

MOOT

Senators Strickland of the 17th and Walker of the 20th offered the following amendment #3:

1 *Amend the House substitute to SB 195 (LC 46 0655S) by replacing lines 1 through the end*
2 *with the following:*

3 To amend Titles 20, 26, 31, 33, and 43 of the Official Code of Georgia Annotated, relating
4 to education, food, drugs, and cosmetics, health, insurance, and professions and businesses,
5 respectively, so as to create a preclearance process in the licensing of individuals with
6 criminal records who make an application to or are investigated by certain licensing boards
7 and commissions; to provide for definitions; to require certain licensing authorities to provide
8 evidence to support adverse licensing decisions based on criminal convictions; to require a
9 hearing prior to denying certain applicants on the basis of an individual's criminal record; to
10 establish findings that shall be made and evidence that shall and shall not be considered prior
11 to refusing to grant certain licenses based on certain criminal convictions; to allow an
12 applicant to submit his or her own criminal record when applying for certain licenses; to
13 provide for reapplication for licensure; to authorize and provide a process and requirements
14 for predetermination decisions; to require certain licensure application information be
15 included in certain applications and posted on a public website; to require certain annual
16 reports concerning certain applications, predeterminations, and conviction records be filed
17 with the Secretary of State; to amend Chapter 4 of Title 25 of the Official Code of Georgia
18 Annotated, relating to firefighter standards and training, so as to provide for the reporting of
19 guilty pleas taken under the "Georgia First Offender Act" to obtain employment as a fire
20 fighter; to repeal Code Section 43-1-34, relating to licenses for transitioning members of the
21 armed forces, and Code Section 43-1-35, relating to expedited license by endorsement for
22 spouses of active or transitioning members of the armed forces, and to enact statutes to

23 facilitate licensure of service members and their spouses who have certifications from or
24 work experience in the military or licenses from or work experience in another state under
25 certain conditions; to provide for definitions; to provide for criteria to obtain an expedited
26 license by endorsement to practice a profession, business, or trade in this state; to provide for
27 such license to be issued within a certain time frame from the date of application; to provide
28 that such licensees are subject to this state's laws and the jurisdiction of the respective
29 professional licensing board or other board; to provide for licenses by endorsement for
30 certain professions other than firefighters, healthcare providers, and law enforcement
31 officers; to establish qualifications for such licenses by endorsement; to provide for
32 exceptions and applicability; to provide for related matters; to provide for an effective date
33 and applicability; to repeal conflicting laws; and for other purposes.

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

35 **PART I**
36 **SECTION 1-1.**

37 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
38 is amended by revising Code Section 43-1-1, relating to definitions, as follows:

39 "43-1-1.

40 As used in this title, the term:

41 (1) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of
42 whether an appeal of such finding, verdict, or plea has been sought.

43 (2) 'Covered misdemeanor' shall mean any:

44 (A) Misdemeanor conviction in the five years prior to the submission of the licensing
45 application; and

46 (B) Misdemeanor conviction listed in subparagraph (j)(4)(B) of Code Section 35-3-37,
 47 irrespective of the date of such conviction.

48 ~~(1)(3)~~ 'Division' means the professional licensing boards division created under Code
 49 Section 43-1-2.

50 ~~(2)(4)~~ 'Division director' means the individual appointed by the Secretary of State as
 51 director of the professional licensing boards division within the office of the Secretary
 52 of State.

53 (5) 'Felony' means any offense which, if committed in this state, would be deemed a
 54 felony, without regard to its designation elsewhere.

55 ~~(3)(6)~~ 'Professional licensing board' means any board, bureau, commission, or other
 56 agency of the executive branch of state government which is created for the purpose of
 57 licensing or otherwise regulating or controlling any profession, business, or trade and
 58 which is placed by law under the jurisdiction of the division director ~~of the professional~~
 59 ~~licensing boards division within the office of the Secretary of State."~~

60 **SECTION 1-2.**

61 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
 62 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
 63 probationary licenses, by revising subsection (a) as follows:

64 "(a) A professional licensing board shall have the authority to refuse to grant a license to
 65 an applicant therefor or to revoke the license of a person licensed by that board or to
 66 discipline a person licensed by that board, upon a finding by a majority of the entire board
 67 that the licensee or applicant has:

68 (1) Failed to demonstrate the qualifications or standards for a license contained in this
 69 Code section, or under the laws, rules, or regulations under which licensure is sought or
 70 held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the
 71 board that he or she meets all the requirements for the issuance of a license, and, if the

72 board is not satisfied as to the applicant's qualifications, it may deny a license without a
73 prior hearing; provided, however, that the applicant shall be allowed to appear before the
74 board if he or she so desires;

75 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
76 practice of a business or profession licensed under this title or on any document
77 connected therewith; practiced fraud or deceit or intentionally made any false statement
78 in obtaining a license to practice the licensed business or profession; or made a false
79 statement or deceptive registration with the board;

80 (3) Been convicted of any a directly related felony or a directly related covered
81 misdemeanor ~~or of any crime involving moral turpitude~~ in the courts of this state or any
82 other state, territory, or country or in the courts of the United States; ~~as used in this~~
83 ~~paragraph, paragraph (4) of this subsection, and subsection (q) of this Code section, the~~
84 ~~term 'felony' shall include any offense which, if committed in this state, would be deemed~~
85 ~~a felony, without regard to its designation elsewhere; and, as used in this paragraph and~~
86 ~~subsection (q) of this Code section, the term 'conviction' shall include a finding or verdict~~
87 ~~of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been~~
88 ~~sought;.~~ The professional licensing board shall have the burden of justifying by clear and
89 convincing evidence that a conviction supports an adverse licensing decision. Before the
90 professional licensing board may deny an applicant a license due to his or her criminal
91 record, such applicant shall be entitled to a hearing before the professional licensing
92 board in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
93 Act';

94 ~~(4)(A) Been arrested, charged, and sentenced for the commission of any felony, or any~~
95 ~~crime involving moral turpitude, when:~~

96 ~~(i) A sentence for such offense was imposed pursuant to Article 3 of Chapter 8 of~~
97 ~~Title 42 or another state's first offender laws;~~

98 ~~(ii) A sentence for such offense was imposed pursuant to subsection (a) or (c) of~~
 99 ~~Code Section 16-13-2;~~

100 ~~(iii) A sentence for such offense was imposed as a result of a plea of nolo contendere;~~
 101 ~~or~~

102 ~~(iv) An adjudication of guilt or sentence was otherwise withheld or not entered on the~~
 103 ~~charge.~~

104 ~~(B) An order entered pursuant to subsection (a) or (c) of Code Section 16-13-2, Article~~
 105 ~~3 of Chapter 8 of Title 42, or another state's first offender treatment order shall be~~
 106 ~~conclusive evidence of an arrest and sentencing for such offense;~~

107 ~~(5)(4)~~ Had his or her license to practice a business or profession licensed under this title
 108 revoked, suspended, or annulled by any lawful licensing authority other than the board;
 109 had other disciplinary action taken against him or her by any such lawful licensing
 110 authority other than the board; was denied a license by any such lawful licensing
 111 authority other than the board, pursuant to disciplinary proceedings; or was refused the
 112 renewal of a license by any such lawful licensing authority other than the board, pursuant
 113 to disciplinary proceedings;

114 ~~(6)(5)~~ Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious
 115 conduct or practice harmful to the public that materially affects the fitness of the licensee
 116 or applicant to practice a business or profession licensed under this title or is of a nature
 117 likely to jeopardize the interest of the public; such conduct or practice need not have
 118 resulted in actual injury to any person ~~or~~ but must be directly related to the practice of the
 119 licensed business or profession ~~but shows~~ and show that the licensee or applicant has
 120 committed any act or omission which is indicative of ~~bad moral character or~~
 121 ~~untrustworthiness~~ and which makes the licensee or applicant currently likely to harm the
 122 public. Such conduct or practice shall also include any departure from, or the failure to
 123 conform to, the minimal reasonable standards of acceptable and prevailing practice of the
 124 business or profession licensed under this title;

125 ~~(7)~~(6) Knowingly performed any act which in any way aids, assists, procures, advises,
126 or encourages any unlicensed person or any licensee whose license has been suspended
127 or revoked by a professional licensing board to practice a business or profession licensed
128 under this title or to practice outside the scope of any disciplinary limitation placed upon
129 the licensee by the board;

130 ~~(8)~~(7) Violated a statute, law, or any rule or regulation of this state, any other state, the
131 professional licensing board regulating the business or profession licensed under this title,
132 the United States, or any other lawful authority without regard to whether the violation
133 is criminally punishable when such statute, law, or rule or regulation relates to or in part
134 regulates the practice of a business or profession licensed under this title and when the
135 licensee or applicant knows or should know that such action violates such statute, law,
136 or rule; or violated a lawful order of the board previously entered by the board in a
137 disciplinary hearing, consent decree, or license reinstatement;

138 ~~(9)~~(8) Been adjudged mentally incompetent by a court of competent jurisdiction within
139 or outside this state; any such adjudication shall automatically suspend the license of any
140 such person and shall prevent the reissuance or renewal of any license so suspended for
141 so long as the adjudication of incompetence is in effect;

142 ~~(10)~~(9) Displayed an inability to practice a business or profession licensed under this title
143 with reasonable skill and safety to the public or has become unable to practice the
144 licensed business or profession with reasonable skill and safety to the public by reason
145 of illness or the use of alcohol, drugs, narcotics, chemicals, or any other type of material;
146 or

147 ~~(11)~~(10) Failed to comply with an order for child support as defined by Code Section
148 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of
149 release to the board from the child support agency within the Department of Human
150 Services indicating that the applicant or licensee has come into compliance with an order

151 for child support so that a license may be issued or granted if all other conditions for
152 licensure are met."

153 **SECTION 1-3.**

154 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
155 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
156 probationary licenses, by revising subsection (j) as follows:

157 "(j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity
158 nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a
159 previously denied license shall be considered to be a contested case within the meaning of
160 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing
161 within the meaning of such chapter shall not be required, but the applicant or licensee shall
162 be allowed to appear before the board if he or she so requests. A board may resolve a
163 pending action by the issuance of a letter of concern. Such letter shall not be considered
164 a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be
165 disclosed to any person except the licensee or applicant."

166 **SECTION 1-4.**

167 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
168 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
169 probationary licenses, by revising subsection (q) as follows:

170 "(q)(1) Notwithstanding ~~paragraphs paragraph~~ (3) and (4) of subsection (a) of this Code
171 section or any other provision of law, and unless the professional licensing board shall
172 refuse to grant a license to an individual or shall revoke a license only if a felony or crime
173 involving moral turpitude covered misdemeanor directly relates to the occupation for
174 which the license is sought or held and granting the license would pose a direct and
175 substantial risk to public safety because the individual has not been rehabilitated to safely

176 perform the duties and responsibilities of such occupation, after considering the criteria
177 in paragraph (2) of this subsection. Without finding a direct and substantial risk to public
178 safety and a direct relationship between the conviction and the licensed occupation, no
179 professional licensing board shall refuse to grant a license to an applicant therefor or shall
180 revoke the license of an individual licensed by that board due solely or in part to such
181 applicant's or licensee's:

182 (A) Conviction of any felony or any ~~crime involving moral turpitude~~ covered
183 misdemeanor, whether it occurred in the courts of this state or any other state, territory,
184 or country or in the courts of the United States;

185 (B) Arrest, charge, and sentence for the commission of such offense;

186 (C) Sentence for such offense pursuant to Article 3 of Chapter 8 of Title 42 or another
187 state's first offender laws;

188 (D) Sentence for such offense pursuant to subsection (a) or (c) of Code Section
189 16-13-2;

190 (E) Sentence for such offense as a result of a plea of nolo contendere;

191 (F) Adjudication of guilt or sentence was otherwise withheld or not entered; or

192 (G) Being under supervision by a community supervision officer, as such term is
193 defined in Code Section 42-3-1, for a conviction of any felony or any ~~crime involving~~
194 ~~moral turpitude~~ covered misdemeanor, whether it occurred in the courts of this state or
195 any other state, territory, or country or in the courts of the United States, so long as such
196 individual was not convicted of a felony violation of Chapter 5 of Title 16 nor
197 convicted of a crime requiring registration on the state sexual offender registry.

198 (2) In determining if a felony or ~~crime involving moral turpitude~~ covered misdemeanor
199 directly relates to the occupation for which the license is sought or held, the professional
200 licensing board shall consider:

201 (A) The nature and seriousness of such felony or ~~crime involving moral turpitude~~
202 covered misdemeanor and the direct relationship of ~~such felony or crime involving~~

203 ~~moral turpitude~~ the criminal conduct to the duties and responsibilities of the occupation
204 for which the license is sought or held;

205 (B) The age of the individual at the time such felony or ~~crime involving moral~~
206 ~~turpitude~~ covered misdemeanor was committed;

207 (C) The length of time elapsed since such felony or ~~crime involving moral turpitude~~
208 covered misdemeanor was committed;

209 (D) All circumstances relative to such felony or ~~crime involving moral turpitude~~
210 covered misdemeanor, including, but not limited to, mitigating circumstances or social
211 conditions surrounding the commission of such felony or ~~crime involving moral~~
212 ~~turpitude~~ covered misdemeanor; and

213 (E) Evidence of rehabilitation and present fitness to perform the duties of the
214 occupation for which the license is sought or held; including, but not limited to:

215 (i) The completion of the criminal sentence;
216 (ii) A program and treatment certificate issued by the Board of Corrections;
217 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
218 treatment program;
219 (iv) Testimonials and recommendations, which may include a progress report from
220 the individual's probation or parole officer;
221 (v) Education and training;
222 (vi) Employment history;
223 (vii) Employment aspirations;
224 (viii) The individual's current family or community responsibilities, or both;
225 (ix) Whether a bond is required to practice the occupation;
226 (x) Any affidavits or other written documents, including, but not limited to, character
227 references; and
228 (xi) Any other information regarding rehabilitation the individual submits to the
229 board.

230 (3) In determining whether to deny, diminish, limit, suspect, revoke, refuse to renew, or
231 otherwise withhold a license, the professional licensing board shall not consider nor
232 require an individual to disclose:

233 (A) A deferred adjudication, first offender treatment, participation in a diversion
234 program, a conditional discharge, or an arrest not followed by a conviction;

235 (B) A conviction for which no sentence of incarceration can be imposed;

236 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
237 pardoned;

238 (D) A juvenile adjudication;

239 (E) A misdemeanor conviction older than five years, unless the offense of conviction
240 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or

241 (F) A conviction older than five years for which the individual was not incarcerated,
242 or a conviction for which the individual's incarceration ended more than five years
243 before the date of the board's consideration, except for a felony conviction related to:

244 (i) A criminal sexual act;

245 (ii) Criminal fraud or embezzlement;

246 (iii) Aggravated assault;

247 (iv) Aggravated robbery;

248 (v) Aggravated abuse, neglect, or endangerment of a child;

249 (vi) Arson;

250 (vii) Carjacking;

251 (viii) Kidnapping; or

252 (ix) Manslaughter, homicide, or murder.

253 (4) Notwithstanding any other provision of law, no professional licensing board may
254 apply a vague character standard to licensure decisions or predeterminations, including,
255 but not limited to, 'good moral character,' 'moral turpitude,' or 'character and fitness.'

256 (5) Notwithstanding any other provision of law, a professional licensing board shall
257 provide individualized consideration of an individual's criminal record and shall not
258 automatically deny licensure on the basis of the individual's criminal record.

