

The House Committee on Health and Human Services offers the following substitute to SB 195:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 25, Title 26, and Title 43 of the Official Code of Georgia Annotated, relating
2 to fire protection and safety, food, drugs, and cosmetics, and professions and businesses,
3 respectively, so as to provide for the regulation of certain professions and businesses; to
4 provide for definitions; to provide for an exception to certain provisions regarding requiring
5 an architect's seal for certain plans and specifications for all buildings; to clarify that the
6 applications submitted for certain professions and businesses are to be made in the form
7 prescribed and not necessarily as a written document; to change the definition of the term
8 "electronic data prescription drug order"; to change provisions relating to examinations to
9 obtain a license to engage in the practice of pharmacy; to change certain provisions relating
10 to the general powers of the division director; to change certain provisions relating to veteran
11 examinations; to provide for notification of current laws, rules, and regulations and standards
12 of conduct relating to the practice of architecture; to clarify the types of construction projects
13 within planned or existing structures for which documents may be prepared, certified, and
14 submitted for building permits by a Georgia registered interior designer; to provide that the
15 service upon the division director on behalf of the State Board of Barbers or the State Board
16 of Physical Therapy shall be at his or her office; to change certain provisions regarding the
17 training, utilization, and licensing of apprentices in barbershops; to revise certain provisions
18 relating to the record of revocation of chiropractic licenses; to change certain provisions
19 relating to the rules and regulations as to sanitary requirements and inspections relative to
20 cosmetologists; to revise certain requirements for application for low-voltage electrical
21 contracting licenses; to require the examination for the land surveyor-in-training certificate
22 be board approved; to change provisions as to notice of meetings of the State Board of
23 Hearing Aid Dealers and Dispensers; to revise the general powers and duties of the State
24 Board of Hearing Aid Dealers and Dispensers and the division director; to change certain
25 provisions relating to the issuance of licenses relative to hearing aid dealers and dispensers;
26 to amend provisions relating to the qualifications and examination of hearing aid dispenser
27 apprentices; to provide for notice to the hearing aid dealer licensee or permit holder; to
28 change certain provisions relating to fees for licensure of landscape architects; to provide that

29 applicants for licensure as dispensing opticians may be required to pass a board approved
 30 examination; to change certain provisions relating to examinations and examination fees
 31 relative to dispensing opticians; to amend certain provisions as to continuing education
 32 requirements relative to license renewals of dispensing opticians; to change certain
 33 provisions relating to examinations for licenses to practice podiatric medicine; to change
 34 certain provisions relating to the examination of applicants and appeals relative to
 35 psychologists; to provide for continuing eligibility for licensure without examination for
 36 residential and general contractors under certain circumstances; to change certain provisions
 37 relating to the test an applicant for a used motor vehicle and parts dealer license must pass;
 38 to provide for board approved examinations for applicants for certification as operators or
 39 laboratory analysts of treatment plants; to provide for related matters; to provide for an
 40 effective date; to repeal conflicting laws; and for other purposes.

41 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

42 **SECTION 1.**

43 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 44 amended by revising Code Section 25-2-1, relating to "commissioner" defined, as follows:

45 "25-2-1.

46 As used in this chapter, the term:

47 (1) 'Commissioner' means the Safety Fire Commissioner.

48 (2) 'Proposed building' means any new structure or substantial renovation.

49 (3) 'Substantial renovation' means any construction project involving exits or internal
 50 features of such building or structure costing more than the building's or structure's
 51 assessed value according to county tax records at the time of such renovation."

52 **SECTION 2.**

53 Said title is further amended by revising paragraph (1) of subsection (a) and subsection (d)
 54 of Code Section 25-2-14, relating to buildings presenting special hazards to persons, as
 55 follows:

56 "(a)(1) Notwithstanding the provisions of paragraph (5) of subsection (b) of Code
 57 Section 43-4-14, plans ~~Plans~~ and specifications for all proposed buildings which come
 58 under classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which
 59 come under the jurisdiction of the office of the Commissioner pursuant to Code Section
 60 25-2-12 shall be submitted to and receive approval by either the state fire marshal, the
 61 proper local fire marshal, or state inspector before any state, municipal, or county
 62 building permit may be issued or construction started. All such plans and specifications

63 submitted as required by this subsection shall be accompanied by a fee in the amount
 64 provided in Code Section 25-2-4.1 and shall bear the seal and Georgia registration
 65 number of the drafting architect or engineer or shall otherwise have the approval of the
 66 Commissioner."

