

House Bill 579 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Reeves of the 99th, Hatchett of the 155th, Wiedower of the 121st, Prince of the 132nd, Fleming of the 114th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to revise provisions relating to licensure to engage in the practice of a
3 profession, business, or trade in this state; to revise provisions relating to meetings of
4 professional licensing boards; to revise provisions relating to the roster of licensees; to revise
5 provisions relating to the duties of the division director; to provide for the review and
6 granting of applications for the issuance, renewal, or reinstatement of licenses by the director
7 of the professional licensing boards division; to revise provisions relating to the renewal of
8 professional licenses; to revise provisions relating to the removal of members of a
9 professional licensing board; to require that the rules and regulations promulgated by
10 professional licensing boards be designed to protect the health, safety, and welfare of the
11 public; to repeal provisions creating separate standards committees of the Georgia Composite
12 Board of Professional Counselors, Social Workers, and Marriage and Family Therapists; to
13 provide for an effective date; to provide for related matters; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 579 (SUB)

PART I
SECTION 1-1.

18 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
19 is amended by revising Code Section 43-1-2, relating to appointment and powers of division
20 director, members and meetings of professional licenses board, examination standards, roster
21 of licensees, and funding, as follows:

22 "43-1-2.

23 (a)(1) There is created within the office of the Secretary of State the professional
24 licensing boards division as successor to the office of the joint-secretary of the state
25 examining boards. The Secretary of State is authorized and directed to appoint a director
26 of the professional licensing boards division.

27 (2) Any action of the joint-secretary taken with regard to any state examining board prior
28 to July 1, 2000, shall thereafter be deemed to be action taken by the director of the
29 professional licensing boards division and that division director shall thereafter act in the
30 stead of such joint-secretary and succeed to the powers and duties of the joint-secretary
31 with regard to those state examining boards. The rights, privileges, entitlements, or
32 duties of parties to contracts, leases, agreements, or other transactions entered into by the
33 joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or
34 diminished by reason of the succession of the division director to the powers and duties
35 of the joint-secretary.

36 (b) The salary of the division director shall be fixed by the Secretary of State, and he or
37 she shall hold office at the pleasure of the Secretary of State.

38 (c) The Secretary of State, notwithstanding any other provisions of law to the contrary,
39 shall employ personnel as deemed necessary to carry out this chapter and to provide for all
40 services required by each of the professional licensing boards and shall establish within the

41 guidelines provided by the laws and rules and regulations of the State Personnel Board the
42 qualifications of such personnel.

43 (d) The division director, with the approval of the Secretary of State, notwithstanding any
44 other provisions of law to the contrary, shall enter into such contracts as are deemed
45 necessary to carry out this chapter to provide for all services required by each of the
46 professional licensing boards.

47 (e) The Secretary of State, notwithstanding any other provisions of law to the contrary,
48 shall have the power to employ and shall set the qualifications and salary for a deputy
49 division director and shall appoint executive directors as required who shall act in the
50 absence of the division director and who shall perform such other functions of the division
51 director under this chapter as the division director may designate. The deputy division
52 director and executive directors as appointed shall be in the unclassified service and shall
53 be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

54 (f) Notwithstanding any other provisions of law to the contrary, each member of the
55 various professional licensing boards may receive the expense allowance as provided by
56 subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a
57 personal car as that received by all other state officials and employees or a travel allowance
58 of actual transportation cost if traveling by public carrier within the state. Any board
59 member shall also be reimbursed for any conference or meeting registration fee incurred
60 in the performance of his or her duties as a board member. For each day's service outside
61 of the state as a board member, such member shall receive actual expenses as an expense
62 allowance as well as the same mileage allowance for the use of a personal car as that
63 received by other state officials and employees or a travel allowance of actual
64 transportation cost if traveling by public carrier or by rental motor vehicle. Expense
65 vouchers submitted by members of the various professional licensing boards are subject
66 to approval of the president or chairperson of the respective board and the division director.

67 (g) All meetings and hearings of the respective professional licensing boards shall be held
68 ~~in the capitol~~, at the site of the office of the respective board; or at such other site as may
69 be requested by the chairperson or president of a professional licensing board and approved
70 by the division director.

71 (h) A majority of the appointed members of a professional licensing board shall constitute
72 a quorum for the transaction of business by that board.

73 (h.1) Members of a professional licensing board shall serve until the expiration of the term
74 for which they were appointed and until their successors have been appointed and qualified
75 unless otherwise specified under the provisions of this title.

76 (i) A schedule of all meetings and hearings of the various professional licensing boards
77 shall be maintained at the office of the division director and be available for public review.

