. The board may approve the examination and obtain
 403 advice and assistance in providing for and grading such examination; and the division
 404 director may contract with third parties to perform administrative services related to the
 405 examination as he or she deems appropriate."

406 SECTION 22.

407 Said title is further amended by revising subsection (b) of Code Section 43-20-8, relating to
 408 issuance of licenses and fees relative to hearing aid dealers and dispensers, as follows:

409 "(b) The board may issue a dispenser's license to an applicant only when the applicant has
 410 satisfactorily completed an a board approved examination ~~administered under the direction~~

411 ~~of the board~~ and when proof of age has been verified. The license shall authorize the holder
 412 to dispense hearing aids under the general supervision of a licensed dealer."

413 **SECTION 23.**

414 Said title is further amended by revising Code Section 43-20-9, relating to qualifications,
 415 examinations, and apprentice dispensers relative to hearing aid dealers and dispensers, as
 416 follows:

417 "43-20-9.

418 (a) An applicant may obtain a license by successfully passing a qualifying board approved
 419 examination ~~administered by the board~~, provided that the applicant:

420 (1) Is at least 18 years of age; and

421 (2) Is of good moral character.

422 ~~(b) The division director shall schedule at least four examinations each year, one of which~~
 423 ~~will be in each calendar quarter.~~

424 ~~(c) The division director shall schedule every~~ Every apprentice dispenser who has held the
 425 permit over 30 days shall be scheduled to stand for the written examination at every
 426 scheduled examination until all sections have been passed, the permit has been revoked by
 427 the board, or the permit has expired. The board shall have the power to revoke a permit
 428 without a hearing if the holder of an apprentice dispenser permit fails to stand for the
 429 examination. The board shall also have the power to revoke a permit without a hearing if
 430 the holder of an apprentice dispenser permit fails to pass the written portion of the
 431 examination on two occasions. The board may include the fee for an initial examination
 432 as a condition for approval of an applicant for an apprentice dispenser's permit.

433 ~~(d) Each applicant desiring to become licensed as a dispenser, other than holders of~~
 434 ~~apprentice dispensers' permits, shall make application for examination to the division~~
 435 ~~director, accompanied by the examination fee as provided by the board in its rules and~~
 436 ~~regulations.~~

437 ~~(e) The qualifying examination shall be compiled by or at the direction of the board.~~

438 ~~(f)~~(c) The board shall establish uniform criteria for passing and failing candidates."

439 **SECTION 24.**

440 Said title is further amended by revising Code Section 43-20-12, relating to notice to division
 441 director of place of practice and identification of dispensers, apprentice dispensers, and
 442 trainees, and notice to holders of licenses and permits, as follows:

443 "43-20-12.

444 (a) A person holding a dealer's license shall notify the division director in writing of the
 445 regular addresses of places of business operated by the dealer for dispensing hearing aids.

446 Furthermore, the dealer is required to notify the division director in writing as to the names
 447 and license or permit numbers of all dispensers, apprentice dispensers, and trainees
 448 employed or otherwise practicing at each of his or her places of business. The dealer is
 449 required to notify the division director in writing of any changes of the foregoing within
 450 seven calendar days of such change. Any failure shall be considered a violation of this
 451 chapter by the dealer.

452 (b) Any notice required to be given by the division director or by the board to any person
 453 who holds a license or permit issued by the board shall be mailed to such licensee or permit
 454 holder ~~by certified mail or statutory overnight delivery~~ to the address of the place of
 455 practice last recorded with the division director; and such mailing shall constitute sufficient
 456 notice to such licensee."

457 **SECTION 25.**

458 Said title is further amended by revising subsection (a) of Code Section 43-23-8, relating to
 459 examination fee, issuance of licenses, biennial renewal of licenses, renewal fee, and effect
 460 of nonpayment of check submitted as license fee relative to landscape architects, as follows:

461 "(a) Every applicant for licensure as a landscape architect shall submit with his or her
 462 application for such licensure a fee in an amount established by the board, ~~which shall be~~
 463 ~~sufficient to cover the costs of examination~~. If the applicant successfully passes the
 464 examination and is otherwise qualified for licensure as a landscape architect, the board
 465 shall thereafter, upon payment of a license fee to be determined by the board, issue a
 466 license to the applicant, which shall be valid for up to two years and shall be renewable
 467 biennially. All licenses shall expire on the renewal date established by the division director.
 468 The biennial license renewal fees shall be an amount established by the board."