67 "(d) For purposes of this chapter, any existing building or structure listed in paragraph (1)
 68 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the
 69 office of the Commissioner pursuant to Code Section 25-2-12 shall be deemed to be a
 70 proposed building in the event such building or structure is subject to substantial
 71 renovation, a fire or other hazard of serious consequence, or a change in the classification
 72 of occupancy. ~~For purposes of this subsection, the term 'substantial renovation' means any~~
 73 ~~construction project involving exits or internal features of such building or structure costing~~
 74 ~~more than the building's or structure's assessed value according to county tax records at the~~
 75 ~~time of such renovation."~~

76 SECTION 3.

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

80 (14.1) 'Electronic data prescription drug order' means any digitalized prescription drug
 81 order transmitted to a pharmacy, by a means other than by facsimile, which contains the
 82 secure, personalized digital key, code, number, or other identifier used to identify and
 83 authenticate the prescribing practitioner in a manner required by state laws and board
 84 regulations and includes all other information required by state laws and board
 85 regulations. Electronic data prescription drug order also includes any digitalized
 86 prescription drug order transmitted to a pharmacy that is converted into a visual image
 87 of a prescription order during the transmission process, received by the pharmacy
 88 through a facsimile, and includes the practitioner's electronic signature."

89 SECTION 4.

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

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

- 95 (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
- 96 (2) Have attained the age of majority;
- 97 (3) Be of good moral character;

98 (4) Have graduated and received a professional undergraduate degree from a college or
99 school of pharmacy as the same may be approved by the board; provided, however, that,
100 since it would be impractical for the board to evaluate a school or college of pharmacy
101 located in another country, the board may accept a graduate from such a school or college
102 ~~as~~ so long as the graduate has completed all requirements of the Foreign Pharmacy
103 Equivalency Certification Program administered by the National Association of Boards
104 of Pharmacy. This shall include successful completion of all required examinations and
105 the issuance of the equivalency certificate and be based upon an individual evaluation by
106 the board of the applicant's educational experience, professional background, and
107 proficiency in the English language;

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

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

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

115 (b) *Examinations.*

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

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

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

132 **SECTION 5.**

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

136 "(c) To obtain a license to engage in the practice of pharmacy in this state, a pharmacist
 137 who is a graduate of a pharmacy school or college located in another country must
 138 complete all requirements of the Foreign Pharmacy Equivalency Certification Program
 139 administered by the National Association of Boards of Pharmacy. This shall include
 140 without being limited to successful completion of all required examinations and the
 141 issuance of the equivalency certificate, and an individual evaluation by the board of the
 142 applicant's proficiency in the English language. Additionally, a foreign pharmacy graduate
 143 applicant shall:

- 144 (1) Have submitted ~~a written~~ an application in the form prescribed by the board;
- 145 (2) Have attained the age of majority;
- 146 (3) Be of good moral character;
- 147 (4) Have possessed at the time of initial licensure as a pharmacist all qualifications
 148 necessary to have been eligible for licensure at that time in this state;
- 149 (5) Have graduated and been granted a pharmacy degree from a college or school of
 150 pharmacy recognized by the National Association of Boards of Pharmacy Foreign
 151 Pharmacy Graduate Examination Committee;
- 152 (6) Have successfully passed an examination approved by the board; and
- 153 (7) Have paid the fees specified by the board."

154 **SECTION 6.**

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

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

- 158 (1) Have submitted ~~a written~~ an application in the form prescribed by the board of
 159 pharmacy;
- 160 (2) Have attained the age of majority;
- 161 (3) Be of good moral character; and
- 162 (4) Have paid the fees specified by the board for the issuance of the license."

