

# Georgia Rules and Regulations Administrative Bulletin for December 2020

## OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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672. STATE DEPARTMENT OF TRANSPORTATION	<a href="#">672-20-.03</a> , <a href="#">672-20-.04</a>	amended	Nov. 24, 2020	Dec. 14
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# Department 120. RULES OF COMPTROLLER GENERAL

## Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF COMMISSIONER OF INSURANCE

### Subject 120-2-97. PHARMACY BENEFITS MANAGERS REGULATION

#### 120-2-97-.01 Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority set forth in O.C.G.A. §§ [33-2-9](#) and [33-64-1](#) et seq. All terms defined in O.C.G.A. § [33-64-1](#), hereinafter referred to as the Pharmacy Benefits Managers Act, which are used in this Regulation, shall have the same meaning as in the Act.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.01

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Authority" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

#### 120-2-97-.02 Scope and purpose

(1) This Regulation applies to any pharmacy benefits manager as defined in O.C.G.A. § [33-64-1](#).

(2) The purposes of this Regulation include:

- (a) Providing the regulation and licensure of pharmacy benefits managers;
- (b) Promoting the financial responsibility of pharmacy benefits managers;
- (c) To protect the interests of the enrolled public;
- (d) To provide means by which to govern, regulate, and monitor the conduct of pharmacy benefits managers;
- (e) Subjecting those business entities defined in O.C.G.A. § [33-64-1](#) to the jurisdiction of the Commissioner of Insurance; and
- (f) Regulating pharmacy benefits managers' practices in conformity with the general purposes of the Georgia Insurance Code.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.02

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Scope and Purpose" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.03 License; application; issuance; renewal; net worth; probationary license**

(1) It is unlawful for any person, business entity, or other entity to act as or hold itself out to be a pharmacy benefits manager in this State without a valid license issued by the Commissioner of Insurance. To qualify for and hold a license to act as a pharmacy benefits manager in this State, a pharmacy benefits manager must otherwise be in compliance with Chapter 64 of Title 33 of the Official Code of Georgia Annotated and this Regulation.

(2) The pharmacy benefits manager shall file with the Commissioner an application for a license upon a form to be furnished by the Commissioner.

(3) An audited financial statement or such other information as the Commissioner may require that demonstrates that the applicant possesses a minimum net worth of \$200,000. Letters of credit, backstop guarantees and special corporate structures will not be taken into consideration by the Commissioner in determining the net worth requirement.

(4) A Bond and proof of Errors and Omissions coverage must be included in the application and maintained by the pharmacy benefits manager.

(5) An application for a pharmacy benefits manager's license shall be accompanied by a fee of \$2,000.00.

(6) The Commissioner shall not issue a license or renew an existing license if he or she determines that the pharmacy benefits manager has:

(a) Misrepresented or concealed any material fact in the application for the license;

(b) Has obtained or attempted to obtain the license by misrepresentation, concealment, or other fraud;

(c) Has committed fraud;

(d) Has failed to obtain for initial licensure or retain for annual renewal a net worth of at least \$200,000; or

(e) Has violated any provision of this chapter while on probation, if for license renewal.

(7) A license issued under this section may be issued on a probationary basis in the discretion of the Commissioner. The probationary license may be issued for not longer than 12 months and not less than 3 months and is subject to revocation without a hearing. The Commissioner, at his or her discretion, shall prescribe the terms of probation, may extend the probationary period, or refuse to grant a license at the end of any probationary period.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.03

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "License; Application; Issuance; Renewal; Net Worth; Probationary License" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.04 Pharmacy benefits managers bond; and errors and omissions coverage**

(1) Every pharmacy benefits manager shall file a bond with the Commissioner. The pharmacy benefits manager shall file a certificate of such bond, in a form acceptable by a corporate surety insurer authorized to transact insurance in this state in favor of Commissioner of Insurance of the state of Georgia, continuous in form and in an amount \$100,000.

(2) The bond shall inure to the benefit of any person damaged by any fraudulent act or conduct of the pharmacy benefits manager and must be conditioned upon faithful accounting and application of all money coming into the pharmacy benefits manager's possession in connection with its activities as an pharmacy benefits manager.