469 **SECTION 26.**

470 Said title is further amended by revising Code Section 43-28-9, relating to qualifications of
 471 license applicants and waiver relative to occupational therapists, as follows:

472 "43-28-9.

473 (a) An applicant applying for a license as an occupational therapist or as an occupational
 474 therapy assistant shall file ~~written~~ an application, on forms provided by the board, showing
 475 to the satisfaction of the board that such applicant ~~meets the following requirements~~:

476 (1) Is of good moral character;

477 (2) Has successfully completed the academic requirements of an educational program
 478 in occupational therapy recognized by the board, with concentration in biological or
 479 physical science, psychology, and sociology and with education in selected manual skills.

480 For an occupational therapist or occupational therapy assistant, such a program shall be

481 accredited by a recognized accrediting agency acceptable to the board. Other comparable
 482 educational programs such as those approved by the World Federation of Occupational
 483 Therapists may be recognized by the board upon evaluation of detailed program and
 484 course content;

485 (3) Has successfully completed a period of supervised field work experience at a
 486 recognized educational institution or a training program accredited as provided in
 487 paragraph (2) of this ~~Code section~~ subsection. For an occupational therapist, a minimum
 488 of six months of supervised field work experience is required. For an occupational
 489 therapy assistant, a minimum of two months of supervised field work experience is
 490 required; and

491 (4) Has passed an examination as provided for in Code Section 43-28-10.

492 (b) An applicant not meeting the requirements of subsection (a) of this Code section must
 493 indicate to the board that he or she has obtained a waiver of such requirements pursuant to
 494 Code Section 43-28-11."

495 **SECTION 27.**

496 Said title is further amended by revising subsection (e) of Code Section 43-29-7, relating to
 497 license requirements, qualifications of applicants, subjects to be listed on examination, and
 498 issuance and display of license relative to dispensing opticians, as follows:

499 "~~(e) Applicants for examination may be examined by the board licensure may be required~~
 500 to pass a board approved examination upon matters pertaining to mathematics and physics,
 501 ophthalmic materials and laboratory technique, ophthalmic optics, ophthalmic dispensing,
 502 and practical subjects. When any applicant passes the necessary examination and meets
 503 the qualifications set out, the board shall issue a license to such person to practice the trade
 504 or occupation of dispensing optician."

505 **SECTION 28.**

506 Said title is further amended by revising Code Section 43-29-8, relating to examination,
 507 examination fee, and the effect of failure of two examinations relative to dispensing
 508 opticians, as follows:

509 "43-29-8.

510 ~~(a) Examination of applicants for license to practice the trade or occupation of dispensing~~
 511 ~~optician shall be made by the board according to the methods and covering subject matter~~
 512 ~~deemed by the board to be the most practical and expeditious to test the applicant's specific~~
 513 ~~job performance requirements. Such examinations shall be written.~~

514 ~~(b) There shall be paid to the division director by each applicant for a license an~~
 515 ~~examination fee in an amount determined by the board, which fee shall accompany the~~
 516 ~~application for examination.~~

517 (c) Failure to pass a satisfactory examination shall not prevent any applicant from
 518 participating in subsequent examinations ~~before the board~~ upon complying with this
 519 chapter, but any applicant who has failed two examinations shall not be permitted to take
 520 any further examination for licensure under this chapter until such applicant has furnished
 521 sufficient proof of having taken such additional education and training as shall be required
 522 by the board."

523 **SECTION 29.**

524 Said title is further amended by revising Code Section 43-29-11, relating to continuing
 525 education requirement, waiver, and effect of failure to complete required course hours
 526 relative to dispensing opticians, as follows:

527 "43-29.11.

528 (a) Each person who holds a license as a dispensing optician shall be required to complete
 529 ten hours of continuing education prior to each renewal of such license.