163 **SECTION 7.**

164 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 165 is amended by revising subsection (j) of Code Section 43-1-2, relating to appointment and

166 general powers of division director, members and meetings of professional licensing boards,
 167 examination standards, roster of licenses, and funding, as follows:

168 "(j) The division director ~~shall~~ may establish administrative standards for the examination
 169 of applicants for licensure by the various professional licensing boards, notwithstanding
 170 any other provisions of law to the contrary. These administrative standards ~~shall~~ may
 171 include the setting of date, time, and location of examinations, subject to the approval of
 172 the respective professional licensing boards. Notwithstanding any other provisions of law
 173 to the contrary, examination criteria, examination grading procedures, examination fees,
 174 examination passing score requirements, and other matters pertaining to the examination
 175 of applicants for licensure may be adopted by rules of the respective professional licensing
 176 boards as necessary to implement such examination standards. Examination standards,
 177 including examination criteria, grading procedures, and passing score requirements,
 178 developed in agreement or in conjunction with a national association of state boards or
 179 other related national association for the administration of a nationally recognized uniform
 180 examination may be adopted in lieu of state standards by the respective professional
 181 licensing boards."

182 **SECTION 8.**

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

185 "43-1-9.

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

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

195 (2) Any applicant who is a disabled veteran and who served on active duty in the armed
 196 forces of the United States or on active duty in a reserve component of the armed forces
 197 of the United States, including the National Guard, during wartime or during any conflict
 198 when military personnel were committed by the President of the United States shall be
 199 entitled to a credit of five points if the disability was for an injury or illness incurred in
 200 the line of duty and such disability is officially rated at less than 10 percent at the time
 201 of taking the examination. Such points shall be added by the person grading the

202 examination to the grade made by the applicant in answering the questions propounded
 203 in any such examination; and

204 (3) Any applicant who is a disabled veteran who served on active duty in the armed
 205 forces of the United States or on active duty in a reserve component of the armed forces
 206 of the United States, including the National Guard, during wartime or during any conflict
 207 when military personnel were committed by the President of the United States shall be
 208 entitled to a credit of ten points if the disability was for an injury or illness incurred in the
 209 line of duty and such disability is officially rated at 10 percent or above at the time of
 210 taking the examination. Such points shall be added by the person grading the
 211 examination to the grade made by the applicant in answering questions propounded in
 212 any such examination."

213 **SECTION 9.**

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

216 "43-1-10.

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

222 **SECTION 10.**

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

225 "43-1-11.

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

232 **SECTION 11.**

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

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

243 **SECTION 12.**

244 Said title is further amended by revising paragraph (5) of subsection (b) of Code Section
 245 43-4-14, relating to the practice of architecture, qualifications and registration, exempt
 246 structures and persons, design-build contracts, predesign services, and construction contract
 247 administration services, as follows:

248 "(5) Nonload-bearing interior construction in existing or planned office structures which
 249 were designed by a registered architect, where drawings and specifications are prepared
 250 by a Georgia registered interior designer who also submits to the responsible building
 251 official a notarized and signed statement on letterhead from a person in a position of
 252 authority within the interior design firm certifying that the plans and specifications as
 253 submitted are in full compliance with the current building codes, fire codes, accessibility
 254 laws, and regulations in effect."

255 **SECTION 13.**

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

259 "43-7-7.

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

270 **SECTION 14.**

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

273 "43-7-12.

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

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

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

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

282 **SECTION 15.**

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

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

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

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

291 **SECTION 16.**

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

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

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

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

306 **SECTION 17.**

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

309 "43-9-14.

310 ~~In all cases wherein a license has been revoked and no appeal has been taken within the~~
 311 ~~time allowed by law, it shall be the duty of the division director, immediately after the~~
 312 ~~expiration of the time allowed for appeal, to transmit to the clerk of the superior court in~~
 313 ~~whose office the revoked license is recorded a copy of the order of the board revoking the~~
 314 ~~license, certified by the division director, and it shall be the duty of the clerk to cancel the~~
 315 ~~record of the license by entering upon the face thereof a copy of the certified order. In cases~~
 316 ~~wherein appeal proceedings are had and not sustained, the revoked license shall be~~
 317 ~~canceled in the manner provided in this Code section immediately after the final~~
 318 ~~termination of such case. Reserved.~~"

319 **SECTION 18.**

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

323 "43-10-6.