259 (6)(A) If an applicant's criminal record includes issues that will or may prevent the
260 board from issuing a license to the applicant, the board shall notify the applicant, in
261 writing, of the specific issues in sufficient time for the applicant to provide additional
262 documentation supporting the application before the board's final decision to deny the
263 application. After receiving notice of any potential issue with licensure due to his or
264 her criminal convictions, an applicant shall have 30 days to respond by correcting any
265 inaccuracy in the criminal record or by submitting additional evidence of mitigation or
266 rehabilitation for the board's consideration, or both.

267 (B) For the professional licensing board to deny a license on the basis of the applicant's
268 criminal convictions, the board shall first provide an opportunity for a hearing for such
269 applicant in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
270 Procedure Act.' The applicant shall have the opportunity at such hearing to present the
271 written or oral testimony of character witnesses, including, but not limited to, family
272 members, friends, prospective employers, probation or parole officers, and
273 rehabilitation counselors. The professional licensing board shall issue a decision within
274 60 days of the complete submission of the issues for consideration or the hearing,
275 whichever is later.

276 (C) The professional licensing board shall have the burden of justifying by clear and
277 convincing evidence, after a hearing, that an applicant's criminal record supports any
278 adverse licensing decision. If the board denies an applicant a license by reason of the
279 applicant's criminal record, the board shall:

280 (i) Make written findings specifying any of the applicant's convictions and the factors
281 provided for in subparagraph (A) of paragraph (2) of this subsection the board
282 deemed directly relevant and explaining the basis and rationale for the denial. Such

283 written findings shall be signed by the board's presiding officer and shall note the
284 applicant's right to appeal and explain the applicant's ability to reapply. No applicant
285 shall be restricted from reapplying for licensure for more than two years from the date
286 of the most recent application;

287 (ii) Provide or serve a signed copy of the written findings to the applicant within 60
288 days of the denial; and

289 (iii) Retain a signed copy of the written findings for no less than five years.

290 (D) The denial of a license in part or in whole because of the applicant's criminal
291 record shall constitute a contested case as defined in Code Section 50-13-2. In an
292 administrative hearing or civil action reviewing the denial of a license, the professional
293 licensing board shall have the burden of proving that the applicant's criminal record
294 directly relates to the occupation for which the license is sought.

295 (7)(A) Notwithstanding any other provision of law, an individual with a criminal
296 record may petition a professional licensing board at any time, including while
297 incarcerated and before starting or completing any required professional qualifications
298 for licensure, for a predetermination as to whether such individual's criminal record will
299 disqualify him or her from obtaining a license.

300 (B) The petition for predetermination shall include the individual's criminal record or
301 authorize the board to obtain the individual's criminal record. The petitioning
302 individual need not disclose any offenses provided for in paragraph (3) of this
303 subsection. Such petition shall also include any information the petitioner chooses to
304 submit concerning the circumstances of their record and their rehabilitation.

305 (C) In considering predetermination petitions, the professional licensing board shall
306 apply the direct relationship standard provided for in paragraphs (1) and (2) of this
307 subsection and shall not consider any offenses falling under paragraph (3) of this
308 subsection. The board shall support any adverse predetermination with clear and
309 convincing evidence.

310 (D) A predetermination made under this subsection that a petitioner is eligible for a
311 license shall be binding on the professional licensing board only if the petitioner applies
312 for licensure, fulfills all other requirements for the occupational license, and the
313 petitioner's submitted criminal record was correct and remains unchanged at the time
314 of his or her application for a license.

315 (E) If a petitioner's criminal record includes matters that may disqualify the petitioner
316 from licensure, the board shall notify the petitioner of the potentially disqualifying
317 convictions. The letter of concern shall advise the petitioner of their opportunity to
318 submit additional evidence of rehabilitation and mitigation or for a hearing, or both.

319 (F) The professional licensing board may predetermine that the petitioner's criminal
320 record is likely grounds for denial of a license only after the board has held a hearing
321 on the petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
322 Administrative Procedure Act.' The hearing shall be held in person, by remote video,
323 or by teleconference within 60 days of receipt of the predetermination petition. The
324 individual shall have the opportunity to offer written or oral testimony of character
325 witnesses at the hearing, including but not limited to family members, friends, past or
326 prospective employers, probation or parole officers, and rehabilitation counselors. The
327 professional licensing board shall not make an adverse inference by a petitioner's
328 decision to forgo a hearing or character witnesses. The board shall issue a final
329 decision within 60 days of complete submission of the issue for consideration or the
330 hearing, whichever is later.

331 (G) If the professional licensing board decides that a predetermination petitioner is
332 ineligible for a license, the board shall notify the petitioner of the following:

333 (i) The grounds and rationale for the predetermination, including any of the
334 petitioner's specific convictions and the factors provided for in subparagraph (A) of
335 paragraph (2) of this subsection the board deemed directly relevant;

336 (ii) An explanation of the process and right to appeal the board's predetermination
337 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';
338 and

339 (iii) Any actions the petitioner may take to remedy the disqualification. An
340 individual who receives a predetermination of ineligibility may submit a revised
341 petition reflecting completion of the remedial actions. The individual may submit a
342 new petition to the board not before one year following a final judgment on their
343 initial petition or upon completing the remedial actions, whichever is earlier.

344 (H) The denial of a predetermination petition because of the applicant's criminal record
345 shall constitute a contested case as defined in Code Section 50-13-2. In an
346 administrative hearing or civil action reviewing the denial of a predetermination
347 petition, the professional licensing board shall have the burden of proving that the
348 applicant's criminal record directly relates to the licensed occupation.

349 (8) Each professional licensing board shall include in its application for licensure and on
350 its public website all of the following information:

351 (A) Whether the board requires applicants to consent to a criminal record check;

352 (B) The direct relationship standard provided for in paragraph (1) of this subsection
353 and those factors provided for in paragraph (2) of this subsection that the board shall
354 consider when making a determination of licensure;

355 (C) The criminal record disclosure provided for in paragraph (3) of this subsection;

356 (D) The appeals process pursuant to Chapter 13 of Title 50, the 'Georgia
357 Administrative Procedure Act,' if the board denies or revokes licensure in whole or in
358 part because of a criminal conviction; and

359 (E) The predetermination petition process, standards, and application, as well as the
360 process for appealing an adverse predetermination pursuant to Chapter 13 of Title 50,
361 the 'Georgia Administrative Procedure Act.'

362 (9) No later than March 31 each year, each occupational licensing board shall file with
 363 the Secretary of State an annual report containing information from the previous year as
 364 to:

365 (A) The number of applicants for a license and, of that number, the number of licenses
 366 granted;

367 (B) The number of applicants with a criminal record and, of that number, the number
 368 of licenses granted, denied a license for any reason, and denied due to a conviction or
 369 state supervision status;

370 (C) The number of predetermination petitioners and, of that number, the number
 371 deemed eligible for a license and the number deemed ineligible for a license;

372 (D) The racial and ethnic distribution of licensing applicants, including the racial and
 373 ethnic distribution of applicants with a criminal record; and

374 (E) The racial and ethnic distribution of licensing applicants with a criminal record
 375 granted a license, denied a license for any reason, and denied a license due to a
 376 conviction or state supervision status."

377 **SECTION 1-5.**

378 Said title is further amended by revising Code Section 43-1-27, relating to requirement that
 379 licensee notify licensing authority of felony conviction, as follows:

380 "43-1-27.

381 Any licensed individual who is convicted under the laws of this state, the United States, or
 382 any other state, territory, or country of a felony as defined in ~~paragraph (3) of subsection~~
 383 ~~(a) of Code Section 43-1-19~~ 43-1-1 shall be required to notify the appropriate licensing
 384 authority of the conviction within ten days of the conviction. The failure of a licensed
 385 individual to notify the appropriate licensing authority of a conviction shall be considered
 386 grounds for revocation of his or her license, permit, registration, certification, or other
 387 authorization to conduct a licensed profession."

PART II

SECTION 2-1.

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Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-3-21, relating to revocation or refusal to grant or renew accountant's licenses, by revising paragraphs (3) and (4) of subsection (a) as follows:

"(3) Had been convicted of any directly related felony or ~~crime involving moral turpitude~~ directly related covered misdemeanor as defined in Code Section 43-1-1 in the courts of this state, any other state, a territory, or a country or in the courts of the United States.

As used in this paragraph, the term:

(A) 'Conviction' means and includes a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(B) 'Felony' means and includes any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere.

(4)(A) Had been arrested, charged, and sentenced for the commission of any felony or ~~crime involving moral turpitude~~ covered misdemeanor as defined in Code Section 43-1-1 when:

(i) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(ii) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

(B) An order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.

(C) As used in this paragraph, the term 'felony' shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere;"

SECTION 2-2.

- 414
- 415 Said title is further amended by adding two new Code sections to read as follows:
- 416 "43-3-21.1.
- 417 (a) Notwithstanding paragraphs (3) and (4) of subsection (a) of Code Section 43-3-21, the
- 418 board of accountancy shall refuse to grant a license to an individual or shall revoke a
- 419 license only if a conviction directly relates to the occupation for which the license is sought
- 420 or held and granting the license would pose a direct and substantial risk to public safety
- 421 because the individual has not been rehabilitated to safely perform the duties and
- 422 responsibilities of the practice of public accountancy. In determining if a conviction
- 423 directly relates to the occupation for which the license is sought or held, the board of
- 424 accountancy shall consider:
- 425 (1) The nature and seriousness of the offense and the direct relationship of the criminal
- 426 conduct to the duties and responsibilities of the occupation for which the license is sought
- 427 or held;
- 428 (2) The age of the individual at the time the offense was committed;
- 429 (3) The length of time elapsed since the offense was committed;
- 430 (4) All circumstances relative to the offense, including, but not limited to, mitigating
- 431 circumstances or social conditions surrounding the commission of the offense; and
- 432 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
- 433 for which the license is sought or held, including, but not limited to:
- 434 (A) The completion of the criminal sentence;
- 435 (B) A program and treatment certificate issued by the Board of Corrections;
- 436 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
- 437 program;
- 438 (D) Testimonials and recommendations, which may include a progress report from the
- 439 individual's probation or parole officer;
- 440 (E) Education and training;

- 441 (F) Employment history;
- 442 (G) Employment aspirations;
- 443 (H) The individual's current family or community responsibilities, or both;
- 444 (I) Whether a bond is required to practice the occupation;
- 445 (J) Any affidavits or other written documents, including, but not limited to, character
- 446 references; and
- 447 (K) Any other information regarding rehabilitation the individual submits to the board.
- 448 (b) In determining whether to deny, diminish, limit, suspect, revoke, refuse to renew, or
- 449 otherwise withhold a license due to criminal record, the accountancy board shall not
- 450 consider nor require an individual to disclose:
- 451 (1) A deferred adjudication, first offender treatment, participation in a diversion
- 452 program, a conditional discharge, or an arrest not followed by a conviction;
- 453 (2) A conviction for which no sentence of incarceration can be imposed;
- 454 (3) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
- 455 pardoned;
- 456 (4) A juvenile adjudication;
- 457 (5) A misdemeanor conviction older than five years, unless the offense of conviction is
- 458 listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
- 459 (6) A conviction older than five years for which the individual was not incarcerated, or
- 460 a conviction for which the individual's incarceration ended more than five years before
- 461 the date of the board's consideration, except for a felony conviction related to:
- 462 (A) A criminal sexual act;
- 463 (B) Criminal fraud or embezzlement;
- 464 (C) Aggravated assault;
- 465 (D) Aggravated robbery;
- 466 (E) Aggravated abuse, neglect, or endangerment of a child;
- 467 (F) Arson;

- 468 (G) Carjacking;
469 (H) Kidnapping; or
470 (I) Manslaughter, homicide, or murder.

471 43-3-21.2.

472 (a) Notwithstanding any other provision of law, an individual with a criminal record may
473 petition the accountancy board at any time, including while incarcerated and before starting
474 or completing any required professional qualifications for licensure, for a predetermination
475 as to whether the individual's criminal record will disqualify him or her from obtaining a
476 license.

477 (b) The petition for predetermination shall include the individual's criminal record or
478 authorize the board to obtain the individual's criminal record. The petitioning individual
479 need not disclose any offenses falling under subsection (b) of Code Section 43-3-21.1. The
480 petition shall also include any information the petitioner chooses to submit concerning the
481 circumstances of their record and their rehabilitation.

482 (c) In considering predetermination petitions, the board shall apply the direct relationship
483 standard in subsection (a) of Code Section 43-3-21.1. The board shall support any adverse
484 predetermination with clear and convincing evidence.

485 (d) A predetermination made under this subsection that a petitioner is eligible for a license
486 shall be binding on the board only if the petitioner applies for licensure, fulfills all other
487 requirements for the licensure, and the petitioner's submitted criminal record was correct
488 and remains unchanged at the time of his or her application for a license.

489 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
490 licensure, the board shall notify the petitioner of the potentially disqualifying convictions.
491 The letter of concern shall advise the petitioner of their opportunity to submit additional
492 evidence of rehabilitation and mitigation or for a hearing, or both.

493 (f) The board may predetermine that the petitioner's criminal record is likely grounds for
494 denial of a license only after the board has held a hearing on the petitioner's eligibility in
495 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
496 hearing shall be held in person, by remote video, or by teleconference within 60 days of
497 receipt of the predetermination petition. The individual shall have the opportunity to
498 include character witnesses at the hearing, including but not limited to family members,
499 friends, past or prospective employers, probation or parole officers, and rehabilitation
500 counselors, who may offer their verbal or written support. The board shall not make an
501 adverse inference by a petitioner's decision to forgo a hearing or character witnesses. The
502 board shall issue a final decision within 60 days of complete submission of the issue for
503 consideration or the hearing, whichever is later.

504 (g) If the board decides that a predetermination petitioner is ineligible for a license, the
505 board shall notify the petitioner of the following:

506 (1) The grounds and rationale for the predetermination, including the specific
507 convictions and the factors in subsection (a) of Code Section 43-3-21.1 the board deemed
508 directly relevant;

509 (2) An explanation of the process and right to appeal the board's predetermination
510 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

511 (3) Any actions the petitioner may take to remedy the disqualification. An individual
512 who receives a predetermination of ineligibility may submit a revised petition reflecting
513 completion of the remedial actions. The individual may submit a new petition to the
514 board not before one year following a final judgment on their initial petition or upon
515 completing the remedial actions, whichever is earlier.

516 (h) The denial of a predetermination petition because of the applicant's criminal record
517 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
518 hearing or civil action reviewing the denial of a predetermination petition, the board shall

519 have the burden of proving that the applicant's criminal record directly relates to the
520 licensed occupation."

521 **SECTION 2-3.**

522 Said title is further amended in Code Section 43-3-27, relating to notification by an
523 individual issued a license or certification as an accountant of conviction, time limit, and
524 suspension, by revising subsection (a) as follows:

525 "(a) Any individual issued a license or certification under this chapter or providing services
526 under substantial equivalency practice privileges and convicted under the laws of this state,
527 the United States, any other state, or any other country of a felony as defined in ~~paragraph~~
528 ~~(3) of subsection (a) of Code Section 43-1-19~~ 43-1-1 shall be required to notify the board
529 of such conviction within 30 days of such conviction. The failure of such individual to
530 notify the board of a conviction shall be considered grounds for revocation of his or her
531 license or other authorization issued pursuant to this chapter."