530 (b) With his or her application for license renewal, each licensed dispensing optician ~~must~~
 531 shall submit ~~a certificate or certificates of attendance for~~ an affidavit of course hours
 532 completed as proof that his or her education requirements have been satisfied. The board
 533 shall give credit for any course given by any recognized national, regional, or state
 534 dispensing society or association if such course increases the education of a dispensing
 535 optician and is made available to all licensed opticians on a reasonably nondiscriminatory
 536 fee basis. The board may also approve, in accordance with the objectives of this chapter,
 537 other courses held within or outside of this state which are available to all persons on a
 538 reasonably nondiscriminatory fee basis. Any group of ten or more licensed opticians may
 539 arrange for an educational course and request board approval thereof. Any such request
 540 shall be made at least 90 days prior to the proposed date of the course and shall include full
 541 details as to the contents of the course, the instructors, and the charge to be made for
 542 attendance, as well as any other information which the board may require. The board shall
 543 endeavor to act upon any request for approval at least 45 days prior to the proposed date
 544 therefor and shall thereupon notify all licensed opticians of the time, place, contents, and
 545 charges for any such approved course. The ~~certificate of attendance~~ affidavit required under
 546 this ~~chapter~~ Code section shall be issued to the optician upon completion of the approved
 547 course. Credit ~~will~~ shall be allowed on the basis of an hour for an hour. To receive one hour
 548 of credit, one must attend one full hour. No fractional hour credits ~~will~~ shall be allowed.

549 (c) The board may waive the requirements of this Code section for any license period for
 550 any dispensing optician upon proof of such optician's hardship or disability, provided that
 551 such optician's license may be revoked upon failure of the licensee to complete the required
 552 number of hours, not to exceed 20 hours, of continuing education within 12 months
 553 immediately following renewal.

554 (d) A dispensing optician failing to complete the course hours required under this Code
 555 section shall have his or her license restored upon proof of subsequent completion of
 556 required course hours and, except in the case of a waiver granted under subsection (c) of
 557 this Code section, upon payment of a penalty fee in an amount established by the board."

558 **SECTION 30.**

559 Said title is further amended by revising Code Section 43-33-9, relating to division director
 560 as secretary of board, subpoena power, service of process and documents, and official
 561 records as prim-facie evidence relative to physical therapists, as follows:

562 "43-33-9.

563 The division director shall be secretary of the board and shall perform such other
 564 administrative duties as may be prescribed by the board. In a contested case, the division
 565 director on behalf of the board shall have the power to subpoena, throughout the state,
 566 witnesses, designated documents, papers, books, accounts, letters, photographs, objects,
 567 or other tangible things. All legal process and all documents required by law to be served
 568 upon or filed with the board shall be served upon or filed with the division director at his
 569 or her office ~~in Atlanta~~. All official records of the board or affidavits by the division
 570 director certifying the content of such records shall be prima-facie evidence of all matters
 571 required to be kept therein."

572 **SECTION 31.**

573 Said title is further amended by revising 43-35-12, relating to eligibility for license relative
 574 to podiatry practice, as follows:

575 "43-35-12.

576 A license to practice podiatric medicine shall be issued to any person who:

- 577 (1) Is a graduate of an accredited college of podiatric medicine approved by the board;
- 578 (2) Holds a doctoral degree or its equivalent;
- 579 (3) Satisfactorily passes ~~an examination prepared or approved~~ a board approved
 580 examination, if an examination is required by the board;
- 581 (4) Successfully completes postdoctoral training of no less than 12 months as a resident
 582 in podiatric medicine and surgery in a program or institution approved by, and in good
 583 standing with, the board;

- 584 (5) Has attained the age of 21 years;
 585 (6) Is not disqualified to receive a license under the provisions of Code Section
 586 43-35-16; and
 587 (7) Pays the required fee to the board."

588 **SECTION 32.**

589 Said title is further amended by revising Code Section 43-35-14, relating to examination of
 590 applicants relative to podiatry practice, as follows:

591 "43-35-14.

592 The board ~~shall examine applicants~~ may require applicants to be examined upon the
 593 subjects required for the practice of podiatric medicine ~~at least twice each year and shall~~
 594 ~~use any method or procedure which the board deems necessary to test the applicant's~~
 595 ~~qualifications to practice podiatric medicine.~~ Any standardized examination which the
 596 board shall approve may be administered to all applicants in lieu of or in conjunction with
 597 any other examination which the board ~~shall administer~~ may require."

598 **SECTION 33.**

599 Said title is further amended by revising subsections (a), (c), and (f) of Code Section 43-38-6,
 600 relating to licenses, qualifications, criminal records, fingerprints, bond, insurance, or net
 601 worth affidavit, display of license, suspension, temporary permits, and license recognition
 602 agreements relative to private detectives and security agencies, as follows:

603 "43-38-6.