324 (a) The board is authorized to adopt reasonable rules and regulations prescribing the
 325 sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of
 326 esthetics, schools of hair design, and schools of nail care, subject to the approval of the
 327 Department of Human Resources, and to cause the rules and regulations or any subsequent
 328 revisions to be in suitable form, ~~and to transmit a copy thereof~~ The board shall make the
 329 rules and regulations available to the proprietor of each beauty shop, beauty salon, school
 330 of cosmetology, school of esthetics, school of hair design, or school of nail care. It shall
 331 be the duty of every proprietor or person operating a beauty shop, salon, school of
 332 cosmetology, school of esthetics, school of hair design, and school of nail care in this state
 333 to keep a copy of such rules and regulations posted in a conspicuous place in his or her
 334 business, so as to be easily read by his or her customers.

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

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

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

345 **SECTION 19.**

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

350 "(c) Any person desiring to qualify under the provisions of this subsection who meets the
 351 requirements of this subsection, submits proper application prior to and including
 352 December 31, 1984, and pays or has paid the required fees and is not otherwise in violation
 353 of this chapter shall be issued a state-wide Low-voltage Contractor Class LV-A, LV-G,
 354 LV-U, or LV-T license without examination. An individual desiring to obtain Low-voltage
 355 Contractor Class LV-T shall submit to the division an affidavit ~~sworn before a notary~~
 356 ~~public~~ which outlines the experience of said individual in the practice of low-voltage
 357 wiring relating to telecommunication systems. An individual desiring to obtain a
 358 Low-voltage Contractor Class LV-A license shall submit to the division an affidavit, ~~sworn~~
 359 ~~before a notary public~~, which outlines the experience of said individual in the practice of
 360 low-voltage wiring relating to alarm systems. An individual desiring to obtain a
 361 Low-voltage Contractor Class LV-G license shall submit to the division an affidavit, ~~sworn~~
 362 ~~before a notary public~~, which outlines the experience of said individual in the practice of
 363 low-voltage wiring relating to general systems. Each such affidavit for licensure shall
 364 describe in detail the installation of at least three complete low-voltage wiring jobs which
 365 shall demonstrate that the individual has successfully performed low-voltage wiring in the
 366 area of licensure requested for a period of at least one year immediately prior to the time
 367 of application. An individual desiring to obtain a Low-voltage Contractor Class LV-U
 368 license shall submit to the division an affidavit, ~~sworn before a notary public~~, which
 369 outlines the experience of said individual in the practice of low-voltage wiring relating to
 370 alarm and telecommunication systems and which describes in detail the installation of at
 371 least six complete low-voltage wiring jobs, three in alarm and three in telecommunication
 372 systems, which shall demonstrate that the individual has successfully performed

373 low-voltage wiring in those areas for a period of at least one year immediately prior to the
374 time of application."

375 **SECTION 20.**

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

378 "43-15-12.

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

381 (1)(A) Earn a bachelor's degree in a curriculum approved by the board; ~~or~~

382 (B) Earn an associate degree, or its equivalent, in a curriculum approved by the board
383 and acquire not less than two years of combined office and field experience in land
384 surveying of a nature satisfactory to the board; or

385 (C) Earn a high school diploma, or its equivalent, and acquire not less than four years'
386 experience in land surveying of a nature satisfactory to the board; ~~and~~

387 (2) Acquire a minimum of 15 quarter hours' credit, or its equivalent, in land surveying
388 subjects in a course of study approved by the board; provided, however, that on and after
389 January 1, 1995, the minimum requirement shall be 20 quarter hours' credit, five of which
390 shall be in hydrology; and

391 (3) Subsequently pass the ~~board's written~~ board approved examination in the
392 fundamentals of land surveying (land surveyor-in-training examination)."

393 **SECTION 21.**

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

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

402 **SECTION 22.**

403 Said title is further amended by revising paragraph (1) of subsection (a) Code Section
404 43-18-42, relating to reciprocity and examination upon meeting qualifications relative to
405 funeral directors and establishments, as follows:

441 ~~(7)~~(5) Appoint representatives to conduct or supervise examinations; and
 442 ~~(8)~~(6) ~~Provide to each licensed dealer~~ Make available to the public a copy of this chapter,
 443 any amendments thereto, and all adopted rules.