532 **SECTION 2-4.**

533 Said title is further amended in Code Section 43-10-20, relating to the teaching of barbering
534 or the practice of a cosmetologist in prisons and certification of registration, by revising
535 subsection (b) as follows:

536 "(b) The board shall be required to test an inmate who is an applicant for a certificate or
537 registration under this chapter who has completed successfully a barber or cosmetologist
538 training program operated by the Department of Corrections and who meets the
539 requirements stated in Code Section 43-10-9. If such inmate passes the applicable written
540 and practical examinations, the board may issue the appropriate certificate of registration
541 to such inmate after consideration of all requirements under Code Sections 43-10-9 and
542 43-1-19; provided, however, that the board shall not apply the provisions of ~~paragraph (4)~~
543 ~~(3)~~ of subsection (a) of Code Section 43-1-19 to such inmate based solely upon such

544 person's status as an inmate and shall apply such provisions in the same manner as would
545 otherwise be applicable to an applicant who is not an inmate."

546 **SECTION 2-5.**

547 Said title is further amended in Code Section 43-11-47, relating to refusal to grant, or
548 revocation of licenses by the Board of Dentistry, disciplining licensees, subpoenas, judicial
549 review, investigations, immunity, failure to appear, and voluntary surrender, by revising
550 paragraph (4) of subsection (a) as follows:

551 "(4) Been arrested, charged, and sentenced for the commission of any felony, or any
552 ~~crime involving moral turpitude~~ covered misdemeanor, where:

553 (A) ~~A~~ a plea of nolo contendere was entered to the charge;

554 (B) ~~First offender treatment without adjudication of guilt pursuant to the charge was~~
555 ~~granted; or~~

556 (C) ~~An adjudication or sentence was otherwise withheld or not entered on the charge.~~

557 The plea of nolo contendere ~~or the order entered pursuant to the provisions of Article 3~~
558 ~~of Chapter 8 of Title 42 or other first offender treatment~~ shall be conclusive evidence of
559 arrest and sentencing for such crime;"

560 **SECTION 2-6.**

561 Said title is further amended in Code Section 43-11-47, relating to refusal to grant, or
562 revocation of, licenses by the Board of Dentistry, disciplining licensees, subpoenas, judicial
563 review, investigations, immunity, failure to appear, and voluntary surrender, by adding two
564 new subsections to read as follows:

565 "(a.1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section, the
566 board of dentistry shall refuse to grant a license to an individual or shall revoke a license
567 only if a conviction directly relates to the occupation for which the license is sought or held
568 and granting the license would pose a direct and substantial risk to public safety because

569 the individual has not been rehabilitated to safely perform the duties and responsibilities
570 of the practice of dentistry. In determining if a conviction directly relates to the occupation
571 for which the license is sought or held, the board of dentistry shall consider:

572 (1) The nature and seriousness of the offense and the direct relationship of the criminal
573 conduct to the duties and responsibilities of the occupation for which the license is sought
574 or held;

575 (2) The age of the individual at the time the offense was committed;

576 (3) The length of time elapsed since the offense was committed;

577 (4) All circumstances relative to the offense, including, but not limited to, mitigating
578 circumstances or social conditions surrounding the commission of the offense; and

579 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
580 for which the license is sought or held, including, but not limited to:

581 (A) The completion of the criminal sentence;

582 (B) A program and treatment certificate issued by the Board of Corrections;

583 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
584 program;

585 (D) Testimonials and recommendations, which may include a progress report from the
586 individual's probation or parole officer;

587 (E) Education and training;

588 (F) Employment history;

589 (G) Employment aspirations;

590 (H) The individual's current family or community responsibilities, or both;

591 (I) Whether a bond is required to practice the occupation;

592 (J) Any affidavits or other written documents, including, but not limited to, character
593 references; and

594 (K) Any other information regarding rehabilitation the individual submits to the board.

595 (6) In determining whether to terminate and revoke a license, the board shall not consider
596 nor require an individual to disclose:

597 (A) A deferred adjudication, a first offender adjudication, participation in a diversion
598 program, a conditional discharge, or an arrest not followed by a conviction;

599 (B) A conviction for which no sentence of incarceration can be imposed;

600 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
601 pardoned;

602 (D) A juvenile adjudication;

603 (E) A misdemeanor conviction older than five years, unless the offense of conviction
604 is listed in Code section 35-3-37(j)(4); or

605 (F) A conviction older than five years for which the individual was not incarcerated,
606 or a conviction for which the individual's incarceration ended more than five years
607 before the date of the board's consideration, except for a felony conviction related to:

608 (i) A criminal sexual act;

609 (ii) Criminal fraud or embezzlement;

610 (iii) Aggravated assault;

611 (iv) Aggravated robbery;

612 (v) Aggravated abuse, neglect, or endangerment of a child;

613 (vi) Arson;

614 (vii) Carjacking;

615 (viii) Kidnapping; or

616 (ix) Manslaughter, homicide, or murder.

617 (a.2)(1) Notwithstanding any other provision of law, an individual with a criminal record
618 may petition the board of dentistry at any time, including while incarcerated and before
619 starting or completing any required professional qualifications for licensure, for a
620 predetermination as to whether the individual's criminal record will disqualify him or her
621 from obtaining a license.

622 (2) The petition for predetermination shall include the individual's criminal record or
623 authorize the board to obtain the individual's criminal record. The petitioning individual
624 need not disclose any offenses falling under paragraph (6) subsection (a.1) of this Code
625 section. The petition shall also include any information the petitioner chooses to submit
626 concerning the circumstances of their record and their rehabilitation.

627 (3) In considering predetermination petitions, the board shall apply the direct relationship
628 standard in subsection (a.1) of this Code section and shall not consider any offenses
629 falling under paragraph (6) of subsection (a.1) of this Code section. The board shall
630 support any adverse predetermination with clear and convincing evidence.

631 (4) A predetermination made under this subsection that a petitioner is eligible for a
632 license shall be binding on the board only if the petitioner applies for licensure, fulfills
633 all other requirements for the occupational licensure, and the petitioner's submitted
634 criminal record was correct and remains unchanged at the time of his or her application
635 for a license.

636 (5) If a petitioner's criminal record includes matters that may disqualify the petitioner
637 from licensure, the board shall notify the petitioner of the potentially disqualifying
638 convictions. The letter of concern shall advise the petitioner of their opportunity to
639 submit additional evidence of rehabilitation and mitigation or for a hearing, or both.

640 (6) The board may predetermine that the petitioner's criminal record is likely grounds for
641 denial of a license only after the board has held a hearing on the petitioner's eligibility in
642 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
643 hearing shall be held in person, by remote video, or by teleconference within 60 days of
644 receipt of the predetermination petition. The individual shall have the opportunity to
645 include character witnesses at the hearing, including but not limited to family members,
646 friends, past or prospective employers, probation or parole officers, and rehabilitation
647 counselors, who may offer their verbal or written support. The professional licensing
648 board shall not make an adverse inference by a petitioner's decision to forgo a hearing or

649 character witnesses. The board shall issue a final decision within 60 days of complete
 650 submission of the issue for consideration or the hearing, whichever is later.

651 (7) If the professional licensing board decides that a predetermination petitioner is
 652 ineligible for a license, the board shall notify the petitioner of the following:

653 (A) The grounds and rationale for the predetermination, including the specific
 654 convictions and the factors in subsection (a.1) of this Code section the board deemed
 655 directly relevant;

656 (B) An explanation of the process and right to appeal the board's predetermination
 657 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

658 (C) Any actions the petitioner may take to remedy the disqualification. An individual
 659 who receives a predetermination of ineligibility may submit a revised petition reflecting
 660 completion of the remedial actions. The individual may submit a new petition to the
 661 board not before one year following a final judgment on their initial petition or upon
 662 completing the remedial actions, whichever is earlier.

663 (8) The denial of a predetermination petition because of the applicant's criminal record
 664 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
 665 hearing or civil action reviewing the denial of a predetermination petition, the board shall
 666 have the burden of proving that the applicant's criminal record directly relates to the
 667 licensed occupation."

668 **SECTION 2-7.**

669 Said title is further amended in Code Section 43-11-71, relating to qualifications of
 670 applicants for license and criminal background check, by revising subsection (a) and by
 671 adding two new subsections to read as follows:

672 "(a) No person shall be entitled to or be issued such license as set out in Code Section
 673 43-11-70 unless such person is at least 18 years of age, ~~of good moral character,~~ and a
 674 graduate of a dental hygiene program recognized by the board and accredited by the

675 Commission on Dental Accreditation of the American Dental Association (ADA) or its
676 successor agency which is operated by a school or college accredited by an institutional
677 accrediting agency recognized by the United States Department of Education whose
678 curriculum is at least two academic years of courses at the appropriate level and at the
679 completion of which an associate or baccalaureate degree is awarded.

680 (b) Application for a license under Code Section 43-11-70 shall constitute consent for
681 performance of a criminal background check. Each applicant who submits an application
682 to the board for licensure agrees to provide the board with any and all information
683 necessary to run a criminal background check, including but not limited to classifiable sets
684 of fingerprints. The applicant shall be responsible for all fees associated with the
685 performance of a background check.

686 (c) Notwithstanding subsections (a) and (b) of this Code section, the board of dentistry
687 shall refuse to grant a license to an individual or shall revoke a license only if a conviction
688 directly relates to the occupation for which the license is sought or held and granting the
689 license would pose a direct and substantial risk to public safety because the individual has
690 not been rehabilitated to safely perform the duties and responsibilities of the practice of a
691 dental hygienist. In determining if a conviction directly relates to the occupation for which
692 the license is sought or held, the board of dentistry shall consider:

693 (1) The nature and seriousness of the offense and the direct relationship of the criminal
694 conduct to the duties and responsibilities of the occupation for which the license is sought
695 or held;

696 (2) The age of the individual at the time the offense was committed;

697 (3) The length of time elapsed since the offense was committed;

698 (4) All circumstances relative to the offense, including, but not limited to, mitigating
699 circumstances or social conditions surrounding the commission of the offense; and

700 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
701 for which the license is sought or held, including, but not limited to:

- 702 (A) The completion of the criminal sentence;
703 (B) A program and treatment certificate issued by the Board of Corrections;
704 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
705 program;
706 (D) Testimonials and recommendations, which may include a progress report from the
707 individual's probation or parole officer;
708 (E) Education and training;
709 (F) Employment history;
710 (G) Employment aspirations;
711 (H) The individual's current family or community responsibilities, or both;
712 (I) Whether a bond is required to practice the occupation;
713 (J) Any affidavits or other written documents, including, but not limited to, character
714 references; and
715 (K) Any other information regarding rehabilitation the individual submits to the board.
716 (6) In determining whether to terminate and revoke a license, the board shall not consider
717 nor require an individual to disclose:
718 (A) A deferred adjudication, first offender treatment, participation in a diversion
719 program, a conditional discharge, or an arrest not followed by a conviction;
720 (B) A conviction for which no sentence of incarceration can be imposed;
721 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
722 pardoned;
723 (D) A juvenile adjudication;
724 (E) A misdemeanor conviction older than five years, unless the offense of conviction
725 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
726 (F) A conviction older than five years for which the individual was not incarcerated,
727 or a conviction for which the individual's incarceration ended more than five years
728 before the date of the board's consideration, except for a felony conviction related to:

- 729 (i) A criminal sexual act;
730 (ii) Criminal fraud or embezzlement;
731 (iii) Aggravated assault;
732 (iv) Aggravated robbery;
733 (v) Aggravated abuse, neglect, or endangerment of a child;
734 (vi) Arson;
735 (vii) Carjacking;
736 (viii) Kidnapping; or
737 (ix) Manslaughter, homicide, or murder.
- 738 (d)(1) Notwithstanding any other provision of law, an individual with a criminal record
739 may petition the board of dentistry at any time, including while incarcerated and before
740 starting or completing any required professional qualifications for licensure, for a
741 predetermination as to whether the individual's criminal record will disqualify him or her
742 from obtaining a license.
- 743 (2) The petition for predetermination shall include the individual's criminal record or
744 authorize the board to obtain the individual's criminal record. The petitioning individual
745 need not disclose any offenses falling under subparagraph (c)(6)(F) of this Code section.
746 The petition shall also include any information the petitioner chooses to submit
747 concerning the circumstances of their record and their rehabilitation.
- 748 (3) In considering predetermination petitions, the professional licensing board shall apply
749 the direct relationship standard in subsection (c) of this Code section and shall not
750 consider any offenses falling under subparagraph (c)(6)(F) of this Code section. The
751 board shall support any adverse predetermination with clear and convincing evidence.
- 752 (4) A predetermination made under this subsection that a petitioner is eligible for a
753 license shall be binding on the professional licensing board only if the petitioner applies
754 for licensure, fulfills all other requirements for the occupational licensure, and the

755 petitioner's submitted criminal record was correct and remains unchanged at the time of
756 his or her application for a license.

757 (5) If a petitioner's criminal record includes matters that may disqualify the petitioner
758 from licensure, the board shall notify the petitioner of the potentially disqualifying
759 convictions. The letter of concern shall advise the petitioner of their opportunity to
760 submit additional evidence of rehabilitation and mitigation or for a hearing, or both.

761 (6) The board may predetermine that the petitioner's criminal record is likely grounds for
762 denial of a license only after the board has held a hearing on the petitioner's eligibility in
763 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
764 hearing shall be held in person, by remote video, or by teleconference within 60 days of
765 receipt of the predetermination petition. The individual shall have the opportunity to
766 include character witnesses at the hearing, including but not limited to family members,
767 friends, past or prospective employers, probation or parole officers, and rehabilitation
768 counselors, who may offer their verbal or written support. The professional licensing
769 board shall not make an adverse inference by a petitioner's decision to forgo a hearing or
770 character witnesses. The board shall issue a final decision within 60 days of complete
771 submission of the issue for consideration or the hearing, whichever is later.

772 (7) If the board decides that a predetermination petitioner is ineligible for a license, the
773 board shall notify the petitioner of the following:

774 (A) The grounds and rationale for the predetermination, including the specific
775 convictions and the factors in subsection (c) of this Code section the board deemed
776 directly relevant;

777 (B) An explanation of the process and right to appeal the board's predetermination
778 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

779 (C) Any actions the petitioner may take to remedy the disqualification. An individual
780 who receives a predetermination of ineligibility may submit a revised petition reflecting
781 completion of the remedial actions. The individual may submit a new petition to the

782 board not before one year following a final judgment on their initial petition or upon
 783 completing the remedial actions, whichever is earlier.
 784 (8) The denial of a predetermination petition because of the applicant's criminal record
 785 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
 786 hearing or civil action reviewing the denial of a predetermination petition, the board shall
 787 have the burden of proving that the applicant's criminal record directly relates to the
 788 licensed occupation."

789 **SECTION 2-8.**

790 Said title is further amended by revising Code Section 43-18-46, relating to grounds for
 791 denial or revocation of license or registration and other discipline for funeral directors and
 792 embalmers, as follows:

793 "43-18-46.