604 (a) Any individual, firm, association, company, partnership, limited liability company, or
 605 corporation desiring to engage in the private detective or private security business in this
 606 state shall make a verified application ~~in writing~~ to the division director for a license
 607 therefor. If the applicant is a firm, association, company, partnership, limited liability
 608 company, or corporation, the person filing the application on behalf of such firm,
 609 association, company, partnership, limited liability company, or corporation shall be a
 610 corporate officer of such corporation or an officer of such firm, association, partnership,
 611 or limited liability company; and such individual shall meet the qualifications set out in this
 612 Code section."

613 "(c) The application for a license shall be made ~~in writing~~, under oath; on a form to be
 614 furnished by the division director. The application shall state the applicant's full name, age,
 615 date and place of birth; residences and employment within the past five years, with the
 616 names and addresses of employers; present occupation; date and place of conviction or
 617 arrest for any crime, including the plea of nolo contendere or a plea entered pursuant to
 618 Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such additional

619 information as the board may require to investigate the qualifications, character,
620 competency, and integrity of the applicant. Each applicant shall submit with the application
621 two complete sets of fingerprints on forms specified and furnished by the board and one
622 photograph, two inches wide by three inches high, full face, taken within six months prior
623 to the application; provided, however, that the board may waive the submission of
624 fingerprints and photograph for any employee who has been employed by a person licensed
625 under this chapter within the previous 12 months. The application shall contain such
626 additional documentation as the board may prescribe by rule. The board shall have the
627 discretion to deny a license to an applicant who fails to provide the information and
628 supporting documentation required by this subsection."

629 "(f) Notwithstanding any other provisions of this Code section, an applicant for a license
630 shall agree ~~in writing on the application~~ that if such applicant makes a false statement in
631 the application or if such applicant has been found to have been convicted of a felony and
632 has not had all his or her civil rights restored pursuant to law, then the board shall be
633 authorized to suspend any license granted to such applicant without a prior hearing as
634 required in Code Section 43-38-11. Upon request, any such person shall be entitled to a
635 hearing on such matter subsequent to the suspension."

636 **SECTION 34.**

637 Said title is further amended by revising subsections (d) and (g) of Code Section 43-38-7,
638 relating to registration of armed employees, qualifications, continuing education,
639 fingerprints, registration card, and suspension relative to private detectives and security
640 agencies, as follows:

641 "(d) The application for registration shall be made ~~in writing~~, under oath; on a form to be
642 furnished by the division director. The application shall state the employee's full name,
643 age, and date and place of birth; residences and employment within the past five years;
644 experience in the position applied for or held; the date and place of conviction or arrest for
645 any crime, including the entry of a plea of nolo contendere or the entry of a plea entered
646 pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such
647 other information as the board may require. The application for registration shall be
648 accompanied by two sets of fingerprints of the employee and one photograph of the
649 employee, two inches wide by three inches high, full face, taken within six months prior
650 to the application. The board shall have discretion to deny registration to any individual
651 when the information and supporting documentation required by this subsection are not
652 provided."

653 "(g) Notwithstanding any other provisions of this Code section, any person who is to be
654 registered under this Code section shall agree ~~in writing on the application~~ that if such

655 person to be registered makes a false statement in the application or if such person has been
 656 found to have been convicted of a felony and has not had all his or her civil rights restored
 657 pursuant to law, then the board shall be authorized to suspend any registration granted to
 658 such applicant without a prior hearing as required in Code Section 43-38-11. Upon
 659 request, any such person shall be entitled to a hearing on such matter subsequent to the
 660 suspension."

661 **SECTION 35.**

662 Said title is further amended by revising Code Section 43-39-9, relating to examination of
 663 applicants and appeals relative to psychologists, as follows:

664 "43-39-9.

665 ~~Examination of applicants for a license to practice psychology shall be made by the board~~
 666 ~~at least once a year according to methods and in such subject fields as may be deemed by~~
 667 ~~the board to be the most practical and expeditious to test the applicant's qualifications. The~~
 668 ~~board shall require the examination to be written or oral, or both, provided that in any~~
 669 ~~written examination such applicant shall be designated by a number instead of the~~
 670 ~~applicant's name so that the applicant's identity shall not be disclosed to the members of the~~
 671 ~~board until the examination papers have been graded. Any unsuccessful candidate may,~~
 672 ~~within 14 days of notice of failure and upon written request to the board, appeal to the~~
 673 ~~board for review. Applicants shall take a board approved examination to test the~~
 674 ~~applicant's qualifications. The application shall be written or oral or both.~~"