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

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

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

458 **SECTION 25.**

459 Said title is further amended by revising subsection (b) of Code Section 43-20-8, relating to
 460 issuance of licenses and fees relative to hearing aid dealers and dispensers, as follows:
 461 "(b) The board may issue a dispenser's license to an applicant only when the applicant has
 462 satisfactorily completed ~~an~~ a board approved examination ~~administered under the direction~~
 463 ~~of the board~~ and when proof of age has been verified. The license shall authorize the holder
 464 to dispense hearing aids under the general supervision of a licensed dealer."

465 **SECTION 26.**

466 Said title is further amended by revising Code Section 43-20-9, relating to qualifications,
 467 examinations, and apprentice dispensers relative to hearing aid dealers and dispensers, as
 468 follows:
 469 "43-20-9.
 470 (a) An applicant may obtain a license by successfully passing a qualifying board approved
 471 examination administered by the board, provided that the applicant:
 472 (1) Is at least 18 years of age; and
 473 (2) Is of good moral character.
 474 ~~(b) The division director shall schedule at least four examinations each year, one of which~~
 475 ~~will be in each calendar quarter.~~

476 ~~(c) The division director shall schedule every~~ Every apprentice dispenser who has held the
 477 permit over 30 days shall be scheduled to stand for the written examination at every
 478 scheduled examination until all sections have been passed, the permit has been revoked by
 479 the board, or the permit has expired. The board shall have the power to revoke a permit
 480 without a hearing if the holder of an apprentice dispenser permit fails to stand for the
 481 examination. The board shall also have the power to revoke a permit without a hearing if
 482 the holder of an apprentice dispenser permit fails to pass the written portion of the
 483 examination on two occasions. The board may include the fee for an initial examination
 484 as a condition for approval of an applicant for an apprentice dispenser's permit.

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

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

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

491 **SECTION 27.**

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

495 "43-20-12.

496 (a) A person holding a dealer's license shall notify the division director in writing of the
 497 regular addresses of places of business operated by the dealer for dispensing hearing aids.
 498 Furthermore, the dealer is required to notify the division director in writing as to the names
 499 and license or permit numbers of all dispensers, apprentice dispensers, and trainees
 500 employed or otherwise practicing at each of his or her places of business. The dealer is
 501 required to notify the division director in writing of any changes of the foregoing within
 502 seven calendar days of such change. Any failure shall be considered a violation of this
 503 chapter by the dealer.

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

509 **SECTION 28.**

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

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

521 **SECTION 29.**

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

524 "43-28-9.

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

528 (1) Is of good moral character;

529 (2) Has successfully completed the academic requirements of an educational program
 530 in occupational therapy recognized by the board, with concentration in biological or
 531 physical science, psychology, and sociology and with education in selected manual skills.
 532 For an occupational therapist or occupational therapy assistant, such a program shall be
 533 accredited by a recognized accrediting agency acceptable to the board. Other comparable
 534 educational programs such as those approved by the World Federation of Occupational
 535 Therapists may be recognized by the board upon evaluation of detailed program and
 536 course content;

537 (3) Has successfully completed a period of supervised field work experience at a
 538 recognized educational institution or a training program accredited as provided in
 539 paragraph (2) of this ~~Code section~~ subsection. For an occupational therapist, a minimum
 540 of six months of supervised field work experience is required. For an occupational
 541 therapy assistant, a minimum of two months of supervised field work experience is
 542 required; and

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

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

547 **SECTION 30.**

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

551 "(e) Applicants for examination may be examined ~~by the board~~ upon matters pertaining
 552 to mathematics and physics, ophthalmic materials and laboratory technique, ophthalmic
 553 optics, ophthalmic dispensing, and practical subjects. When any applicant passes the
 554 necessary examination and meets the qualifications set out, the board shall issue a license
 555 to such person to practice the trade or occupation of dispensing optician."

556 **SECTION 31.**

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

560 "43-29-8.