794 In addition to the authority and provided in Code Section 43-1-19, the board may refuse
 795 to grant a license to operate a funeral establishment or to practice embalming or funeral
 796 directing, may refuse to grant a registration to serve as an apprentice, or may revoke,
 797 suspend, fine, or otherwise discipline a licensee or registrant upon any of the following
 798 grounds:

- 799 (1) The employment of fraud or deception in applying for a license or registration or in
 800 passing the examination provided for in this article;
 801 (2) Issuance of a license or registration through error;
 802 ~~(3) Conviction of a crime involving moral turpitude;~~
 803 ~~(4)~~(3) The practice of embalming or funeral directing under a false name or the
 804 impersonation of another embalmer, funeral director, or apprentice of a like or different
 805 name;
 806 ~~(5)~~(4) The making of a false statement or representation regarding the qualifications,
 807 training, or experience of any applicant;

808 ~~(6)~~(5) The making of a misrepresentation of any kind regarding any funeral merchandise;
809 ~~(7)~~(6) Directly or indirectly, by gifts or otherwise, committing the offense of buying
810 business or paying a commission or making gifts, directly or indirectly, for the purpose
811 of securing business to any physician or hospital, or to any institution where death occurs,
812 or to any hospital superintendent, nurse, intern, or employee of any hospital, nursing
813 home, or other institution where death occurs; or to any coroner or other government
814 official;

815 ~~(8)~~(7) Gross or willful malpractice or gross neglect in the practice of embalming, funeral
816 directing, or cremating;

817 ~~(9)~~(8) Signing a death certificate as having embalmed or prepared a body for burial or
818 preservation when in fact someone else performed such embalming or preparation;

819 ~~(10)~~(9) Interfering, either directly or indirectly, with a licensed embalmer or funeral
820 director having legal charge of a dead human body;

821 ~~(11)~~(10) Using any statements that mislead or deceive the public including, but not
822 limited to, false or misleading statements regarding a legal or cemetery requirement,
823 funeral merchandise, funeral services, or in the operation of a funeral establishment;

824 ~~(12)~~(11) Failing to fulfill the terms of a funeral service contract;

825 ~~(13)~~(12) Disregarding a decedent's dignity, right to privacy, or right to confidentiality
826 unless compelled by law to do otherwise;

827 ~~(14)~~(13) Using profane, indecent, or obscene language in the presence of a dead human
828 body, or within the immediate hearing of the family or relatives of a deceased, whose
829 body has not yet been interred or otherwise disposed;

830 ~~(15)~~(14) Failing to turn assigned benefits in excess of charges incurred over to the
831 assignee of the deceased within ten working days of receipt of the assigned funds;

832 ~~(16)~~(15) Refusing to surrender promptly the custody of a dead human body upon the
833 express order of the person lawfully entitled to the custody;

834 ~~(17)~~(16) Failing to have the charges rendered to be in compliance with those listed in the
835 funeral establishment general price list, the casket price list, the outer burial container list,
836 or the funeral service contract price list;

837 ~~(18)~~(17) Aiding or abetting an unlicensed person to practice under this article;

838 ~~(19)~~(18) Promoting or participating in a burial society, burial association, burial
839 certificate plan, or burial membership plan;

840 ~~(20)~~(19) Soliciting, as defined in paragraph (21) of Code Section 43-18-1;

841 ~~(21)~~(20) Presenting a false certification of work done by an apprentice or as an
842 apprentice;

843 ~~(22)~~(21) Willfully violating any state law or regulation; Federal Trade Commission law
844 or regulation; Occupational Safety and Health Administration law or regulation;
845 Department of Public Health law or regulation; Environmental Protection Agency law
846 or regulation; or municipal or county ordinance or regulation that affects the handling,
847 custody, care, or transportation of dead human bodies, including, but not limited to, the
848 disposal of equipment, residual fluids, or medical wastes;

849 ~~(23)~~(22) Knowingly making any misleading, deceptive, untrue, or fraudulent
850 representation in the practice of funeral directing or embalming or in any document
851 connected therewith;

852 ~~(24)~~(23) Discriminating in the provision of services because of race, creed, color,
853 religion, gender, or national origin;

854 ~~(25)~~(24) Failing to safeguard all personal properties that were obtained from dead human
855 remains and failing to dispose of same as directed by a legally authorized person;

856 ~~(26)~~(25) Failing to refund moneys due as a result of overpayment by an insurance
857 company or other third party;

858 ~~(27)~~(26) Engaging in any unprofessional, immoral, unethical, deceptive, or deleterious
859 conduct or practice harmful to the public, ~~which conduct or practice~~ that materially
860 affects the fitness of the licensee or registrant to practice in the funeral business, or is of

861 a nature likely to jeopardize the interest of the general public, ~~which conduct or practice~~
 862 and that need not have resulted in actual injury to any person or be directly related to the
 863 practice of funeral directing or embalming but shows that the person has committed any
 864 act or omission which is indicative of bad moral character or ~~untrustworthiness;~~
 865 ~~unprofessional~~ untrustworthiness. Unprofessional conduct shall also include any
 866 departure from or failure to conform to the minimal reasonable standards of acceptable
 867 and prevailing practice of funeral services;

868 ~~(28)~~(27) Engaging in any practice whereby a person who is both a funeral director and
 869 a coroner or who is both a funeral director and a minister presents that person as a funeral
 870 director to a legally authorized person when death is imminent or after death occurs prior
 871 to when the legally authorized person selects a funeral director or funeral establishment
 872 which will handle the dead human body;

873 ~~(29)~~(28) Practicing embalming or funeral directing or operating a funeral establishment
 874 or crematory prior to the board's having approved an application for licensure; or

875 ~~(30)~~(29) Failing to satisfy the funeral director in full and continuous charge requirements
 876 as set out in Code Section 43-18-71 or funeral establishment requirements as set out in
 877 Code Section 43-18-70."

878 SECTION 2-9.

879 Said title is further amended in Code Section 43-24A-9, relating to provisional permits for
 880 massage therapists, by revising subsection (a) as follows:

881 "(a) A provisional permit to practice as a provisionally permitted massage therapist shall,
 882 upon proper application, be issued for a six-month period to an applicant who meets the
 883 following criteria:

- 884 (1) Holds and maintains a valid license as a massage therapist in another state;
- 885 (2) Is not a resident of this state as confirmed in a secure and verifiable document, as
 886 defined in Code Section 50-36-2;

887 (3) Has not had a license or permit to practice as a massage therapist voided, revoked,
888 suspended, denied, or annulled by this state or another state, territory, or jurisdiction; and
889 (4) Has not been convicted of a directly related felony in the courts of this state, any
890 other state, territory, or country, or in the courts of the United States, including, but not
891 limited to, a plea of nolo contendere entered to such charge ~~or the affording of first~~
892 ~~offender treatment to any such charge~~ in the same manner as provided in paragraph (4)
893 ~~of subsection (a) of~~ subsection (q) of Code Section 43-1-19. For purposes of this
894 paragraph, the term 'felony' shall have the same meaning as provided in Code Section
895 43-1-1."

896 SECTION 2-10.

897 Said title is further amended in Code Section 43-26-11, relating to denial or revocation of
898 licenses and other discipline under the "Georgia Registered Professional Nurse Practice Act,"
899 by revising paragraph (1) as follows:

900 "(1) Been convicted of any directly related felony, ~~crime involving moral turpitude,~~ or
901 directly related crime violating a federal or state law relating to controlled substances or
902 dangerous drugs in the courts of this state, any other state, territory, or country, or in the
903 courts of the United States, including but not limited to a plea of nolo contendere entered
904 to the charge; provided, however, that such conviction shall be evaluated as provided by
905 subsection (q) of Code Section 43-1-19; or"

906 SECTION 2-11.

907 Said title is further amended by revising Code Section 43-26-40, relating to refusal to grant
908 license and revocation of registered practical nurses licenses and disciplining of licensees,
909 as follows:

910 "43-26-40.

911 (a) In addition to the authority granted in Code Section 43-1-19, the board shall have the
912 authority to refuse to grant a license to an applicant, to revoke the license of a licensee, or
913 to discipline a licensee upon a finding by the board that the applicant or licensee has:

914 (1) Been convicted of a directly related felony, ~~a crime involving moral turpitude~~, or any
915 directly related crime violating a federal or state law relating to controlled substances or
916 dangerous drugs or marijuana in the courts of this state, any other state, territory, or
917 country, or in the courts of the United States, including, but not limited to, a plea of nolo
918 contendere entered to the charge; provided, however, that such conviction shall be
919 evaluated as provided by subsection (q) of Code Section 43-1-19;

920 (2) Had a license to practice nursing revoked, suspended, or annulled by any lawful
921 licensing authority, had other disciplinary action taken by any lawful licensing authority,
922 or was denied a license by any lawful licensing authority;

923 (3) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or
924 practice harmful to the public, which conduct or practice need not have resulted in actual
925 injury to any person. As used in this paragraph, the term 'unprofessional conduct'
926 includes the improper charting of medication and any departure from, or the failure to
927 conform to, the minimal standards of acceptable and prevailing nursing practice;

928 (4) Violated or attempted to violate a law or any lawfully promulgated rule or regulation
929 of this state, any other state, the board, the United States, or any other lawful authority,
930 without regard to whether the violation is criminally punishable, which statute, law, or
931 rule or regulation relates to or in part regulates the practice of nursing, when the licensee
932 or applicant knows or should know that such action is violative of such law or rule;

933 (5) Violated a lawful order of the board previously entered by the board in a disciplinary
934 hearing; or

935 (6) Displayed an inability to practice nursing as a licensed practical nurse with
936 reasonable skill and safety due to illness, use of alcohol, drugs, narcotics, chemicals, or
937 any other types of material, or as a result of any mental or physical condition:

938 (A) In enforcement of this paragraph, the board may, upon reasonable grounds, require
939 a licensee or applicant to submit to a mental or physical examination by a board
940 approved health care professional. The expense of such mental or physical examination
941 shall be borne by the licensee or applicant. The results of such examination shall be
942 admissible in any hearing before the board, notwithstanding any claim of privilege
943 under contrary law or rule. Every person who is licensed to practice practical nursing
944 as a licensed practical nurse in this state, or an applicant for examination, endorsement,
945 or reinstatement, shall be deemed to have given such person's consent to submit to such
946 mental or physical examination and to have waived all objections to the admissibility
947 of the results in any hearing before the board upon the grounds that the same constitutes
948 a privileged communication. If a licensee or applicant fails to submit to such an
949 examination when properly directed to do so by the board, unless such failure was due
950 to circumstances beyond that person's control, the board may enter a final order upon
951 proper notice, hearing, and proof of such refusal. Any licensee or applicant who is
952 prohibited from practicing under this paragraph shall at reasonable intervals be afforded
953 an opportunity to demonstrate to the board that such person can resume or begin to
954 practice practical nursing as a licensed practical nurse with reasonable skill and safety;
955 and

956 (B) In enforcement of this paragraph, the board may, upon reasonable grounds, obtain
957 any and all records relating to the mental or physical condition of a licensee or
958 applicant, including psychiatric records; such records shall be admissible in any hearing
959 before the board, notwithstanding any privilege under a contrary rule, law, or statute.
960 Every person who is licensed in this state or who shall file an application for said
961 license shall be deemed to have given such person's consent to the board's obtaining

962 such records and to have waived all objections to the admissibility of such records in
963 any hearing before the board upon the grounds that the same constitute a privileged
964 communication.

965 (b) Neither denial of an initial license, the issuance of a private reprimand, the denial of
966 a license by endorsement under Code Section 43-26-38, nor the denial of a request for
967 reinstatement of a license on the grounds that the applicant or licensee has failed to meet
968 the minimum requirements shall be considered a contested case within the meaning of
969 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and notice and hearing
970 within the meaning of Chapter 13 of Title 50 shall not be required, but the applicant or
971 licensee shall be allowed to appear before the board if he or she so requests.

972 (c) Notwithstanding any other provision of this Code section, the denial of an initial
973 license or the denial of a request for reinstatement of a license on the grounds that the
974 applicant or licensee is disqualified due to a criminal record shall be in accordance with
975 subsection (a) of Code Section 43-1-19."

976 **SECTION 2-12.**

977 Said title is further amended in Code Section 43-34-8, relating to the authority of the
978 Composite Medical Board to refuse license, certificate, or permit medical professionals or
979 to issue discipline, suspension, restoration, investigations, hearings on fitness, immunity, and
980 publication of final disciplinary actions, by revising paragraph (3) of subsection (a) as
981 follows:

982 "(3) Been convicted of a felony in the courts of this state or any other state, territory,
983 country, or of the United States. As used in this paragraph, the term 'conviction of a
984 felony' shall include a conviction of an offense which if committed in this state would be
985 deemed a felony under either state or federal law, without regard to its designation
986 elsewhere. As used in this paragraph, the term 'conviction' shall include a finding or
987 verdict of guilt, ~~a plea of guilty resulting in first offender status,~~ or a plea of nolo

- 1013 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
1014 program;
- 1015 (D) Testimonials and recommendations, which may include a progress report from the
1016 individual's probation or parole officer;
- 1017 (E) Education and training;
- 1018 (F) Employment history;
- 1019 (G) Employment aspirations;
- 1020 (H) The individual's current family or community responsibilities, or both;
- 1021 (I) Whether a bond is required to practice the occupation;
- 1022 (J) Any affidavits or other written documents, including, but not limited to, character
1023 references; and
- 1024 (K) Any other information regarding rehabilitation the individual submits to the board.
- 1025 (6) In determining whether to terminate and revoke a license, the board shall not consider
1026 nor require an individual to disclose:
- 1027 (A) A deferred adjudication, first offender treatment, participation in a diversion
1028 program, a conditional discharge, or an arrest not followed by a conviction;
- 1029 (B) A conviction for which no sentence of incarceration can be imposed;
- 1030 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1031 pardoned;
- 1032 (D) A juvenile adjudication;
- 1033 (E) A misdemeanor conviction older than five years, unless the offense of conviction
1034 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
- 1035 (F) A conviction older than five years for which the individual was not incarcerated,
1036 or a conviction for which the individual's incarceration ended more than five years
1037 before the date of the board's consideration, except for a felony conviction related to:
- 1038 (i) A criminal sexual act;
- 1039 (ii) Criminal fraud or embezzlement;

1040 (iii) Aggravated assault;

1041 (iv) Aggravated robbery;

1042 (v) Aggravated abuse, neglect, or endangerment of a child;

1043 (vi) Arson;

1044 (vii) Carjacking;

1045 (viii) Kidnapping; or

1046 (ix) Manslaughter, homicide, or murder.

1047 (a.2)(1) Notwithstanding any other provision of law, an individual with a criminal record
1048 may petition the board at any time, including while incarcerated and before starting or
1049 completing any required professional qualifications for licensure, for a predetermination
1050 as to whether the individual's criminal record will disqualify him or her from obtaining
1051 a license.

1052 (2) The petition for predetermination shall include the individual's criminal record or
1053 authorize the board to obtain the individual's criminal record. The petitioning individual
1054 need not disclose any offenses falling under paragraph (a.1)(6) of this Code section. The
1055 petition shall also include any information the petitioner chooses to submit concerning
1056 the circumstances of their record and their rehabilitation.

1057 (3) In considering predetermination petitions, the professional licensing board shall apply
1058 the direct relationship standard in subsection (a.1) of this subsection and shall not
1059 consider any offenses falling under paragraph (a.1)(6) of this Code section. The board
1060 shall support any adverse predetermination with clear and convincing evidence.

1061 (4) A predetermination made under this subsection that a petitioner is eligible for a
1062 license shall be binding on the board only if the petitioner applies for licensure, fulfills
1063 all other requirements for the occupational license, and the petitioner's submitted criminal
1064 record was correct and remains unchanged at the time of his or her application for a
1065 license.

1066 (5) If a petitioner's criminal record includes matters that may disqualify the petitioner
1067 from licensure, the board shall notify the petitioner of the potentially disqualifying
1068 convictions. The letter of concern shall advise the petitioner of their opportunity to
1069 submit additional evidence of rehabilitation and mitigation or for a hearing, or both.

1070 (6) The board may predetermine that the petitioner's criminal record is likely grounds for
1071 denial of a license only after the board has held a hearing on the petitioner's eligibility in
1072 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
1073 hearing shall be held in person, by remote video, or by teleconference within 60 days of
1074 receipt of the predetermination petition. The individual shall have the opportunity to
1075 include character witnesses at the hearing, including but not limited to family members,
1076 friends, past or prospective employers, probation or parole officers, and rehabilitation
1077 counselors, who may offer their verbal or written support. The board shall not make an
1078 adverse inference by a petitioner's decision to forgo a hearing or character witnesses. The
1079 board shall issue a final decision within 60 days of complete submission of the issue for
1080 consideration or the hearing, whichever is later.