(3) The bond remains in force until released by the Commissioner or canceled by the surety. Without prejudice to any liability previously incurred, the surety may cancel the bond upon thirty (30) days' advance notice to the pharmacy benefits manager and the Commissioner. A pharmacy benefits manager's license shall be suspended if it does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this section for the initial bond.

(4) Each pharmacy benefits manager shall obtain errors and omissions coverage or other appropriate liability insurance, written by an insurer authorized to transact insurance in this state, in an amount of at least \$250,000.

(5) Any policy written in accordance with paragraph (4) of this Rule shall be for a term of at least one year and shall contain provisions that:

(a) Cancellation or termination of the policy is not effective except upon sixty (60) days' written notice by registered or certified mail to the other party to the policy and to the Commissioner; and

(b) The policy is automatically renewable at the expiration of the policy period except upon sixty (60) days' written notice by registered or certified mail by the party not renewing the policy to the other party to the policy and to the Commissioner.

(6) Compliance by the pharmacy benefits manager with paragraphs (1) and (4) of this Rule is a prerequisite to approval of its application by the Commissioner.

(7) Any bond and errors and omissions coverage required for licensure and renewal purposes shall be maintained in place by the pharmacy benefits manager for a period of at least one year immediately following the surrender, non-renewal or revocation of the license.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.04

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Pharmacy Benefits Managers Bond; and, Errors and Omissions Coverage" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.05 Annual renewal**

(1) Each authorized pharmacy benefits manager shall file with the Commissioner an annual renewal of its license on a form prescribed by the Commissioner. The statement shall be filed annually on or before May 1. The annual renewal shall be in such form and contain such matters as the Commissioner prescribes and shall be verified by at least one officer of the pharmacy benefits manager. For good cause shown the Commissioner may extend the time for filing of the annual renewal of the license conditioned upon payment of a late fee of \$15.00 per day as prescribed by law at O.C.G.A. § [33-8-1\(W\)](#). In the event the pharmacy benefits manager does not timely renew its license prior to the expiration of its license, June 30, the pharmacy benefits manager will cease to have a valid license and will need to reapply for a new license prior to commencing its business or initiating new business in Georgia. If the pharmacy benefits manager fails to renew its license the Commissioner shall provide notice to the pharmacy benefits manager and the pharmacy benefits manager may invoke the right to a hearing.

(2) At the time of filing its annual renewal, the pharmacy benefits manager shall pay a filing fee of \$1,000.00.

(3) The pharmacy benefits manager shall at all times maintain a net worth of \$200,000. If the pharmacy benefits manager fails to maintain a net worth of \$200,000 the Commissioner, in his or her discretion, may enter any

disciplinary order as he or she deems appropriate pursuant to Title 33. In order to verify the net worth of the pharmacy benefits manager, proof that the applicant possesses a minimum net worth of \$200,000 must be included in the annual renewal filing that represents the calendar year end or fiscal year end of the pharmacy benefits manager.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.05

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Annual Renewal" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.06 Examination by Commissioner; on-site visits; access to records; and expenses**

(1) The Commissioner or his or her designated representative is authorized to conduct financial examinations, compliance audits, and investigate complaints of the affairs of each pharmacy benefits manager as often as is deemed necessary. Whenever the Commissioner shall deem it expedient, he or she shall examine, either directly or by use of an examiner duly authorized by him or her, the affairs, transactions, accounts, records, documents, assets, liabilities, of a pharmacy benefits manager and any other facts relative to its business methods, management, and dealings with a health plan or covered entity.

(2) Any pharmacy benefits manager being examined shall provide to the Commissioner or his or her designee convenient and free access, at all reasonable hours at their offices, to all books, records, documents and other papers relating to such pharmacy benefits manager's business affairs. In addition to on-site access to records, a pharmacy benefit manager shall, upon written request, make its records available to the Commissioner or the Commissioner's designee, unless otherwise directed by the Commissioner.