561 ~~(a) Examination of applicants~~ An applicant applying for a license to practice the trade or
 562 occupation of dispensing optician shall be required to pass a board approved examination
 563 ~~made by the board according to the methods and covering subject matter deemed by the~~
 564 ~~board to be the most practical and expeditious to test the applicant's specific job~~
 565 ~~performance requirements. Such examinations shall be written.~~

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

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

575

SECTION 32.

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

579 "43-29.11.

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

582 (b) With his or her application for license renewal, each licensed dispensing optician ~~must~~
583 shall submit a ~~certificate or certificates of attendance for an affidavit of~~ course hours
584 completed as proof that his or her education requirements have been satisfied. The board
585 shall give credit for any course given by any recognized national, regional, or state
586 dispensing society or association if such course increases the education of a dispensing
587 optician and is made available to all licensed opticians on a reasonably nondiscriminatory
588 fee basis. The board may also approve, in accordance with the objectives of this chapter,
589 other courses held within or outside of this state which are available to all persons on a
590 reasonably nondiscriminatory fee basis. Any group of ten or more licensed opticians may
591 arrange for an educational course and request board approval thereof. Any such request
592 shall be made at least 90 days prior to the proposed date of the course and shall include full
593 details as to the contents of the course, the instructors, and the charge to be made for
594 attendance, as well as any other information which the board may require. The board shall
595 endeavor to act upon any request for approval at least 45 days prior to the proposed date
596 therefor and shall thereupon notify all licensed opticians of the time, place, contents, and
597 charges for any such approved course. The certificate of attendance required under this
598 ~~chapter~~ Code section shall be issued to the optician upon completion of the approved
599 course. Credit ~~will~~ shall be allowed on the basis of an hour for an hour. To receive one hour
600 of credit, one must attend one full hour. No fractional hour credits ~~will~~ shall be allowed.

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

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

610 **SECTION 33.**

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

614 "43-33-9.

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

624 **SECTION 34.**

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

627 "43-35-12.

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

- 629 (1) Is a graduate of an accredited college of podiatric medicine approved by the board;
 630 (2) Holds a doctoral degree or its equivalent;
 631 (3) Satisfactorily passes ~~an examination prepared or approved~~ a board approved
 632 examination, if an examination is required by the board;
 633 (4) Successfully completes postdoctoral training of no less than 12 months as a resident
 634 in podiatric medicine and surgery in a program or institution approved by, and in good
 635 standing with, the board;
 636 (5) Has attained the age of 21 years;
 637 (6) Is not disqualified to receive a license under the provisions of Code Section
 638 43-35-16; and
 639 (7) Pays the required fee to the board."

640 **SECTION 35.**

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

643 "43-35-14.
 644 The board ~~shall examine applicants~~ may require applicants to be examined upon the
 645 subjects required for the practice of podiatric medicine ~~at least twice each year and shall~~
 646 ~~use any method or procedure which the board deems necessary to test the applicant's~~
 647 ~~qualifications to practice podiatric medicine.~~ Any standardized examination which the
 648 board shall approve may be administered to all applicants in lieu of or in conjunction with
 649 any other examination which the board ~~shall administer~~ may require."

650 **SECTION 36.**

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

655 "43-38-6.

656 (a) Any individual, firm, association, company, partnership, limited liability company, or
 657 corporation desiring to engage in the private detective or private security business in this
 658 state shall make a verified application ~~in writing~~ to the division director for a license
 659 therefor. If the applicant is a firm, association, company, partnership, limited liability
 660 company, or corporation, the person filing the application on behalf of such firm,
 661 association, company, partnership, limited liability company, or corporation shall be a
 662 corporate officer of such corporation or an officer of such firm, association, partnership,
 663 or limited liability company; and such individual shall meet the qualifications set out in this
 664 Code section."