1081 (7) If the board decides that a predetermination petitioner is ineligible for a license, the
1082 board shall notify the petitioner of the following:

1083 (A) The grounds and rationale for the predetermination, including any of the
1084 petitioner's specific convictions and the factors provided for in subsection (a.2) of this
1085 Code section the board deemed directly relevant;

1086 (B) An explanation of the process and right to appeal the board's predetermination
1087 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

1088 (C) Any actions the petitioner may take to remedy the disqualification. An individual
1089 who receives a predetermination of ineligibility may submit a revised petition reflecting
1090 completion of the remedial actions. The individual may submit a new petition to the
1091 board not before one year following a final judgment on their initial petition or upon
1092 completing the remedial actions, whichever is earlier.

1093 (8) The denial of a predetermination petition because of the applicant's criminal record
1094 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
1095 hearing or civil action reviewing the denial of a predetermination petition, the board shall
1096 have the burden of proving that the applicant's criminal record directly relates to the
1097 licensed occupation."

1098 **SECTION 2-14.**

1099 Said title is further amended in Code Section 43-34-107, relating to termination of approval
1100 and revocation of licenses of physician assistants by the Composite Medical Board, notice
1101 and hearing, and sanctions, by revising subsection (a) as follows:

1102 "(a)(1) The approval of a physician's utilization of a physician assistant may be
1103 terminated and the license revoked by the board when, after due notice and a hearing, in
1104 accordance with this Code section, it shall find that the assistant is incompetent or has
1105 committed unethical or immoral acts, including, but not limited to, holding himself or
1106 herself out or permitting another to represent him or her as a licensed physician;
1107 performing otherwise than at the direction of a physician approved by the board to utilize
1108 the assistant's services; habitually using intoxicants or drugs to such an extent that he or
1109 she is unable safely to perform as an assistant to the physician; or being convicted in any
1110 court, state or federal, of any felony or other criminal offense involving moral turpitude
1111 covered misdemeanor.

1112 (2) The board shall recommend action to terminate and revoke on the basis of a criminal
1113 conviction or adjudication only if the conviction or adjudication directly relates to the
1114 role of a physician assistant. In determining if a criminal conviction or adjudication
1115 directly relates to the role of a physician assistant, the board shall consider:

1116 (A) The nature and seriousness of the crime and the direct relationship of the criminal
1117 conduct to the duties and responsibilities of the physician assistant;

1118 (B) The age of the individual at the time such crime was committed;

- 1119 (C) The length of time elapsed since such crime was committed;
1120 (D) All circumstances relative to such crime, including, but not limited to, mitigating
1121 circumstances or social conditions surrounding the commission of the offense; and
1122 (E) Evidence of rehabilitation and present fitness to perform the duties of the
1123 occupation for which the certificate is sought or held, including, but not limited to:
1124 (i) The completion of the criminal sentence;
1125 (ii) A program and treatment certificate issued by the Board of Corrections;
1126 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
1127 treatment program;
1128 (iv) Testimonials and recommendations, which may include a progress report from
1129 the individual's probation or parole officer;
1130 (v) Education and training;
1131 (vi) Employment history;
1132 (vii) Employment aspirations;
1133 (viii) The individual's current family or community responsibilities, or both;
1134 (ix) Whether a bond is required to practice the occupation;
1135 (x) Any affidavits or other written documents, including, but not limited to, character
1136 references; and
1137 (xi) Any other information regarding rehabilitation the individual submits to the
1138 board.
- 1139 (3) In determining whether to terminate and revoke a license, the board or investigator
1140 shall not consider nor require an individual to disclose:
1141 (A) A deferred adjudication, first offender treatment, participation in a diversion
1142 program, a conditional discharge, or an arrest not followed by a conviction;
1143 (B) A conviction for which no sentence of incarceration can be imposed;
1144 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1145 pardoned;

- 1146 (D) A juvenile adjudication;
1147 (E) A misdemeanor conviction older than five years, unless the offense of conviction
1148 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
1149 (F) A conviction older than five years for which the individual was not incarcerated,
1150 or a conviction for which the individual's incarceration ended more than five years
1151 before the date of the board's consideration, except for a felony conviction related to:
1152 (i) A criminal sexual act;
1153 (ii) Criminal fraud or embezzlement;
1154 (iii) Aggravated assault;
1155 (iv) Aggravated robbery;
1156 (v) Aggravated abuse, neglect, or endangerment of a child;
1157 (vi) Arson;
1158 (vii) Carjacking;
1159 (viii) Kidnapping; or
1160 (ix) Manslaughter, homicide, or murder."

1161 **SECTION 2-15.**

1162 Said title is further amended in Code Section 43-34-283, relating to licensure requirements
1163 for pain management clinics by the Composite Medical Board, by revising subsection (d) as
1164 follows:

1165 "(d)(1) Upon the filing of an application for a license, the board may cause a thorough
1166 investigation of the applicant to be made and such investigation may include a criminal
1167 background check; provided, however, that the board shall cause a thorough investigation
1168 of a new applicant to be made, and such investigation shall include a background check.
1169 If satisfied that the applicant possesses the necessary qualifications, the board shall issue
1170 a license. However, the board may issue licenses with varying restrictions to such

1171 persons where the board deems it necessary for the purpose of safeguarding the public
1172 health, safety, and welfare.

1173 (2) The board shall recommend action to deny licensure on the basis of a criminal
1174 conviction or adjudication only if the conviction or adjudication directly relates to the
1175 administration of a pain management clinic. In determining if a criminal conviction or
1176 adjudication directly relates to the administration of a pain management clinic, the board
1177 shall consider:

1178 (A) The nature and seriousness of the crime and the direct relationship of the criminal
1179 conduct to the duties and responsibilities of the licensee;

1180 (B) The age of the individual at the time such crime was committed;

1181 (C) The length of time elapsed since such crime was committed;

1182 (D) All circumstances relative to such crime, including, but not limited to, mitigating
1183 circumstances or social conditions surrounding the commission of the offense; and

1184 (E) Evidence of rehabilitation and present fitness to perform the duties of the
1185 occupation for which the certificate is sought or held, including, but not limited to:

1186 (i) The completion of the criminal sentence;

1187 (ii) A program and treatment certificate issued by the Board of Corrections;

1188 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
1189 treatment program;

1190 (iv) Testimonials and recommendations, which may include a progress report from
1191 the individual's probation or parole officer;

1192 (v) Education and training;

1193 (vi) Employment history;

1194 (vii) Employment aspirations;

1195 (viii) The individual's current family or community responsibilities, or both;

1196 (ix) Whether a bond is required to practice the occupation;

1197 (x) Any affidavits or other written documents, including, but not limited to, character
1198 references; and
1199 (xi) Any other information regarding rehabilitation the individual submits to the
1200 board."

1201 **SECTION 2-16.**

1202 Said title is further amended by revising Code Section 43-34-284, relating to denial,
1203 suspension, and revocation of licenses of pain management clinics by the Composite Medical
1204 Board, as follows:

1205 "43-34-284.

1206 (a) In addition to the authority granted in Code Section 43-34-8, a license obtained
1207 pursuant to this article may be denied, suspended, or revoked by the board upon finding
1208 that the licensee or a physician practicing at a licensed pain management clinic has:

1209 (1) Furnished false or fraudulent material information in any application filed under this
1210 chapter;

1211 (2) Been convicted of a crime under any state or federal law relating to any controlled
1212 substance;

1213 (3) Had his or her federal registration to prescribe, distribute, or dispense controlled
1214 substances suspended or revoked; or

1215 (4) Violated the provisions of this chapter, Chapter 13 of Title 16, or Chapter 4 of Title
1216 26.

1217 (b) In determining whether to deny, suspend, or revoke a license based upon a criminal
1218 conviction or adjudication, the board shall consider:

1219 (1) The nature and seriousness of the crime and the direct relationship of the criminal
1220 conduct to the duties and responsibilities of the physician practicing at a licensed pain
1221 management clinic;

1222 (2) The age of the individual at the time such crime was committed;

- 1223 (3) The length of time elapsed since such crime was committed;
 1224 (4) All circumstances relative to such crime, including, but not limited to, mitigating
 1225 circumstances or social conditions surrounding the commission of the offense; and
 1226 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
 1227 for which the license is sought or held, including, but not limited to:
 1228 (A) The completion of the criminal sentence;
 1229 (B) A program treatment certificate issued by the Board of Corrections;
 1230 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
 1231 program;
 1232 (D) Testimonials and recommendations, which may include a progress report from the
 1233 individual's probation or parole officer;
 1234 (E) Education and training;
 1235 (F) Employment history;
 1236 (G) Employment aspirations;
 1237 (H) The individual's current family or community responsibilities, or both;
 1238 (I) Whether a bond is required to practice the occupation;
 1239 (J) Any affidavits or other written documents, including, but not limited to, character
 1240 references; and
 1241 (K) Any other information regarding rehabilitation the individual submits to the board."

1242 **SECTION 2-17.**

1243 Said title is further amended in Code Section 43-39A-14, relating to grant of licenses for
 1244 appraisers by the Real Estate Commission and Appraisers Board, grounds for suspension or
 1245 revocation of license, other sanctions, surrender or lapse, and conviction, by revising
 1246 subsection (b) as follows:

1247 "(b)(1) As used in this subsection, the term:

1248 (A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of
1249 a felony or any ~~crime involving moral turpitude~~ covered misdemeanor, regardless of
1250 whether an appeal of the conviction has been brought; a sentencing to first offender
1251 treatment without an adjudication of guilt pursuant to a charge of a felony or any ~~crime~~
1252 ~~involving moral turpitude~~ covered misdemeanor; or a plea of nolo contendere to a
1253 charge of a felony or any ~~crime involving moral turpitude~~ covered misdemeanor. The
1254 commission shall have the burden of justifying by clear and convincing evidence that
1255 a conviction supports an adverse licensing decision.

1256 (B) 'Felony' means any offense committed:

1257 (i) Within this state and deemed a felony under the laws of this state or under the
1258 laws of the United States; or

1259 (ii) In another state and deemed a felony under the laws of that state or the laws of
1260 the United States.

1261 (1.1) No person who has a directly related conviction shall be eligible to become an
1262 applicant for a license or an approval authorized by this chapter unless such person has
1263 successfully completed all terms and conditions of any sentence imposed for such
1264 conviction, provided that if such individual has multiple convictions, at least five years
1265 shall have passed since the individual satisfied all terms and conditions of any sentence
1266 imposed for the last conviction before making application for licensure or approval; and
1267 provided, further, that if such individual has a single conviction, at least two years shall
1268 have passed since the individual satisfied all terms and conditions of any sentence
1269 imposed for the last conviction before making application for licensure or approval.

1270 (1.2) The board shall recommend disciplinary action or denial of an application for a
1271 licensure or approval authorized by this chapter on the basis of a criminal conviction or
1272 adjudication only if the conviction or adjudication directly relates to the role of an
1273 appraiser. In determining if a criminal conviction or adjudication directly relates to the
1274 role of an appraiser, the board shall consider:

- 1275 (A) The nature and seriousness of the crime and the direct relationship of the criminal
1276 conduct to the duties and responsibilities of the appraiser;
- 1277 (B) The age of the individual at the time such crime was committed;
- 1278 (C) The length of time elapsed since such crime was committed;
- 1279 (D) All circumstances relative to such crime, including, but not limited to, mitigating
1280 circumstances or social conditions surrounding the commission of the offense; and
- 1281 (E) Evidence of rehabilitation and present fitness to perform the duties of the
1282 occupation for which the license is sought or held, including, but not limited to:
- 1283 (i) The completion of the criminal sentence;
- 1284 (ii) A program and treatment certificate issued by the Board of Corrections;
- 1285 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
1286 treatment program;
- 1287 (iv) Testimonials and recommendations, which may include a progress report from
1288 the individual's probation or parole officer;
- 1289 (v) Education and training;
- 1290 (vi) Employment history;
- 1291 (vii) Employment aspirations;
- 1292 (viii) The individual's current family or community responsibilities, or both;
- 1293 (ix) Any affidavits or other written documents, including, but not limited to, character
1294 references; and
- 1295 (x) Any other information regarding rehabilitation the individual submits to the
1296 board.
- 1297 (F) In determining whether to terminate and revoke a license, the board shall not
1298 consider nor require an individual to disclose:
- 1299 (i) A deferred adjudication, first offender treatment, participation in a diversion
1300 program, a conditional discharge, or an arrest not followed by a conviction;
- 1301 (ii) A conviction for which no sentence of incarceration can be imposed;

1302 (iii) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
 1303 pardoned; or

1304 (iv) A juvenile adjudication.

1305 ~~(1.2)~~(1.3) A person who has a directly related conviction in a court of competent
 1306 jurisdiction of this state or any other state shall be eligible to become an applicant for a
 1307 licensure or an approval authorized by this chapter only if:

1308 (A) Such person has satisfied all terms and conditions of any conviction such person
 1309 may have had before making application for licensure or approval, provided that if such
 1310 individual has multiple convictions, at least five years shall have passed since the
 1311 individual satisfied all terms and conditions of any sentence imposed for the last
 1312 conviction before making application for licensure or approval; and provided, further,
 1313 that if such individual has been convicted of a single felony or of ~~a single crime of~~
 1314 ~~moral turpitude~~ covered misdemeanor, at least two years shall have passed since the
 1315 individual satisfied all terms and conditions of any sentence imposed for the last
 1316 conviction before making application for licensure or approval;

1317 (B) No criminal charges for forgery, embezzlement, obtaining money under false
 1318 pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation
 1319 violation, or a ~~crime involving moral turpitude~~ covered misdemeanor are pending
 1320 against the person; and

1321 (C) Such person presents to the commission satisfactory proof that the person now
 1322 bears a good reputation for honesty, trustworthiness, integrity, and competence to
 1323 transact the business of a licensee in such a manner as to safeguard the interest of the
 1324 public."

1325 **SECTION 2-18.**

1326 Said title is further amended in Code Section 43-40-15, relating to grant of licenses for
 1327 brokers and salespersons by the Real Estate Commission and Appraisers Board, grounds for

1328 suspension or revocation of license, other sanctions, surrender or lapse, and conviction, by
1329 revising subsection (b) as follows:

1330 "(b)(1) As used in this Code section, the term:

1331 (A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of
1332 a felony or ~~any crime involving moral turpitude~~ covered misdemeanor, regardless of
1333 whether an appeal of the conviction has been brought; a sentencing to first offender
1334 treatment without an adjudication of guilt pursuant to a charge of a felony or any crime
1335 involving ~~moral turpitude~~ a covered misdemeanor; or a plea of nolo contendere to a
1336 charge of a felony or ~~any crime involving moral turpitude~~ covered misdemeanor. The
1337 commission shall have the burden of justifying by clear and convincing evidence that
1338 a conviction supports an adverse licensing decision.

1339 (B) 'Felony' means any offense committed:

1340 (i) Within this state and deemed a felony under the laws of this state or under the
1341 laws of the United States; or

1342 (ii) In another state and deemed a felony under the laws of that state or the laws of
1343 the United States.

1344 (1.1) No person who has a directly related conviction shall be eligible to become an
1345 applicant for a license or an approval authorized by this chapter unless such person has
1346 successfully completed all terms and conditions of any sentence imposed for such
1347 conviction, provided that if such individual has multiple convictions, at least five years
1348 shall have passed since the individual satisfied all terms and conditions of any sentence
1349 imposed for the last conviction before making application for licensure or approval; and
1350 provided, further, that if such individual has a single conviction, at least two years shall
1351 have passed since the individual satisfied all terms and conditions of any sentence
1352 imposed for the last conviction before making application for licensure or approval.