(3) A pharmacy benefits manager shall pay the fees and expenses of the examination whether conducted by the Commissioner or contracted examiner designated by the Commissioner. A consolidated account for the examination shall be filed by the examiner with the Commissioner. When a pharmacy benefits manager is examined as a result of a complaint filed against it and the Commissioner determines that the complaint was not justified, the expenses incurred as a result of the examination shall not be levied against the pharmacy benefits manager.

(4) Nothing in this rule shall limit or abridge any other investigatory powers of the Commissioner vested in him or her by Title 33 of the Official Code of Georgia Annotated.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.06

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Examination by Commissioner; and, On-Site Visits" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule entitled "Examination by Commissioner; on-site visits; access to records; and expenses" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.07 Forms; reports; and required documentation**

(1) Standard pharmacy benefits manager forms are required and will be supplied upon request by the Commissioner's office either in paper form or electronically over the internet. Applicants and licensed pharmacy benefits managers shall utilize all applicable forms in preparing applications, statements, notices of required information, and other required submissions required under Chapter 64 of Title 33 of the Official Code of Georgia Annotated.



(2) A pharmacy benefits manager shall file all methodologies utilized in determining multi-source generic drug pricing reimbursement to pharmacies in this state within 30 days of their use and upon receiving a notice of complaint by the Commissioner in connection with O.C.G.A. § [33-64-9](#), a pharmacy benefits manager shall within 14 calendar days:

(a) Identify the methodology and source or sources used to determine the multi-source generic drug price for the drug which is the subject of the complaint; and

(b) Identify the reason for the denial of any pharmacy reimbursement appeal and produce relevant documentation in connection with the reimbursement price of the drug the day the claim at issue in the complaint was adjudicated and the preceding 5 days prior to the day the claim was adjudicated including source pricing records as well the national drug code of an equivalent drug product that could have been purchased by the complainant pharmacy at a price at or below the amount the pharmacy was reimbursed;

(3) A pharmacy benefits manager shall annually file a disclosure statement identifying all affiliate pharmacies holding a Georgia license or non-resident pharmacy and upon receiving a notice of complaint by the Commissioner in connection with steering or a mail order mandate, a pharmacy benefits manager shall provide within five business days:

(a) Any and all communications sent to the insured within the previous 12 months advertising, marketing, promoting an affiliate pharmacy or the affiliate pharmacy of another pharmacy benefits manager; any communication ordering an insured to use an affiliate pharmacy benefits manager or indicating that an insured's costs will increase when using a non-affiliate pharmacy; and

(b) Any and all communications sent to a non-affiliate pharmacy when an insured attempted to fill a prescription including any on-screen rejections or other messaging directing an insured to an affiliate pharmacy or affiliate of another pharmacy benefits manager.

(4) As required by O.C.G.A. Section [33-64-9.1\(a\)\(2\)](#), a pharmacy benefits manager shall annually file on a form provided by the Commissioner:

(a) The required NADAC report for the months of January through April no later than June 15, for the months May through August no later than October 15, and for the months of September through December no later than February 15 of the following year; and

(b) on or before March 1, the website domain name where the public can access the pharmacy benefits manager's NADAC reports. Any changes to the domain name thereafter shall be filed with the Commissioner within 14 calendar days of the change.

(5) As required by O.C.G.A. Code Section [33-64-10\(a\)](#), a pharmacy benefits manager shall, for each health plan client, annually, on or before the first day of April, on a form provided by the Commissioner report all rebates and other payments it received in the preceding calendar year from pharmaceutical manufacturers on behalf of the health plan.

(6) As required by O.C.G.A. Code Section [33-64-10\(d\)](#), a pharmacy benefits manager shall, report for any health plan administered on behalf of a state agency or political subdivision of the state, state department or subdivision of the state, on or before March first, the aggregate difference between what the pharmacy benefits manager reimbursed pharmacies and what the pharmacy benefits managers were paid by the health plan. Nothing herein shall be construed to authorize a pharmacy benefits manager charging a state health plan or political subdivision of the state health plan more for a prescription drug than it reimburses a pharmacy after July of 2021.