665 "(c) The application for a license shall be made ~~in writing~~, under oath; on a form to be
 666 furnished by the division director. The application shall state the applicant's full name, age,
 667 date and place of birth; residences and employment within the past five years, with the
 668 names and addresses of employers; present occupation; date and place of conviction or
 669 arrest for any crime, including the plea of nolo contendere or a plea entered pursuant to
 670 Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such additional
 671 information as the board may require to investigate the qualifications, character,
 672 competency, and integrity of the applicant. Each applicant shall submit with the application
 673 two complete sets of fingerprints on forms specified and furnished by the board and one
 674 photograph, two inches wide by three inches high, full face, taken within six months prior
 675 to the application; provided, however, that the board may waive the submission of
 676 fingerprints and photograph for any employee who has been employed by a person licensed
 677 under this chapter within the previous 12 months. The application shall contain such
 678 additional documentation as the board may prescribe by rule. The board shall have the

679 discretion to deny a license to an applicant who fails to provide the information and
680 supporting documentation required by this subsection."

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

688 **SECTION 37.**

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

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

705 "(g) Notwithstanding any other provisions of this Code section, any person who is to be
706 registered under this Code section shall agree ~~in writing on the application~~ that if such
707 person to be registered makes a false statement in the application or if such person has been
708 found to have been convicted of a felony and has not had all his or her civil rights restored
709 pursuant to law, then the board shall be authorized to suspend any registration granted to
710 such applicant without a prior hearing as required in Code Section 43-38-11. Upon
711 request, any such person shall be entitled to a hearing on such matter subsequent to the
712 suspension."

713 **SECTION 38.**

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

716 "43-39-9.

717 ~~Examination of applicants for a license to practice psychology shall be made by the board~~
 718 ~~at least once a year according to methods and in such subject fields as may be deemed by~~
 719 ~~the board to be the most practical and expeditious to test the applicant's qualifications. The~~
 720 ~~board shall require the examination to be written or oral, or both, provided that in any~~
 721 ~~written examination such applicant shall be designated by a number instead of the~~
 722 ~~applicant's name so that the applicant's identity shall not be disclosed to the members of the~~
 723 ~~board until the examination papers have been graded. Any unsuccessful candidate may,~~
 724 ~~within 14 days of notice of failure and upon written request to the board, appeal to the~~
 725 ~~board for review. Applicants shall take a board approved examination to test the~~
 726 ~~applicant's qualifications. The examination shall be written or oral or both.~~"

727 **SECTION 39.**

728 Said title is further amended by revising Code Section 43-41-8, relating to eligibility for
 729 licensure without examination, reciprocity, and burden upon applicant relative to residential
 730 and general contractors, to add a new subsection to read as follows:

731 "(c) Any business entity application that was submitted and approved pursuant to this Code
 732 section, but not issued because of the death of the approved qualifying agent prior to the
 733 issuance of the license, shall remain eligible for consideration under this Code section with
 734 the submission of a new qualifying agent candidate for such business entity."

735 **SECTION 40.**

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

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

747 "(l) Each division may authorize the division director to issue a license when he or she has
 748 received the bond required by subsections (g) and (h) of this Code section, the proof of
 749 insurance required by subsection (k) of this Code section, and a fingerprint card for
 750 submission to the Georgia Crime Information Center and to the Federal Bureau of
 751 Investigation. Each completed application for a permanent license shall be reviewed by
 752 the appropriate division, which may deny licensure for any good reason under this chapter.
 753 Any other provision of law to the contrary notwithstanding, each applicant for a license
 754 pursuant to the provisions of this Code section shall agree ~~in writing~~ in the application that
 755 if the applicant makes a false statement on the application or if the criminal record check
 756 returned from the Georgia Crime Information Center or from the Federal Bureau of
 757 Investigation reveals a conviction of or an entry of a plea of nolo contendere to a crime
 758 involving the use of violence, a used motor vehicle, or illegal drugs; tax evasion or failure
 759 to pay taxes; any crime involving the illegal use or possession of a dangerous weapon; or
 760 any crime involving moral turpitude, then the division shall be authorized to suspend the
 761 license without a prior hearing. The divisions shall each meet as needed, in their
 762 discretion. The board shall meet at least once each quarter and upon the call of the board
 763 chairperson for any special sessions."

764

SECTION 41.

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

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

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

780 **SECTION 42.**

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

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

792 **SECTION 43.**

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

795 "43-51-7.

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

800 **SECTION 44.**

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

803 **SECTION 45.**

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