1353 (1.2) The commission shall recommend disciplinary action or denial of an application
1354 for a licensure or approval authorized by this chapter on the basis of a criminal conviction

1355 or adjudication only if the conviction or adjudication directly relates to the role of the
1356 license sought. In determining if a criminal conviction or adjudication directly relates to
1357 the role of a broker or real estate salesperson, the commission shall consider:

1358 (A) The nature and seriousness of the crime and the direct relationship of the criminal
1359 conduct to the duties and responsibilities of the licensee;

1360 (B) The age of the individual at the time such crime was committed;

1361 (C) The length of time elapsed since such crime was committed;

1362 (D) All circumstances relative to such crime, including, but not limited to, mitigating
1363 circumstances or social conditions surrounding the commission of the offense; and

1364 (E) Evidence of rehabilitation and present fitness to perform the duties of the
1365 occupation for which the license is sought or held, including, but not limited to:

1366 (i) The completion of the criminal sentence;

1367 (ii) A program and treatment certificate issued by the Board of Corrections;

1368 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
1369 treatment program;

1370 (iv) Testimonials and recommendations, which may include a progress report from
1371 the individual's probation or parole officer;

1372 (v) Education and training;

1373 (vi) Employment history;

1374 (vii) Employment aspirations;

1375 (viii) The individual's current family or community responsibilities, or both;

1376 (ix) Any affidavits or other written documents, including, but not limited to, character
1377 references; and

1378 (x) Any other information regarding rehabilitation the individual submits to the
1379 commission.

1380 (F) In determining whether to terminate and revoke a license, the board shall not
1381 consider nor require an individual to disclose:

1382 (i) A deferred adjudication, first offender treatment, participation in a diversion
1383 program, a conditional discharge, or an arrest not followed by a conviction;

1384 (ii) A conviction for which no sentence of incarceration can be imposed;

1385 (iii) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1386 pardoned; or

1387 (iv) A juvenile adjudication.

1388 ~~(1.2)~~(1.3) A person who has a directly related conviction in a court of competent
1389 jurisdiction of this state or any other state shall be eligible to become an applicant for a
1390 licensure or an approval authorized by this chapter only if:

1391 (A) Such person has satisfied all terms and conditions of any conviction such person
1392 may have had before making application for licensure or approval, provided that if such
1393 individual has multiple convictions, at least five years shall have passed since the
1394 individual satisfied all terms and conditions of any sentence imposed for the last
1395 conviction before making application for licensure or approval; and provided, further,
1396 that if such individual has been convicted of a single felony or of a ~~single crime of~~
1397 ~~moral turpitude~~ covered misdemeanor, at least two years shall have passed since the
1398 individual satisfied all terms and conditions of any sentence imposed for the last
1399 conviction before making application for licensure or approval;

1400 (B) No criminal charges for forgery, embezzlement, obtaining money under false
1401 pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation
1402 violation, or a ~~crime involving moral turpitude~~ covered misdemeanor are pending
1403 against the person; and

1404 (C) Such person presents to the commission satisfactory proof that the person now
1405 bears a good reputation for honesty, trustworthiness, integrity, and competence to
1406 transact the business of a licensee in such a manner as to safeguard the interest of the
1407 public."

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SECTION 2-19.

Said title is further amended in Code Section 43-45-9, relating to examination for structural pest control operator certification by the Structural Pest Control Commission, by revising subsection (a) as follows:

"(a)(1) All applicants for examination for certification as an operator must have a knowledge of the practical and scientific facts underlying the practice of structural pest control, control of wood-destroying organisms, and fumigation and the necessary knowledge and ability to recognize and control those hazardous conditions which may affect human life and health. The commission may refuse to examine anyone convicted of a ~~crime involving moral turpitude~~ directly related felony or directly related covered misdemeanor.

(2) The commission shall refuse to examine an applicant on the basis of a criminal conviction or adjudication only if the conviction or adjudication directly relates to the role of an operator. In determining if a criminal conviction or adjudication directly relates to the role of a pest control operator, the commission shall consider:

(A) The nature and seriousness of the crime and the direct relationship of the criminal conduct to the duties and responsibilities of the operator;

(B) The age of the individual at the time such crime was committed;

(C) The length of time elapsed since such crime was committed;

(D) All circumstances relative to such crime, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of the offense; and

(E) Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the certificate is sought or held, including, but not limited to:

(i) The completion of the criminal sentence;

(ii) A program and treatment certificate issued by the Board of Corrections;

(iii) Completion of, or active participation in, a rehabilitative drug or alcohol treatment program;

- 1435 (iv) Testimonials and recommendations, which may include a progress report from
1436 the individual's probation or parole officer;
- 1437 (v) Education and training;
- 1438 (vi) Employment history;
- 1439 (vii) Employment aspirations;
- 1440 (viii) The individual's current family or community responsibilities, or both;
- 1441 (ix) Whether a bond is required to practice the occupation;
- 1442 (x) Any affidavits or other written documents, including, but not limited to, character
1443 references; and
- 1444 (xi) Any other information regarding rehabilitation the individual submits to the
1445 commission.
- 1446 (3) In determining whether to refuse to examine an applicant, the commission shall not
1447 consider nor require an individual to disclose:
- 1448 (A) A deferred adjudication, first offender treatment, participation in a diversion
1449 program, a conditional discharge, or an arrest not followed by a conviction;
- 1450 (B) A conviction for which no sentence of incarceration can be imposed;
- 1451 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1452 pardoned;
- 1453 (D) A juvenile adjudication;
- 1454 (E) A misdemeanor conviction older than five years, unless the offense of conviction
1455 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
- 1456 (F) A conviction older than five years for which the individual was not incarcerated,
1457 or a conviction for which the individual's incarceration ended more than five years
1458 before the date of the commission's consideration, except for a felony conviction related
1459 to:
- 1460 (i) A criminal sexual act;
- 1461 (ii) Criminal fraud or embezzlement;

- 1462 (iii) Aggravated assault;
1463 (iv) Aggravated robbery;
1464 (v) Aggravated abuse, neglect, or endangerment of a child;
1465 (vi) Arson;
1466 (vii) Carjacking;
1467 (viii) Kidnapping; or
1468 (ix) Manslaughter, homicide, or murder.
- 1469 (4)(A) Notwithstanding any other provision of law, an individual with a criminal
1470 record may petition the commission at any time, including while incarcerated and
1471 before starting or completing any required professional qualifications for certification,
1472 for a predetermination as to whether the individual's criminal record will disqualify
1473 such individual from obtaining a certification as an operator.
- 1474 (B) The petition for predetermination shall include the individual's criminal record or
1475 authorize the commission to obtain the individual's criminal record. The petitioning
1476 individual need not disclose any offenses falling under paragraph (3) of this subsection.
1477 The petition shall also include any information the petitioner chooses to submit
1478 concerning the circumstances of their record and their rehabilitation.
- 1479 (C) In considering predetermination petitions, the commission shall apply the direct
1480 relationship standard in paragraph (2) of this subsection and shall not consider any
1481 offenses falling under paragraph (3) of this subsection. The commission shall support
1482 any adverse predetermination with clear and convincing evidence.
- 1483 (D) A predetermination made under this subsection that a petitioner is eligible for a
1484 license shall be binding on the commission only if the petitioner applies for
1485 certification, fulfills all other requirements for operator certification, and the petitioner's
1486 submitted criminal record was correct and remains unchanged at the time of his or her
1487 application for certification.

1488 (E) If a petitioner's criminal record includes matters that may disqualify the petitioner
1489 from certification, the commission shall notify the petitioner of the potentially
1490 disqualifying convictions. The letter of concern shall advise the petitioner of their
1491 opportunity to submit additional evidence of rehabilitation and mitigation or for a
1492 hearing, or both.

1493 (F) The commission may predetermine that the petitioner's criminal record is likely
1494 grounds for denial of certification only after the commission has held a hearing on the
1495 petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
1496 Administrative Procedure Act.' The hearing shall be held in person, by remote video,
1497 or by teleconference within 60 days of receipt of the predetermination petition. The
1498 individual shall have the opportunity to include character witnesses at the hearing,
1499 including but not limited to family members, friends, past or prospective employers,
1500 probation or parole officers, and rehabilitation counselors, who may offer their verbal
1501 or written support. The commission shall not make an adverse inference by a
1502 petitioner's decision to forgo a hearing or character witnesses. The commission shall
1503 issue a final decision within 60 days of complete submission of the issue for
1504 consideration or the hearing, whichever is later.

1505 (G) If the commission decides that a predetermination petitioner is ineligible for a
1506 license, the board shall notify the petitioner of the following:

1507 (i) The grounds and rationale for the predetermination, including any of the
1508 petitioner's specific convictions and the factors provided for in paragraph (3) of this
1509 subsection the commission deemed directly relevant;

1510 (ii) An explanation of the process and right to appeal the commission's
1511 predetermination decision under Chapter 13 of Title 50, the 'Georgia Administrative
1512 Procedure Act'; and

1513 (iii) Any actions the petitioner may take to remedy the disqualification. An
1514 individual who receives a predetermination of ineligibility may submit a revised

1515 petition reflecting completion of the remedial actions. The individual may submit a
1516 new petition to the commission not before one year following a final judgment on
1517 their initial petition or upon completing the remedial actions, whichever is earlier.
1518 (H) The denial of a predetermination petition because of the applicant's criminal record
1519 shall constitute a contested case as defined in Code Section 50-13-2. In an
1520 administrative hearing or civil action reviewing the denial of a predetermination
1521 petition, the commission shall have the burden of proving that the applicant's criminal
1522 record directly relates to the licensed occupation."

1523

PART III

1524

SECTION 3-1.

1525 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
1526 adding a new paragraph to Code Section 20-2-982.1, relating to definitions relative to
1527 professional standards of teachers and other school personnel, to read as follows:

1528 "(1.1) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of
1529 whether an appeal of such finding, verdict, or plea has been sought."

1530

SECTION 3-2.

1531 Said title is further is amended by revising Code Section 20-2-984.3, relating to preliminary
1532 investigation of violations by the Professional Standards Commission, requirement for
1533 automatic investigation, and investigation of sexual offenses, as follows:

1534 "20-2-984.3.

1535 (a) Upon receipt of a written request from a local board, the state board, or one or more
1536 individual residents of this state, the commission shall be authorized to investigate:

1537 (1) Alleged violations by an educator of any law of this state pertaining to educators or
1538 the profession of education;

- 1539 (2) Alleged violations by an educator of the code of ethics of the commission;
- 1540 (3) Alleged violations by an educator of rules, regulations, or policies of the state board
1541 or the commission;
- 1542 (4) Complaints alleging a failure by an educator to meet or comply with standards of
1543 performance of the commission or the state board; or
- 1544 (5) Complaints alleging that an educator has been convicted of any directly related
1545 felony, of any ~~crime involving moral turpitude~~ directly related covered misdemeanor as
1546 defined in Code Section 43-1-1, of any other criminal offense involving the manufacture,
1547 distribution, trafficking, sale, or possession of a controlled substance or marijuana as
1548 provided for in Chapter 13 of Title 16, or of any other sexual offense as provided for in
1549 Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20, 16-6-22.2, or 16-12-100
1550 in the courts of this state or any other state, territory, or country or in the courts of the
1551 United States. ~~As used in this paragraph, the term 'convicted' shall include a finding or~~
1552 ~~verdict of guilty or a plea of nolo contendere, regardless of whether an appeal of the~~
1553 ~~conviction has been sought; a situation where first offender treatment without~~
1554 ~~adjudication of guilt pursuant to the charge was granted; and a situation where an~~
1555 ~~adjudication of guilt or sentence was otherwise withheld or not entered on the charge or~~
1556 ~~the charge was otherwise disposed of in a similar manner in any jurisdiction.~~
- 1557 (b) The commission shall decide whether to conduct a preliminary investigation pursuant
1558 to this Code section within 30 days of the request unless an extension is granted pursuant
1559 to the procedure outlined in subsection (b) of Code Section 20-2-984.5. The commission
1560 may appoint a committee of its membership with the power to transact and carry out the
1561 business and duties of the commission when deciding whether to conduct a preliminary
1562 investigation.
- 1563 (b.1) In investigating whether to deny, diminish, limit, suspect, revoke, refuse to renew,
1564 or otherwise withhold a certificate, the commission shall not consider nor require an
1565 educator to disclose:

- 1566 (1) A deferred adjudication, first offender treatment, participation in a diversion
1567 program, a conditional discharge, or an arrest not followed by a conviction;
1568 (2) A conviction for which no sentence of incarceration can be imposed;
1569 (3) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1570 pardoned;
1571 (4) A juvenile adjudication;
1572 (5) A misdemeanor conviction older than five years, unless the offense of conviction is
1573 listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
1574 (6) A conviction older than five years for which the individual was not incarcerated, or
1575 a conviction for which the individual's incarceration ended more than five years before
1576 the date of the commission's consideration, except for a felony conviction related to:
1577 (A) A criminal sexual act;
1578 (B) Criminal fraud or embezzlement;
1579 (C) Aggravated assault;
1580 (D) Aggravated robbery;
1581 (E) Aggravated abuse, neglect, or endangerment of a child;
1582 (F) Arson;
1583 (G) Carjacking;
1584 (H) Kidnapping; or
1585 (I) Manslaughter, homicide, or murder.
1586 (c) When an educator admits on a Professional Standards Commission application to
1587 having resigned or being discharged for committing a felony or ~~misdemeanor involving~~
1588 ~~moral turpitude~~ covered misdemeanor as defined in Code Section 43-1-1 or being under
1589 investigation by law enforcement authorities for such conduct or for committing a breach
1590 of the code of ethics or for a violation of state education laws or having a criminal ~~history~~
1591 record or having had a surrender, denial, revocation, or suspension of a certificate or being
1592 the subject of an investigation or adverse action regarding a certificate, an investigation

1593 will automatically open without notification to the commission and with written
1594 notification to the educator.

1595 (c.1) Notwithstanding subsection (c) of this Code section, the commission shall not
1596 consider nor require an educator to disclose on a Professional Standards Commission
1597 application:

1598 (1) A deferred adjudication, first offender treatment, participation in a diversion
1599 program, a conditional discharge, or an arrest not followed by a conviction;

1600 (2) A conviction for which no sentence of incarceration can be imposed;

1601 (3) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1602 pardoned;

1603 (4) A juvenile adjudication;

1604 (5) A misdemeanor conviction older than five years, unless the offense of conviction is
1605 listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or

1606 (6) A conviction older than five years for which the individual was not incarcerated, or
1607 a conviction for which the individual's incarceration ended more than five years before
1608 the date of the commission's consideration, except for a felony conviction related to:

1609 (A) A criminal sexual act;

1610 (B) Criminal fraud or embezzlement;

1611 (C) Aggravated assault;

1612 (D) Aggravated robbery;

1613 (E) Aggravated abuse, neglect, or endangerment of a child;

1614 (F) Arson;

1615 (G) Carjacking;

1616 (H) Kidnapping; or

1617 (I) Manslaughter, homicide, or murder.

1618 (d) Notwithstanding the requirements of this Code section, the staff of the commission
1619 shall be authorized, without notification to the commission, to immediately open an

1620 investigation submitted to the commission by a local school superintendent, with approval
1621 of the local board of education, of a complaint by a student against an educator alleging a
1622 sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17 or Code Section
1623 16-6-20, 16-6-22.2, or 16-12-100.

1624 (e)(1) Notwithstanding any other provision of law, an individual with a criminal record
1625 may petition the commission at any time, including while incarcerated and before starting
1626 or completing any required professional qualifications for certification, for a
1627 predetermination as to whether the individual's criminal record will disqualify him or her
1628 from obtaining a certificate.