(7) As required by O.C.G.A. Section [33-64-12](#), a pharmacy benefits manager and a person operating a health plan under Title 33 shall:

(a) Annually, on or before March 1, file on a form provided by the Commissioner, an attestation indicating whether or not, in the previous calendar year, it or its contracted pharmacy benefits manager engaged in the practice of steering or imposed point of sale or retroactive fees in connection with its health plans and Georgia insureds; and

(b) Annually, on or before March 1, file a report detailing all prescription drug claims it or its contracted pharmacy benefits manager administered for Georgia insureds on behalf of each health plan including the date each claim was administered, the amount the pharmacy was reimbursed for the claim, and the aggregate dollar amount it reimbursed pharmacies in the previous calendar year for prescriptions drugs for Georgia insureds on behalf of all its health plan clients.

(c) If it has engaged in the practice of steering or has imposed point of sale or retroactive fees, annually, on or before April 1, render to the state of Georgia, a surcharge equal to 10% of the aggregate dollar amount it or its contracted pharmacy benefits manager reimbursed pharmacies in the previous calendar year for prescriptions drugs for Georgia insureds.

(d) Any and all claims administered pursuant to the Medicare program shall be exempt from reporting requirements and shall be exempt from the surcharge calculation. All other claims administered on behalf of a Georgia insured shall be subject to reporting and, when a pharmacy benefits manager has engaged in the practice of steering or has imposed a point of sale or retroactive fee, the surcharge.

(8) upon receiving a notice of complaint by the Commissioner regarding an audit in connection with O.C.G.A. Code Section [26-4-118](#), a pharmacy benefits manager shall identify within 14 calendar days, on a form provided by the Commissioner, the notice given to the pharmacy, the number of claims audited during the audit at issue, the number of claims audited within the past 12 months, the number of audits of the pharmacy within the past 12 months, the discrepancies identified in the audit at issue, the basis for the denial of any internal appeal, and the basis for recoupment.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.07

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Forms" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule entitled "Forms; reports; and required documentation" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.08 Penalties; Commissioner actions; and reimbursements**

(1) Any person, business entity, or other entity acting as a pharmacy benefits manager without a license shall be subject to a monetary penalty of up to \$2,000.00 for each and every transaction in violation of the chapter. Any person, business entity, or other entity willfully acting as a pharmacy benefits manager without a license shall be subject to a monetary penalty of up to \$10,000.00 for each and every act in violation.

(2) In addition to all other penalties provided for under this title, the Commissioner shall have the authority to place any pharmacy benefits manager on probation for a period of time not to exceed one year for each and every act in violation of this chapter and may subject such pharmacy benefits manager to a monetary penalty of up to \$2,000.00 for each and every act in violation of this chapter. If the pharmacy benefits manager willfully acted in violation of this chapter the monetary penalty may be increased up to \$10,000.00 for each and every act in violation.

(3) In the event a pharmacy benefits manager is in violation of the chapter while on probation, the Commissioner may suspend the license.

(4) When a pharmacy benefits manager is taking or threatening to take action in violation of the chapter the Commissioner may issue a cease and desist order.

(5) When the action of a pharmacy benefits manager is in violation of the chapter the Commissioner may order reimbursement to an insured, pharmacy, or other dispenser for any monetary loss arising as a result of the violation or violations as well as order payment of a fine not to exceed \$1,000.00 per violation to an insured, pharmacy, or other dispenser who has been aggrieved. Such a fine shall be in addition to and not to preclude any other penalties pursuant to the chapter.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.08

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Penalties" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule entitled "Penalties; Commissioner actions; and reimbursements" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-97-.09 Severability**

If any provision of this Regulation Chapter, or the application thereof to any person, business entity, or other entity or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the Regulation Chapter or the applicability of such provision to other persons or circumstances shall not be affected.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-97-.09

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-64-7](#).

**HISTORY:** Original Rule entitled "Severability" adopted. F. March 16, 2011; eff. April 5, 2011.

**Repealed:** New Rule with same titled adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## Department 120. RULES OF COMPTROLLER GENERAL

### Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF COMMISSIONER OF INSURANCE

#### Subject 120-2-106. SURPRISE BILLING

##### 120-2-106-.01 Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority set forth in O.C.G.A. §§ [33-2-9](#) and O.C.G.A. §§ 33-20E.