78 (j)(1) The division director may establish administrative standards for the examination
79 of applicants for licensure by the various professional licensing boards, notwithstanding
80 any other provisions of law to the contrary. These administrative standards may include
81 the setting of date, time, and location of examinations, subject to the approval of the
82 respective professional licensing boards. Notwithstanding any other provisions of law
83 to the contrary, examination criteria, examination grading procedures, examination fees,
84 examination passing score requirements, and other matters pertaining to the examination
85 of applicants for licensure may be adopted by rules of the respective professional
86 licensing boards as necessary to implement such examination standards. Examination
87 standards, including examination criteria, grading procedures, and passing score
88 requirements, developed in agreement or in conjunction with a national association of
89 state boards or other related national association for the administration of a nationally
90 recognized uniform examination may be adopted in lieu of state standards by the
91 respective professional licensing boards.

92 (2)(A) Notwithstanding any other provision of this title to the contrary, whenever an
93 applicant for the issuance of a license is required to obtain prior approval from a

94 professional licensing board before such applicant is permitted to take an examination
95 required in connection with such license, the division director shall be authorized to
96 grant such approval on behalf of the applicable professional licensing board, provided
97 that the division director is able to determine that the applicant has satisfied all other
98 requirements that may be provided in this title or in the rules and regulations of the
99 professional licensing board for such applicant to take such examination.

100 (B) Nothing in this paragraph shall prevent a professional licensing board from
101 granting or denying its approval for any applicant seeking the issuance of a license to
102 take an examination required in connection with such license, and such grant or denial
103 of approval from a professional licensing board with respect to a particular applicant
104 shall not be contradicted by the division director acting under the authorization
105 provided in this paragraph.

106 (C) As used in this paragraph, the term 'license' shall have the same meaning as set
107 forth in Code Section 43-1-3.1.

108 (k) The division director shall prepare and maintain a roster containing the names and
109 addresses of all current licensees for each of the various professional licensing boards as
110 well as all persons, other than any person who fails to renew his or her license for a period
111 of 45 days or less, who have been issued a public cease and desist order by a professional
112 licensing board pursuant to Code Section 43-1-20.1 for engaging in the practice of a
113 business or profession without a license. A copy of this such roster for each professional
114 licensing board, except for home addresses of licensees, shall be made available on the
115 public website of the secretary of state and shall include, in one location, the names of
116 licensees and persons issued cease and desist orders. A copy of the roster, except for home
117 addresses of licensees, shall also be made available to any person upon request at a fee
118 prescribed by the division director sufficient to cover the cost of printing and distribution.
119 The following shall be treated as confidential and need not be disclosed without the
120 approval of the professional licensing board to which application is made:

- 121 (1) Applications and other personal information, including home addresses, submitted
 122 by applicants, except to the applicant, staff, and the board;
- 123 (2) Information, favorable or unfavorable, submitted by a reference source concerning
 124 an applicant, except to the staff and the board;
- 125 (3) Examination questions and other examination materials, except to the staff and the
 126 board; and
- 127 (4) The deliberations of the board with respect to an application, an examination, a
 128 complaint, an investigation, or a disciplinary proceeding, except as may be contained in
 129 official board minutes.
- 130 (1) Funding for the office of the division director and the various professional licensing
 131 boards served by such office shall be contained in a common budget unit as defined in
 132 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.'"

133 **SECTION 1-2.**

134 Said title is further amended in Code Section 43-1-3, relating to duties of the division director
 135 and serving notice or process on boards through the division director, by revising subsection
 136 (a) as follows:

137 "(a) It shall be the duty of the division director:

- 138 (1) To bring together and keep all records relating to the professional licensing boards;
- 139 (2) To receive all applications for licenses;
- 140 (3) To review and grant applications for the issuance, renewal, or reinstatement of
 141 licenses in accordance with the provisions of Code Section 43-1-3.1;
- 142 (4) With the consent of the board concerned, to schedule the time and place for
 143 examinations;
- 144 ~~(4)~~(5) To schedule the time and place for all hearings;
- 145 ~~(5)~~(6) To issue certificates upon authority of the professional licensing board concerned;
- 146 and

147 ~~(6)~~(7) Except as otherwise provided by law, to collect all fees required by law in
148 connection with the licensing of trades and professions under such boards and to remit
149 the same to the state treasurer for deposit into the general fund of the state.
150 Notwithstanding any other provision of law, the division director is authorized to retain
151 all funds received as collection fees for use in defraying the cost of collection of fees
152 required under this chapter; provided, however, that nothing in this Code section shall be
153 construed so as to allow the division director to retain any funds required by the
154 Constitution of Georgia to be paid into the state treasury; and provided, further, that the
155 division director shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of
156 Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such
157 funds."

158 SECTION 1-3.

159 Said title is further amended by adding a new Code section to read as follows:

160 "43-1-3.1.

161 (a) As used in this Code section, the term 'license' means any license, certificate, permit,
162 registration, or other document that is issued by a professional licensing board and that is
163 required under this title for a person to engage in the practice of a profession, business, or
164 trade in this state. Such term shall include, without limitation, any expedited license,
165 temporary license, special license, or license by endorsement that is issued by a
166 professional licensing board under this title.