1629 (2) The petition for predetermination shall include the individual's criminal record or
1630 authorize the board to obtain the individual's criminal record. The petitioning individual
1631 need not disclose any offenses falling under subsection (c.1) of this Code section. The
1632 petition shall also include any information the petitioner chooses to submit concerning
1633 the circumstances of their record and their rehabilitation.

1634 (3) In considering predetermination petitions, the commission shall apply the direct
1635 relationship standard provided for in subsection (a.1) of Code Section 20-2-984.5 and
1636 shall not consider any offenses falling under subsection (c.1) of this Code section. The
1637 commission shall support any adverse predetermination with clear and convincing
1638 evidence.

1639 (4) A predetermination made under this subsection that a petitioner is eligible for a
1640 certificate shall be binding on the commission only if the petitioner applies for
1641 certification, fulfills all other requirements for the certificate, and the petitioner's
1642 submitted criminal record was correct and remains unchanged at the time of his or her
1643 application for a certificate.

1644 (5) If a petitioner's criminal record includes matters that may disqualify the petitioner
1645 from certification, the commission shall notify the petitioner of the potentially
1646 disqualifying convictions. The letter of concern shall advise the petitioner of their

1647 opportunity to submit additional evidence of rehabilitation and mitigation or for a
1648 hearing, or both.

1649 (6) The commission may predetermine that the petitioner's criminal record is likely
1650 grounds for denial of a license only after the commission has held a hearing on the
1651 petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
1652 Administrative Procedure Act.' The hearing shall be held in person, by remote video, or
1653 by teleconference within 60 days of receipt of the predetermination petition. The
1654 individual shall have the opportunity to include character witnesses at the hearing,
1655 including but not limited to family members, friends, past or prospective employers,
1656 probation or parole officers, and rehabilitation counselors, who may offer their verbal or
1657 written support. The commission shall not make an adverse inference by a petitioner's
1658 decision to forgo a hearing or character witnesses. The commission shall issue a final
1659 decision within 60 days of complete submission of the issue for consideration or the
1660 hearing, whichever is later.

1661 (7) If the commission decides that a predetermination petitioner is ineligible for a
1662 certificate, the board shall notify the petitioner of the following:

1663 (A) The grounds and rationale for the predetermination, including any specific
1664 convictions and the factors in subsection (a.1) of Code Section 20-2-984.5 the
1665 commission deemed directly relevant;

1666 (B) An explanation of the process and right to appeal the commission's
1667 predetermination decision under Chapter 13 of Title 50, the 'Georgia Administrative
1668 Procedure Act'; and

1669 (C) Any actions the petitioner may take to remedy the disqualification. An individual
1670 who receives a predetermination of ineligibility may submit a revised petition reflecting
1671 completion of the remedial actions. The individual may submit a new petition to the
1672 commission not before one year following a final judgment on their initial petition or
1673 upon completing the remedial actions, whichever is earlier.

1674 (8) The denial of a predetermination petition because of the applicant's criminal record
1675 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
1676 hearing or civil action reviewing the denial of a predetermination petition, the
1677 commission shall have the burden of proving that the applicant's criminal record directly
1678 relates to the licensed occupation."

1679 **SECTION 3-3.**

1680 Said title is further amended in Code Section 20-2-984.5, relating to preliminary
1681 investigations of educators, disciplinary actions, and hearings by the Professional Standards
1682 Commission, by adding two new subsections to read as follows:

1683 "(a.1) The commission shall recommend disciplinary action on the basis of a criminal
1684 conviction only if the conviction or adjudication directly relates to the role of an educator.
1685 In determining if a criminal conviction directly relates to the role of an educator, the
1686 commission shall consider:

1687 (1) The nature and seriousness of the crime and the direct relationship of the criminal
1688 conduct to the duties and responsibilities of the educator;

1689 (2) The age of the individual at the time such crime was committed;

1690 (3) The length of time elapsed since such crime was committed;

1691 (4) All circumstances relative to such crime, including, but not limited to, mitigating
1692 circumstances or social conditions surrounding the commission of the offense; and

1693 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
1694 for which the certificate is sought or held, including, but not limited to:

1695 (A) The completion of the criminal sentence;

1696 (B) A program and treatment certificate issued by the Board of Corrections;

1697 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
1698 program;

- 1699 (D) Testimonials and recommendations, which may include a progress report from the
1700 individual's probation or parole officer;
- 1701 (E) Education and training;
- 1702 (F) Employment history;
- 1703 (G) Employment aspirations;
- 1704 (H) The individual's current family or community responsibilities, or both;
- 1705 (I) Whether a bond is required to practice the occupation;
- 1706 (J) Any affidavits or other written documents, including, but not limited to, character
1707 references; and
- 1708 (K) Any other information regarding rehabilitation the individual submits to the
1709 commission.
- 1710 (a.2) In determining whether to deny, diminish, limit, suspect, revoke, refuse to renew, or
1711 otherwise withhold a license, the commission or investigator shall not consider nor require
1712 an individual to disclose:
- 1713 (1) A deferred adjudication, first offender treatment, participation in a diversion
1714 program, a conditional discharge, or an arrest not followed by a conviction;
- 1715 (2) A conviction for which no sentence of incarceration can be imposed;
- 1716 (3) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1717 pardoned;
- 1718 (4) A juvenile adjudication;
- 1719 (5) A misdemeanor conviction older than five years, unless the offense of conviction is
1720 listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
- 1721 (6) A conviction older than five years for which the individual was not incarcerated, or
1722 a conviction for which the individual's incarceration ended more than five years before
1723 the date of the commission's consideration, except for a felony conviction related to:
- 1724 (A) A criminal sexual act;
- 1725 (B) Criminal fraud or embezzlement;

1751 individual evaluation by the board of the applicant's educational experience, professional
 1752 background, and proficiency in the English language;
 1753 ~~(5)~~(4) Have completed an internship or other program that has been approved by the
 1754 board or demonstrated to the board's satisfaction that experience in the practice of
 1755 pharmacy which meets or exceeds the minimum internship requirements of the board;
 1756 ~~(6)~~(5) Have successfully passed an examination or examinations approved by the board;
 1757 and
 1758 ~~(7)~~(6) Have paid the fees specified by the board for the examination and any related
 1759 materials and have paid for the issuance of the license."

1760 **SECTION 4-2.**

1761 Said title is further amended in Code Section 26-4-60, relating to grounds for suspension,
 1762 revocation or refusal to grant pharmacist licenses, by revising paragraph (3) of subsection (a)
 1763 as follows:

1764 "(3) Except as prohibited in Code Section 26-4-60.1, for being Being:

1765 (A) Convicted of a felony;

1766 (B) Convicted of any ~~crime involving moral turpitude~~ covered misdemeanor, as
 1767 defined in Code Section 43-1-1, in this state or any other state, territory, or country or
 1768 in the courts of the United States; or

1769 (C) Convicted or guilty of violations of the pharmacy or drug laws of this state, or rules
 1770 and regulations pertaining thereto, or of laws, rules, and regulations of any other state,
 1771 or of the federal government;"

1772 **SECTION 4-3.**

1773 Said title is further amended by adding two new Code sections to read as follows:

1774 "26-4-60.1.

1775 (a) Notwithstanding paragraph (3) of subsection (a) of Code Section 26-4-60, the board

1776 of pharmacy shall refuse to grant a license to an individual or shall revoke a license only

1777 if a conviction directly relates to the occupation for which the license is sought or held and

1778 granting the license would pose a direct and substantial risk to public safety because the

1779 individual has not been rehabilitated to safely perform the duties and responsibilities of the

1780 practice of pharmacy. In determining if a conviction directly relates to the occupation for

1781 which the license is sought or held, the board of pharmacy shall consider:

1782 (1) The nature and seriousness of the offense and the direct relationship of the criminal

1783 conduct to the duties and responsibilities of the occupation for which the license is sought

1784 or held;

1785 (2) The age of the individual at the time the offense was committed;

1786 (3) The length of time elapsed since the offense was committed;

1787 (4) All circumstances relative to the offense, including, but not limited to, mitigating

1788 circumstances or social conditions surrounding the commission of the offense; and

1789 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation

1790 for which the license is sought or held, including, but not limited to:

1791 (A) The completion of the criminal sentence;

1792 (B) A program and treatment certificate issued by the Board of Corrections;

1793 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment

1794 program;

1795 (D) Testimonials and recommendations, which may include a progress report from the

1796 individual's probation or parole officer;

1797 (E) Education and training;

1798 (F) Employment history;

1799 (G) Employment aspirations;

1800 (H) The individual's current family or community responsibilities, or both;

- 1801 (I) Whether a bond is required to practice the occupation;
1802 (J) Any affidavits or other written documents, including, but not limited to, character
1803 references; and
1804 (K) Any other information regarding rehabilitation the individual submits to the board.
1805 (b) In determining whether to deny, diminish, limit, suspect, revoke, refuse to renew, or
1806 otherwise withhold a license due to criminal record, the board of pharmacy shall not
1807 consider nor require an individual to disclose:
1808 (1) A deferred adjudication, first offender treatment, participation in a diversion
1809 program, a conditional discharge, or an arrest not followed by a conviction;
1810 (2) A conviction for which no sentence of incarceration can be imposed;
1811 (3) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
1812 pardoned;
1813 (4) A juvenile adjudication;
1814 (5) A misdemeanor conviction older than five years, unless the offense of conviction is
1815 listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
1816 (6) A conviction older than five years for which the individual was not incarcerated, or
1817 a conviction for which the individual's incarceration ended more than five years before
1818 the date of the board's consideration, except for a felony conviction related to:
1819 (A) A criminal sexual act;
1820 (B) Criminal fraud or embezzlement;
1821 (C) Aggravated assault;
1822 (D) Aggravated robbery;
1823 (E) Aggravated abuse, neglect, or endangerment of a child;
1824 (F) Arson;
1825 (G) Carjacking;
1826 (H) Kidnapping;
1827 (I) Manslaughter, homicide, or murder; or

1828 (J) Distribution, manufacturing, or possession of a controlled substance.

1829 26-4-60.2.

1830 (a) Notwithstanding any other provision of law, an individual with a criminal record may
1831 petition the board of pharmacy at any time, including while incarcerated and before starting
1832 or completing any required professional qualifications for licensure, for a predetermination
1833 as to whether the individual's criminal record will disqualify him or her from obtaining a
1834 license.

1835 (b) The petition for predetermination shall include the individual's criminal record or
1836 authorize the board to obtain the individual's criminal record. The petitioning individual
1837 need not disclose any offenses falling under subsection (b) of Code Section 20-4-60.1. The
1838 petition shall also include any information the petitioner chooses to submit concerning the
1839 circumstances of their record and their rehabilitation.

1840 (c) In considering predetermination petitions, the board shall apply the direct relationship
1841 standard in subsection (a) of Code Section 26-4-60.1 and shall not consider any offenses
1842 falling under subsection (b) of Code Section 26-4-60.1. The board shall support any
1843 adverse predetermination with clear and convincing evidence.

1844 (d) A predetermination made under this subsection that a petitioner is eligible for a license
1845 shall be binding on the board only if the petitioner applies for licensure, fulfills all other
1846 requirements for the licensure, and the petitioner's submitted criminal record was correct
1847 and remains unchanged at the time of his or her application for a license.

1848 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
1849 licensure, the board shall notify the petitioner of the potentially disqualifying convictions.
1850 The letter of concern shall advise the petitioner of their opportunity to submit additional
1851 evidence of rehabilitation and mitigation or for a hearing, or both.

1852 (f) The board may predetermine that the petitioner's criminal record is likely grounds for
1853 denial of a license only after the board has held a hearing on the petitioner's eligibility in

1854 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
1855 hearing shall be held in person, by remote video, or by teleconference within 60 days of
1856 receipt of the predetermination petition. The individual shall have the opportunity to
1857 include character witnesses at the hearing, including but not limited to family members,
1858 friends, past or prospective employers, probation or parole officers, and rehabilitation
1859 counselors, who may offer their verbal or written support. The board shall not make an
1860 adverse inference by a petitioner's decision to forgo a hearing or character witnesses. The
1861 board shall issue a final decision within 60 days of complete submission of the issue for
1862 consideration or the hearing, whichever is later.

1863 (g) If the board decides that a predetermination petitioner is ineligible for a license, the
1864 board shall notify the petitioner of the following:

1865 (1) The grounds and rationale for the predetermination, including the specific
1866 convictions and the factors in paragraph (1) of subsection (a) of this Code section the
1867 board deemed directly relevant;

1868 (2) An explanation of the process and right to appeal the board's predetermination
1869 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

1870 (3) Any actions the petitioner may take to remedy the disqualification. An individual
1871 who receives a predetermination of ineligibility may submit a revised petition reflecting
1872 completion of the remedial actions. The individual may submit a new petition to the
1873 board not before one year following a final judgment on their initial petition or upon
1874 completing the remedial actions, whichever is earlier.

1875 (h) The denial of a predetermination petition because of the applicant's criminal record
1876 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
1877 hearing or civil action reviewing the denial of a predetermination petition, the board shall
1878 have the burden of proving that the applicant's criminal record directly relates to the
1879 licensed occupation."

1880

PART V

1881

SECTION 5-1.

1882 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
1883 Section 31-7-351, relating to definitions relative to the Georgia long-term care background
1884 check program, by revising paragraph (5) as follows:

1885 "(5)(A) 'Criminal record' means any of the following:

1886 (i) Conviction of a crime;

1887 (ii) Arrest, charge, and sentencing for a crime when:

1888 (I) A plea of nolo contendere was entered to the crime;

1889 (II) First offender treatment without adjudication of guilt was granted to the crime;

1890 or

1891 (III) Adjudication or sentence was otherwise withheld or not entered for the crime;

1892 or

1893 (iii) Arrest and charges for a crime if the charge is pending, unless the time for
1894 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

1895 (B) Such term shall not include an owner, applicant, or employee for which at least ten
1896 years have elapsed from the date of his or her criminal background check since the
1897 ~~completion of all of the terms of his or her sentence~~ dates of conviction or adjudication;
1898 such term also shall not include an owner, applicant, or employee who has received a
1899 general pardon from the State Board of Pardons and Paroles for the convictions;
1900 provided, however, that such ten-year period exemption or and pardon exemption shall
1901 never apply to any crime identified in subsection (j) of Code Section 42-8-60."

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PART VI
SECTION 6-1.

1904 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
1905 Section 33-23-21, relating to grounds for refusal, suspension, or revocation of insurance
1906 agent licenses, by revising paragraphs (15) and (16) as follows:

1907 "(15) Except as otherwise provided in Code Section 33-23-21.2, has ~~Has~~ been convicted
1908 of any felony or of any ~~crime involving moral turpitude~~ covered misdemeanor as defined
1909 in Code Section 43-1-1 in the courts of this state or any other state, territory, or country
1910 or in the courts of the United States; as used in this paragraph and paragraph (16) of this
1911 subsection, the term 'felony' shall include any offense which, if committed in this state,
1912 would be deemed a felony, without regard to its designation elsewhere; and, as used in
1913 this paragraph, the term 'conviction' shall include a finding or verdict of guilty or a plea
1914 of guilty, regardless of whether an appeal of the conviction has been sought;

1915 (16) Except as otherwise provided in Code Section 33-23-21.2, has ~~Has~~ been arrested,
1916 charged, and sentenced for the commission of any directly related felony, or any ~~crime~~
1917 ~~involving moral turpitude~~ directly related covered misdemeanor as defined in Code
1918 Section 43-1-1, where:

1919 (A) First offender treatment without adjudication of guilt pursuant to the charge was
1920 granted; or

1921 (B) An adjudication of guilt or sentence was otherwise withheld or not entered on the
1922 charge.