Cite as Ga. Comp. R. & Regs. R. 120-2-106-.01

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), 33-20E.

**HISTORY:** Original Rule entitled "Authority" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

##### 120-2-106-.02 Scope and Purpose

This Regulation is made pursuant to the "Surprise Billing Consumer Protection Act," which was passed to provide a mechanism to resolve billing and payment disputes between insurers and out-of-network providers. It will also establish a fair and equitable arbitration process to handle such disputes. This Regulation applies only to "healthcare plans" and "state healthcare plans," as defined in this Regulation. Nothing in this Regulation shall reduce a covered person's financial responsibilities concerning ground ambulance transportation. Failure of an insurer to comply with the provisions of Chapter 20E of Title 33 shall be deemed an unfair trade practice as defined in 33-6-4.

Cite as Ga. Comp. R. & Regs. R. 120-2-106-.02

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), 33-20E.

**HISTORY:** Original Rule entitled "Scope and Purpose" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

##### 120-2-106-.03 Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) "Balance bill" means the amount that a non-participating provider charges for services provided to a covered person. Such amount equals the difference between the amount paid or offered by the insurer and the amount of the non-participating provider's bill charge but shall not include any amount for coinsurance, copayments, or deductibles due by the covered person.
- (2) "Contracted amount" means the median in-network amount paid during the 2017 calendar year by an insurer for the emergency or non-emergency services provided by in-network providers engaged in the same or similar specialties and provided in the same or nearest geographical area. The Department shall annually adjust such amount for inflation, which may be based on the Consumer Price Index, and shall not include Medicare or Medicaid rates.
- (3) "Covered person" means an individual who is insured under a healthcare plan.

(4) "Emergency medical provider" means any physician licensed by the Georgia Composite Medical Board who provides emergency medical services and any other healthcare provider licensed or otherwise authorized in this state to render emergency medical services.

(5) "Emergency medical services" means medical services rendered after the recent onset of a medical or traumatic condition, sickness, or injury exhibiting acute symptoms of sufficient severity, including, but not limited to, severe pain, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that his or her condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of any bodily organ or part.

(6) "Facility" means a hospital, an ambulatory surgical treatment center, birthing center, diagnostic and treatment center, hospice, or similar institution.

(7) "Geographic area" is defined as one of 16 Geo Rating Areas established for ACA purposes by use of Georgia Standardized Metropolitan Statistical Areas, expanded by contiguous counties and which has been in required use by Georgia insurers since 2014.

(8) "Healthcare plan" means any hospital or medical insurance policy or certificate, healthcare plan contract or certificate, qualified higher deductible health plan, health maintenance organization or other managed care subscriber contract, or state healthcare plan. This term shall not include limited benefit insurance policies or plans listed under paragraph (3) of Code Section [33-1-2](#), air ambulance insurance, or policies issued in accordance with Chapter 21A or 31 of this title or Chapter 9 of Title 34, relating to workers' compensation, Part A, B, C, or D of Title XVIII of the Social Security Act (Medicare), or any plan or program not described in this paragraph over which the Commissioner does not have regulatory authority. Notwithstanding paragraph (3) of Code Section [33-1-2](#) and any other provision of this title, this chapter this term shall include stand-alone dental insurance and stand-alone vision insurance for purposes of this chapter.

(9) "Healthcare provider" or "provider" means any physician, other individual, or facility other than a hospital licensed or otherwise authorized in this state to furnish healthcare services, including, but not limited to, any dentist, podiatrist, optometrist, psychologist, clinical social worker, advanced practice registered nurse, registered optician, licensed professional counselor, physical therapist, marriage and family therapist, chiropractor, athletic trainer qualified pursuant to Code Section [43-5-8](#), occupational therapist, speech-language pathologist, audiologist, dietitian, or physician assistant.

(10) "Healthcare services" means emergency or non-emergency medical services.

(11) "Insurer" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the Commissioner, that contracts, offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including those of an accident and sickness insurance company, a health maintenance organization, a healthcare plan, a managed care plan, or any other entity providing a health insurance plan, a health benefit plan, or healthcare services.