167 (b)(1) Notwithstanding any provision of this title to the contrary, the division director
168 shall be authorized to review each application for the issuance, renewal, or reinstatement
169 of a license and, upon determining that an application furnishes evidence that the
170 applicant has achieved or satisfied all of the qualifications, attainments, and other
171 conditions required for the issuance, renewal, or reinstatement of a particular license
172 under the provisions of this title or under the rules and regulations promulgated pursuant

173 to this title, shall be authorized, on behalf of the applicable professional licensing board,
174 to issue the license to or renew or reinstate the license of the applicant.

175 (2) Whenever the division director reviews any application for the issuance, renewal, or
176 reinstatement of a license pursuant to paragraph (1) of this subsection and cannot
177 determine, based on such application, that the applicant has achieved or satisfied all of
178 the qualifications, attainments, and other conditions required for the issuance, renewal,
179 or reinstatement of the license under the provisions of this title or under the rules and
180 regulations promulgated pursuant to this title, the division director shall not take any
181 action on the application and shall forward the application to the applicable professional
182 licensing board who shall then review, consider, and either grant or deny the application
183 in a timely manner.

184 (c) Nothing in this Code section shall prevent a professional licensing board from
185 reviewing applications for the issuance, renewal, or reinstatement of a license that is issued
186 by such professional licensing board and granting or denying such applications. Any such
187 application which a professional licensing board has granted or denied shall not be
188 reviewed or considered by the division director and, if the division director is in the process
189 of reviewing or considering such application at the time the professional licensing board
190 grants or denies such application, the division director shall cease his or her review of such
191 application and shall not take any further action on the application.

192 (d) When it is necessary for the division director, in connection with his or her review of
193 an application for the issuance, renewal, or reinstatement of a license under subsection (b)
194 of this Code section, to determine whether the applicant has satisfied any postsecondary
195 education requirements required for the issuance, renewal, or reinstatement of such license,
196 the division director shall not be required to obtain official transcripts evidencing the
197 satisfaction of such education requirements from the relevant postsecondary education
198 institution, provided that the division director is able to obtain confirmation, through other
199 reliable means, from the postsecondary education institution that such education

200 requirements have been satisfied. Each postsecondary education institution in this state is
201 encouraged to work with the division director to develop such alternative method of
202 confirming the satisfaction of education requirements as provided in this title."

203 **SECTION 1-4.**

204 Said title is further amended by revising Code Section 43-1-4, relating to expiration, renewal,
205 and penalty dates of licenses and certificates; duration of validity, and renewals, as follows:
206 "43-1-4.

207 (a) The division director shall determine the expiration, renewal, and penalty dates for
208 each license and certificate issued by the professional licensing boards through the office
209 of the division director which is subject to renewal. Before becoming effective, these
210 expiration, renewal, and penalty dates must be approved by the respective professional
211 licensing boards.

212 (b) ~~Each~~ Notwithstanding any provision of this title to the contrary, each license and
213 certificate issued by the professional licensing boards through the office of the division
214 director which are subject to renewal shall be valid for up to two years and shall be
215 renewable biennially on the renewal date established by the division director, as approved
216 by the respective professional licensing boards. Any such license or certificate shall be
217 renewable for up to 45 days after the expiration of such license or certificate, provided that
218 the licensee or the certificate holder has satisfied all requirements and paid all fees relating
219 to the renewal of such license or certificate as provided in this title or in the rules and
220 regulations promulgated pursuant to this title.

221 (c) The division director is authorized to adopt the necessary rules and regulations to
222 implement the biennial renewal of licenses and certificates in such manner as to ensure that
223 the number of renewals is reasonably evenly distributed throughout each two-year period."

224 **SECTION 1-5.**

225 Said title is further amended by revising Code Section 43-1-17, relating to removal from
226 office member of a professional licensing board, as follows:

227 "43-1-17.

228 The Governor, ~~after notice and opportunity for hearing,~~ may remove from office any
229 member of a professional licensing board for any of the following:

230 (1) Inability or neglect to perform the duties required of members;

231 (2) Incompetence; or

232 (3) Dishonest conduct."

233 **SECTION 1-6.**

234 Said title is further amended by revising Code Section 43-1-26, which is reserved, as follows:

235 "43-1-26.

236 Notwithstanding any provision of this title to the contrary, the power of each professional
237 licensing board to promulgate rules and regulations as provided in this title shall be limited
238 to the promulgation of rules and regulations that are designed to protect the health, safety,
239 and welfare of the public regarding the particular profession, business, or trade that is
240 regulated by such professional licensing board Reserved."

241 **PART II**

242 **SECTION 2-1.**

243 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
244 is amended by repealing in its entirety Code Section 43-10A-6, relating to separate standards
245 committees for professional counseling specialty, social work specialty, and marriage and
246 family therapy specialty, and designating said Code section as reserved.

247

PART III

248

SECTION 3-1.

249 This Act shall become effective on July 1, 2026.

250

SECTION 3-2.

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