1923 The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating
1924 to probation of first offenders, or other first offender treatment shall be conclusive
1925 evidence of arrest and sentencing for such crime;"

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SECTION 6-2.

Said title is further amended by adding two new Code sections to read as follows:

"33-23-21.2.

Notwithstanding Code Section 33-23-21, the Commissioner shall refuse to grant a license to an individual or shall revoke a license only if a conviction directly relates to the occupation for which the license is sought or held and granting the license would pose a direct and substantial risk to public safety because the individual has not been rehabilitated to safely perform the duties and responsibilities of a licensee. In determining if a conviction directly relates to the occupation for which the license is sought or held, the Commissioner shall consider:

(1) The nature and seriousness of the offense and the direct relationship of the criminal conduct to the duties and responsibilities of the occupation for which the license is sought or held;

(2) The age of the individual at the time the offense was committed;

(3) The length of time elapsed since the offense was committed;

(4) All circumstances relative to the offense, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of the offense; and

(5) Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the license is sought or held, including, but not limited to:

(A) The completion of the criminal sentence;

(B) A program and treatment certificate issued by the Board of Corrections;

(C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment program;

(D) Testimonials and recommendations, which may include a progress report from the individual's probation or parole officer;

(E) Education and training;

(F) Employment history;

1953 (G) Employment aspirations;
1954 (H) The individual's current family or community responsibilities, or both;
1955 (I) Whether a bond is required to practice the occupation;
1956 (J) Any affidavits or other written documents, including, but not limited to, character
1957 references; and
1958 (K) Any other information regarding rehabilitation the individual submits to the
1959 Commissioner.

1960 33-23-21.3.

1961 (a) Notwithstanding any other provision of law, an individual with a criminal record may
1962 petition the Commissioner at any time, including while incarcerated and before starting or
1963 completing any required professional qualifications for licensure, for a predetermination
1964 as to whether the individual's criminal record will disqualify him or her from obtaining a
1965 license.

1966 (b) The petition for predetermination shall include the individual's criminal record or
1967 authorize the Commissioner to obtain the individual's criminal record. The petition shall
1968 also include information submitted by the petitioner concerning the circumstances of their
1969 record and their rehabilitation.

1970 (c) In considering predetermination petitions, the Commissioner shall apply the direct
1971 relationship standard in Code Section 33-23-21.2.

1972 (d) A predetermination made under this subsection that a petitioner is eligible for a license
1973 shall be binding on the Commissioner only if the petitioner applies for licensure, fulfills
1974 all other requirements for the licensure, and the petitioner's submitted criminal record was
1975 correct and remains unchanged at the time of his or her application for a license.

1976 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
1977 licensure, the Commissioner shall provide notice and opportunity for a hearing in
1978 accordance with Chapter 2 of this title.

1979 (f) If, after notice and the opportunity for a hearing, the Commissioner decides that a
 1980 predetermination petitioner is ineligible for a license, the Commissioner shall notify the
 1981 petitioner of the following:

1982 (1) The grounds and rationale for the predetermination, including the factors in Code
 1983 Section 33-23-21.2 the Commissioner deemed directly relevant;

1984 (2) An explanation of the process and right to appeal the Commissioner's
 1985 predetermination decision; and

1986 (3) Any actions the petitioner may take to remedy the disqualification. An individual
 1987 who receives a predetermination of ineligibility may submit a revised petition reflecting
 1988 completion of the remedial actions. The individual may submit a new petition to the
 1989 Commissioner not before one year following a final judgment on their initial petition or
 1990 upon completing the remedial actions, whichever is earlier."

1991 **SECTION 6-3.**

1992 Said title is further amended by adding two new Code sections to read as follows:

1993 "33-23-43.11.

1994 Notwithstanding Code Section 33-23-43.10, the Commissioner shall refuse to grant a
 1995 license to an individual or shall revoke a license only if a conviction directly relates to the
 1996 occupation for which the license is sought or held and granting the license would pose a
 1997 direct and substantial risk to public safety because the individual has not been rehabilitated
 1998 to safely perform the duties and responsibilities of a licensee. In determining if a
 1999 conviction directly relates to the occupation for which the license is sought or held, the
 2000 Commissioner shall consider:

2001 (1) The nature and seriousness of the offense and the direct relationship of the criminal
 2002 conduct to the duties and responsibilities of the occupation for which the license is sought
 2003 or held;

2004 (2) The age of the individual at the time the offense was committed;

- 2005 (3) The length of time elapsed since the offense was committed;
2006 (4) All circumstances relative to the offense, including, but not limited to, mitigating
2007 circumstances or social conditions surrounding the commission of the offense; and
2008 (5) Evidence of rehabilitation and present fitness to perform the duties of the occupation
2009 for which the license is sought or held, including, but not limited to:
2010 (A) The completion of the criminal sentence;
2011 (B) A program and treatment certificate issued by the Board of Corrections;
2012 (C) Completion of, or active participation in, a rehabilitative drug or alcohol treatment
2013 program;
2014 (D) Testimonials and recommendations, which may include a progress report from the
2015 individual's probation or parole officer;
2016 (E) Education and training;
2017 (F) Employment history;
2018 (G) Employment aspirations;
2019 (H) The individual's current family or community responsibilities, or both;
2020 (I) Whether a bond is required to practice the occupation;
2021 (J) Any affidavits or other written documents, including, but not limited to, character
2022 references; and
2023 (K) Any other information regarding rehabilitation the individual submits to the
2024 Commissioner.

2025 33-23-43.12.

- 2026 (a) Notwithstanding any other provision of law, an individual with a criminal record may
2027 petition the Commissioner at any time, including while incarcerated and before starting or
2028 completing any required professional qualifications for licensure, for a predetermination
2029 as to whether the individual's criminal record will disqualify him or her from obtaining a
2030 public adjuster's license.

2031 (b) The petition for predetermination shall include the individual's criminal record or
2032 authorize the Commissioner to obtain the individual's criminal record. The petition shall
2033 also include information submitted by the petitioner concerning the circumstances of their
2034 record and their rehabilitation.

2035 (c) In considering predetermination petitions, the Commissioner shall apply the direct
2036 relationship standard in Code Section 33-23-43.11.

2037 (d) A predetermination made under this subsection that a petitioner is eligible for a license
2038 shall be binding on the Commissioner only if the petitioner applies for licensure, fulfills
2039 all other requirements for the licensure, and the petitioner's submitted criminal record was
2040 correct and remains unchanged at the time of his or her application for a license.

2041 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
2042 licensure, the Commissioner shall provide notice and opportunity for a hearing in
2043 accordance with Chapter 2 of this title.

2044 (f) If, after notice and the opportunity for a hearing, the Commissioner decides that a
2045 predetermination petitioner is ineligible for a license, the Commissioner shall notify the
2046 petitioner of the following:

2047 (1) The grounds and rationale for the predetermination, including the specific
2048 convictions and the factors in Code Section 33-23-43.11 the Commissioner deemed
2049 directly relevant;

2050 (2) An explanation of the process and right to appeal the Commissioner's
2051 predetermination decision; and

2052 (3) Any actions the petitioner may take to remedy the disqualification. An individual
2053 who receives a predetermination of ineligibility may submit a revised petition reflecting
2054 completion of the remedial actions. The individual may submit a new petition to the
2055 Commissioner not before one year following a final judgment on their initial petition or
2056 upon completing the remedial actions, whichever is earlier."

2057

PART VII

2058

SECTION 7-1.

2059 Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to firefighter
2060 standards and training is amended by adding a new subsection to Code Section 25-4-8,
2061 relating to qualifications of firefighters generally, to read as follows:

2062 "(d) A person who pleaded guilty to a felony offense under the 'Georgia First Offender Act'
2063 and successfully completed the terms of his or her sentence pursuant to Article 3 of Chapter
2064 8 of Title 42 may, at the council's discretion, be certified and employed as a firefighter if
2065 such person otherwise meets the qualifications set forth in this Code section. Such person
2066 shall provide information on the circumstances underlying the plea of guilty, as requested
2067 by the council, to enable the council to make an informed decision on such individual's
2068 qualification status."

2069

PART VIII

2070

SECTION 8-1.

2071 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
2072 is amended by repealing Code Section 43-1-34, relating to licenses for transitioning members
2073 of the armed forces, in its entirety and enacting a new Code Section 43-1-34 to read as
2074 follows:

2075 "43-1-34.

2076 (a) As used in this Code section, the term:

2077 (1) 'License' means a document, permit, certificate of registration, or other authorization
2078 issued by or on behalf of a professional licensing board or other board that is required
2079 under this title for a person to engage in a profession, business, or trade or an
2080 occupational specialty, certification, or other document earned in the military.

2081 (2) 'Military' means the United States armed forces, including the air force, army, coast
2082 guard, marine corps, navy, space force, national guard, and all reserve components and
2083 auxiliaries. Such term also includes the military reserves and militia of any United States
2084 territory or state.

2085 (3) 'Other board' means a board created pursuant to this title that is not a professional
2086 licensing board in this state.

2087 (4) 'Scope of practice' means the procedures, actions, processes, and work that a person
2088 may perform under an occupational license.

2089 (5) 'Service member' means an active duty member of the regular or reserve component
2090 of the United States military.

2091 (6) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
2092 United States Virgin Islands, or any territory or insular possession subject to the
2093 jurisdiction of the United States, or any branch or unit of the military.

2094 (b) Notwithstanding any other provisions of law, a professional licensing board or other
2095 board shall issue an expedited license by endorsement to a service member or spouse of a
2096 service member upon application who:

2097 (1) Holds a current and valid license to practice a profession, business, or trade issued
2098 by another state for an occupation with a similar scope of practice in this state, as
2099 determined by a professional licensing board or other board;

2100 (2) Has held such license for at least one year;

2101 (3) Is in good standing in such other state and whose license has not been revoked,
2102 suspended, or surrendered because of negligence or intentional misconduct related to
2103 such person's work in the profession, business, or trade;

2104 (4) Does not have a complaint, allegation, or investigation pending before a
2105 governmental entity in another state which relates to unprofessional conduct or an alleged
2106 crime; provided, however, that, if such person has a pending complaint, allegation, or
2107 investigation, a professional licensing board or other board shall not issue or deny a

2108 license in this state until such complaint, allegation, or investigation is resolved. In such
2109 instance, the licensing board or other board shall consult with such other state;
2110 (5) Does not have a disqualifying criminal record as determined by the professional
2111 licensing board or other board;
2112 (6) Passes any examination that may only be required to demonstrate knowledge of the
2113 laws and rules and regulations of this state specific to the practice of the profession,
2114 business, or trade for which such expedited license by endorsement is being sought; and
2115 (7) Pays all applicable fees required by the professional licensing board or other board
2116 in this state.

2117 (c) Notwithstanding any other provisions of law, a professional licensing board or other
2118 board shall issue an expedited license to a service member or spouse of a service member
2119 upon application based on work experience in another state if all of the following apply:
2120 (1) Such service member or spouse worked in a profession, business, or trade in another
2121 state that does not require a license to regulate such occupation, but this state requires a
2122 license for an occupation with a similar scope of practice, as determined by a professional
2123 licensing board or other board;
2124 (2) Such service member or spouse worked in such profession, business, or trade in
2125 another state for at least three years; and
2126 (3) Such service member or spouse satisfies the requirements of paragraphs (4) through
2127 (7) of subsection (b) of this Code section.

2128 (d) An expedited license shall be issued no later than 30 days from the date of receipt of
2129 an application and information and documents that show that all of the requirements of
2130 subsection (b) or (c) of this Code section have been met. Such application shall only
2131 require such information and documentation necessary to verify that the applicant meets
2132 the requirements set forth in subsection (b) or (c) of this Code section.

2133 (e) An applicant who is refused a license under this Code section may not apply again on
2134 an expedited basis for the same license.

2135 (f) A license issued under this Code section is valid only in this state. Such license does
2136 not make the licensee eligible to work in another state under an interstate licensure compact
2137 or reciprocity agreement, unless otherwise provided by law.

2138 (g) A person who obtains a license under this Code section is subject to the laws of this
2139 state and the jurisdiction of the respective professional licensing board or other board in
2140 this state.

2141 (h) Nothing contained in this Code section shall be construed to invalidate, override, or
2142 amend any interstate licensure compact entered into by this state."

2143 **SECTION 8-2.**

2144 Said title is further amended by repealing Code Section 43-1-35, relating to expedited license
2145 by endorsement for spouses of active or transitioning members of the armed forces, in its
2146 entirety and enacting a new Code Section 43-1-35 to read as follows:

2147 "43-1-35.

2148 (a) As used in this Code section, the term:

2149 (1) 'Firefighter' shall have the same meaning as provided in Code Section 45-9-81.

2150 (2) 'Healthcare provider' means any physician or other person licensed or otherwise
2151 authorized in this state to furnish healthcare services, including any dentist, podiatrist,
2152 optometrist, pharmacist, psychologist, licensed professional counselor, clinical social
2153 worker, registered professional nurse, advanced practice registered nurse, licensed
2154 practical nurse, registered optician, physical therapist, chiropractor, physician assistant,
2155 cardiac technician, emergency medical technician, or paramedic.

2156 (3) 'Law enforcement officer' shall have the same meaning as provided in Code Section
2157 45-9-81.

2158 (4) 'License' shall have the same meaning as provided in Code Section 43-1-34.

2159 (5) 'Other board' shall have the same meaning as provided in Code Section 43-1-34.

2160 (6) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
2161 United States Virgin Islands, or any territory or insular possession subject to the
2162 jurisdiction of the United States.

2163 (b) Notwithstanding any other provisions of law, a professional licensing board or other
2164 board shall issue a license by endorsement to any individual seeking licensure for a
2165 profession other than that of a firefighter, healthcare provider, or a law enforcement officer,
2166 provided that such individual has:

2167 (1) Moved from another state and established residency in this state;

2168 (2) Holds a current license to practice such occupation or profession issued by another
2169 state prior to establishing residency in this state for which the training, experience, and
2170 testing are substantially similar in qualifications and scope to the requirements under this
2171 state to obtain a license;

2172 (3) Is in good standing in such other state and is not the subject of an investigation or a
2173 disciplinary proceeding being conducted by a professional licensing board or other board
2174 in such other state; and

2175 (4) Passes any examination that may only be required to demonstrate knowledge of the
2176 laws and rules and regulations of this state specific to the practice of the profession,
2177 business, or trade for which such license by endorsement is being sought.

2178 (c) Subsection (b) of this Code section shall not be used to grant a license by endorsement
2179 of a firefighter, healthcare provider, or law enforcement officer to any individual.

2180 (d) An application for a license by endorsement shall only require such information and
2181 documentation necessary to verify that the applicant meets the requirements set forth in
2182 subsection (b) of this Code section.

2183 (f) Nothing contained in this Code section shall be construed to be applicable to a license
2184 or admission to practice law in this state.

2185 (g) Nothing contained in this Code section shall be construed to invalidate, override, or
2186 amend any licensing compact entered into by the State of Georgia or to permit the
2187 issuance of a license without verification under Code Section 50-36-1."

2188 **SECTION 8-3.**

2189 Said title is further amended by repealing and reserving Code Section 43-50-42, relating to
2190 issuance and renewal of temporary license for transitioning service members.

2191 **PART IX**

2192 **SECTION 9-1.**

2193 This Act shall become effective on January 1, 2024, and shall apply to all applications for
2194 licensure submitted on or after such date; provided, however, Part VIII of this Act shall
2195 become effective on March 1, 2024.

2196 **SECTION 9-2.**

2197 All laws and parts of laws in conflict with this Act are repealed.