(12) "Median" means the middle number of a sorted list of reimbursement amounts paid to in-network providers or facilities with respect to a specific emergency or non-emergency medical service, with each paid claim amount separately represented on the list, arranged in order from least to greatest. If there is an even number of items in the sorted list of paid claim amounts, the median is found by taking the average of the two middlemost numbers. The calculated median paid amount shall include copayment, coinsurance, and deductible as applicable and shall exclude claims in which the insurer is not the primary payer.

(13) "Non-emergency medical services" means the examination or treatment of persons for the prevention of illness or the correction or treatment of any physical or mental condition resulting from an illness, injury, or other human physical problem which does not qualify as an emergency medical service and includes, but is not limited to:

(a) Hospital services which include the general and usual care, services, supplies, and equipment furnished by hospitals;

(b) Medical services which include the general and usual care and services rendered and administered by doctors of medicine, dentistry, optometry, and other providers; and

(c) Other medical services which, by way of illustration only and without limiting the scope of this chapter, include the provision of appliances and supplies; nursing care by a registered nurse; institutional services, including the general and usual care, services, supplies, and equipment furnished by healthcare institutions and agencies or entities other than hospitals; physiotherapy; drugs and medications; therapeutic services and equipment, including oxygen and the rental of oxygen equipment; hospital beds; iron lungs; orthopedic services and appliances, including wheelchairs, trusses, braces, crutches, and prosthetic devices, including artificial limbs and eyes; and any other appliance, supply, or service related to healthcare which does not qualify as an emergency medical service.

(14) "Out-of-network" refers to healthcare services provided to a covered person by providers or facilities who do not belong to the provider network in the healthcare plan.

(15) "Non-participating provider" means a healthcare provider who has not entered into a contract with a healthcare plan for the delivery of medical services.

(16) "Participating provider" means a healthcare provider that has entered into a contract with an insurer for the delivery of healthcare services to covered persons under a healthcare plan.

(17) "Resolution organization" means a qualified, independent, third-party claim dispute resolution entity selected by and contracted with the Department.

(18) "State healthcare plan" means:

(a) The state employees' health insurance plan established pursuant to Article 1 of Chapter 18 of Title 45;

(b) The health insurance plan for public school teachers established pursuant to Subpart 2 of Part 6 of Article 17 of Chapter 2 of Title 20;

(c) The health insurance plan for public school employees established pursuant to Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20; and

(d) The Regents Health Plan established pursuant to authority granted to the board pursuant to Code Sections [20-3-31](#), [20-3-51](#), and [31-2-4](#).

(19) "Surprise bill" means a bill resulting from an occurrence in which charges arise from a covered person receiving healthcare services from an out-of-network provider at an in-network facility.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.03

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **120-2-106-.04 ERISA Exempt Plans**

ERISA Exempt Plans subject to the exclusive jurisdiction of federal law and rules are not eligible for review under the "Surprise Billing Consumer Protection Act."

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.04

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "ERISA Exempt Plans" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.05 Emergency Services**

(1) Insurers shall pay covered emergency medical services for covered persons regardless of whether the provider or facility is participating or non-participating in their network according to this Regulation. Such an insurer shall make such payment without prior authorization and without retrospective payment denial for emergency medical services deemed to be medically necessary.

(2) If a covered person receives emergency medical services from a non-participating provider, such person shall not be liable to the non-participating provider or facility for any amount exceeding such person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by such person's policy. The amount payable by an insurer for emergency medical services paid directly to the provider shall be the greater of:

(a) The verifiable median contracted amount paid by all eligible insurers for similar services calculated by a vendor utilized and chosen by the Commissioner;

(b) The most recent verifiable amount agreed to by the insurer and the non-participating emergency medical provider for the same services during which time the provider was in-network with the insurer; (if applicable)

(c) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

Any amount payable by an insurer under this section for emergency medical services shall not include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by such person.

(3) Insurers shall not deny benefits or emergency medical services rendered based on a covered person's failure to provide subsequent notification where the insured's medical condition prevented timely notification.