675 **SECTION 36.**

676 Said title is further amended by revising subsections (d) and (l) of Code Section 43-47-8,
 677 relating to license applications, prerequisites, license fees, renewal, training or test,
 678 supplemental licenses, bonds, insurance, suspension for conviction or false statement, and
 679 meetings relative to used motor vehicle and parts dealers, as follows:

680 "(d) Each division may require either that within the preceding year the applicant has
 681 attended a training and information seminar approved by the division or that the applicant
 682 has passed a test approved by the division ~~and administered by the division director~~. Such
 683 seminar or test, if required, shall include, but shall not be limited to, dealer requirements
 684 of this chapter, including books and records to be kept; requirements of the Department of
 685 Revenue; and such other information as in the opinion of the division will promote good
 686 business practices. No seminar shall exceed one day in length."

687 "(l) Each division may authorize the division director to issue a license when he or she has
 688 received the bond required by subsections (g) and (h) of this Code section, the proof of
 689 insurance required by subsection (k) of this Code section, and a fingerprint card for

690 submission to the Georgia Crime Information Center and to the Federal Bureau of
 691 Investigation. Each completed application for a permanent license shall be reviewed by
 692 the appropriate division, which may deny licensure for any good reason under this chapter.
 693 Any other provision of law to the contrary notwithstanding, each applicant for a license
 694 pursuant to the provisions of this Code section shall agree ~~in writing~~ in the application that
 695 if the applicant makes a false statement on the application or if the criminal record check
 696 returned from the Georgia Crime Information Center or from the Federal Bureau of
 697 Investigation reveals a conviction of or an entry of a plea of nolo contendere to a crime
 698 involving the use of violence, a used motor vehicle, or illegal drugs; tax evasion or failure
 699 to pay taxes; any crime involving the illegal use or possession of a dangerous weapon; or
 700 any crime involving moral turpitude, then the division shall be authorized to suspend the
 701 license without a prior hearing. The divisions shall each meet as needed, in their
 702 discretion. The board shall meet at least once each quarter and upon the call of the board
 703 chairperson for any special sessions."

704 **SECTION 37.**

705 Said title is further amended by revising subsection (a) of Code Section 43-50-31, relating
 706 to application for license, qualifications, determination as to admission or nonadmission to
 707 examination, and waiver relative to veterinarians and veterinary technicians, as follows:

708 "(a) Any person desiring a license to practice veterinary medicine in this state shall make
 709 ~~written~~ application to the board. The application shall include evidence, satisfactory to the
 710 board, that:

- 711 (1) The applicant has attained the age of 18;
- 712 (2) The applicant is of good moral character;
- 713 (3) The applicant is a graduate of an accredited college or school of veterinary medicine
 714 or possesses an ECFVG certificate or its substantial equivalent; provided, however, that
 715 a senior veterinary student may, in the discretion of the board, be allowed to sit for the
 716 examination during his or her senior year if he or she meets the other qualifications but
 717 shall not be issued a license unless and until he or she graduates; and
- 718 (4) The applicant meets such other qualifications or provides such other information as
 719 the board may require by rule."

720 **SECTION 38.**

721 Said title is further amended by revising subsection (b) of Code Section 43-50-40, relating
 722 to renewal of licenses and registrations, reinstatement, waiver of fee, continuing education,
 723 and inactive status relative to veterinarians and veterinary technicians, as follows:

724 "(b) Any person who shall practice veterinary medicine or veterinary technology after the
725 expiration of his or her license or registration and willfully or by neglect fail to renew such
726 license or registration shall be practicing in violation of this article, provided that any
727 person may renew an expired license or registration within the period established by the
728 division director in accordance with Code Section 43-1-4 by making ~~written~~ application
729 for renewal and paying the applicable fees. After the time period established by the
730 division director has elapsed, such license or registration may be reinstated in accordance
731 with the rules of the board."

732 **SECTION 39.**

733 Said title is further amended by revising Code Section 43-51-7, relating to examinations
734 relative to treatment plant operators, as follows:

735 "43-51-7.

736 ~~The board shall prepare examinations to~~ Board approved examinations shall be used in
737 determining the knowledge, ability, and judgment of applicants for certification as
738 operators or laboratory analysts except for applications submitted prior to July 1, 2000, for
739 Class IV level certifications. Such examinations shall be given at least six times annually."

740 **SECTION 40.**

741 This Act shall become effective upon its approval by the Governor or upon its becoming law
742 without such approval.

743 **SECTION 41.**

744 All laws and parts of laws in conflict with this Act are repealed.