(4) Emergency medical services received from non-participating providers and/or facilities shall count toward the deductible and any maximum out of pocket policy provisions as if the services were obtained from a participating provider.

(5) In cases of emergency medical services received from a non-participating facility, the facility shall bill the covered person no more than deductible, coinsurance, copayment, or other cost-sharing as determined by such person's policy.

(6) Insurer payments made to providers in this Code section shall be in accord with prompt payment requirements under 33-24-59.14. Notification should reflect whether coverage is subject to the exclusive jurisdiction of ERISA (1974), U.S.C. Sec 1001.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.05

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Emergency Services" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.06 Non-emergency Medical Services**

(1) If the provisions of 120-2-106-.08 are met, an insurer that provides any benefits to covered persons with respect to non-emergency medical services shall pay for such services in the event that such services resulted in a surprise bill regardless of whether the healthcare provider furnishing non-emergency medical services is a participating provider with respect to non-emergency medical services.

(2) In the event a covered person receives care in a facility that generates a surprise bill for non-emergency medical services from a non-participating medical provider, the non-participating provider shall collect or bill the covered person no more than such person's deductible, coinsurance, copayment, or other cost-sharing amount as determined by such person's policy. The insurer shall directly pay such provider the greater of:

(a) The verifiable median contracted amount paid by all eligible insurers for similar services calculated by a vendor utilized and chosen by the Commissioner;

(b) The most recent verifiable amount agreed to by the insurer and the non-participating emergency medical provider for the same services during which time the provider was in-network with the insurer; (if applicable)

(c) A higher amount as the insurer may deem appropriate given the complexity and circumstances of the services provided.

Any amount that the insurer pays the non-participating provider under this subsection shall not be required to include any amount of coinsurance, copayment, or deductible owed by the covered person or already paid by such person.

(3) Non-emergency medical services received from non-participating providers and/or facilities shall count toward the deductible and any maximum out of pocket policy provisions as if the services were obtained from a participating provider.

(4) In cases of non-emergency medical services received from a non-participating facility, the facility shall bill the covered person no more than deductible, coinsurance, copayment, or other cost-sharing as determined by such person's policy.

(5) All insurer payments made to providers pursuant to this Code section shall be in accord with Code Section [33-24-59.14](#). Such payments shall accompany notification to the provider from the insurer disclosing whether the healthcare plan is subject to the exclusive jurisdiction of the Employee Retirement Income Security Act of 1974, [29 U.S.C. 202](#) Sec. [1001](#), et seq.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.06

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Non-emergency Medical Services" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.07 Balance Billing provision for covered benefits from non-participating providers**

No healthcare plan shall deny or restrict covered benefits from a participating provider to a covered person solely because the covered person obtained treatment from a non-participating provider leading to a balance bill. Notice of such protection shall be provided in writing to the covered person by the insurer.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.07

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).



**HISTORY:** Original Rule entitled "Balance Billing provision for coverage benefits from non-participating providers" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.08 Covered Person Choosing to receive Non-emergency medical Services from a non-participating provider, Referrals and Procedures**

(1) Nothing in this chapter shall reduce a covered person's financial responsibilities in the event that such covered person chose to receive non-emergency medical services from an out-of-network provider. Such services shall not be considered a surprise bill for the purpose of this chapter.

(2) The covered person's choice described in subsection (1) of this Code section must:

(a) Be documented through such covered person's written and oral consent in advance of the provision of such services; and

(b) Occur only after such person has been provided with an estimate of the potential charges.

(3) If during the provision of non-emergency medical services, a covered person requests that the attending provider refer such covered person to another provider for the immediate provision of additional non-emergency medical services, such referred provider shall be exempt from the requirements in subsection (b) of this Code section if the following requirements are satisfied:

(a) The referring provider advises the covered person that the referred provider may be a non-participating provider and may charge higher fees than a participating provider;

(b) The covered person orally and in writing acknowledges that he or she is aware that the referred provider may be a non-participating provider and may charge higher fees than a participating provider;

(c) The written acknowledgment referenced in paragraph (2) of this subsection shall be on a document separate from other documents provided by the referring provider and shall include language to be determined by the Commissioner (Appendix A) and Regulation; and

(d) The referring provider records the satisfaction of the requirements in paragraphs (1), (2), and (3) of this subsection in the covered person's medical file.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.08

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Covered Person Choosing to receive Non-emergency medical Services from a non-participating provider, Referrals and Procedures" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.09 Claims Database**

Pursuant to O.C.G.A. 33-20E-8 (a) appropriations for an all claims database were not provided, and subsection (b) of O.C.G.A. 33-20E-8 will be triggered. The Department will utilize a verifiable median contracted amount paid by all eligible insurers for similar services calculated by a vendor utilized and chosen by the Commissioner.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.09

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Claims Database" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.10 Arbitration**

(1) If an out-of-network provider concludes that payment received from an insurer pursuant to regulation 120-2-106-.05 or 120-2-106-.06 is not sufficient given the complexity and circumstances of the services provided. Or, if an out-of-network facility concludes that payment received from an insurer pursuant to Regulation 120-2-106-.05 concludes the same, a request for arbitration with the Commissioner may be initiated. A request for arbitration must be submitted within 30 days of receipt of payment for the claim and concurrently provide the insurer with a copy of such request.

(2) All arbitration requests must be submitted to the Administrative Procedure Division of the Office of Insurance and Safety Fire Commissioner.

(3) Within 30 days of the insurer's receipt of a provider's or facility's request for arbitration, the insurer must submit to the Administrative Procedure Division all data necessary to determine whether the insurer's payment to such provider or facility complied with regulations 120-2-106-.05 or 120-2-106-.06.

(4) The Commissioner will dismiss specific arbitration requests if the disputed claim meets certain criteria laid out in O.C.G.A. § 33-20E-10 or in Rule 120-2-106-.08. Should an insurer believe one of these criteria is present, they should submit the appropriate data they believe supports this contention. Should the Commissioner dismiss a claim for meeting one of the criteria in O.C.G.A. § 33-20E-10, the provider or facility may request a hearing under the rules contained in Regulation 120-2-2.

(5) Before proceeding with arbitration, the parties will be permitted 30 days from the date the request was received to negotiate a settlement. The parties must notify the Administrative Procedure Division of the result of such negotiation. If the Administrative Procedure Division has not been notified within 30 days of the settlement negotiation's result, the claim will be sent to arbitration. The parties may still reach a negotiated settlement after the claim is referred but before arbitration begins. However, they will be responsible for splitting any costs incurred by the resolution organization due to the referral.

(6) Disputes are to be reviewed by independent resolution organizations with whom the Department will contract. The disputes will be decided pursuant to the rules as laid out in O.C.G.A. 33-20E *et. seq.*

(7) A list of the selected organizations and their approved fee schedules will be kept by the Administrative Procedure Division and available for review upon request. In contracting with each dispute resolution organization, the Department will ensure that appropriate safeguards are put in place so that information subject to trade secret protection laws is duly protected.

(8) Upon the Commissioner's referral of a dispute to a resolution organization, the parties will have five days to select an arbitrator by mutual agreement. If the parties have not notified the resolution organization of their mutual selection before the fifth day, the resolution organization shall select an arbitrator from among its members. Should the parties not agree to the resolution organization's choice of arbitrator, the Commissioner will select one for the parties; this decision will be final.

(9) Arbitrators should possess training and experience in health care billing, reimbursement, and usual and customary charges in consultation with a licensed doctor in active practice in the same or similar specialty as the doctor providing the service that is the subject of the dispute.

(10) In addition to the factors found in O.C.G.A. § 33-20E-15, in deciding a claim, arbitrators should also consider the following factors:

(a) Whether there is a gross disparity between the fee charged by the provider and (1) fees paid to the provider for the same services provided to other patients in health care plans in which the provider is non-participating, and (2)

the fees paid by the health plan to reimburse similarly qualified out-of-network providers for the same services in the same region;

(b) The provider's training, education, experience, and the usual charge for comparable services when the provider does not participate with the patient's health plan;

(c) In the case of a hospital, the teaching status, scope of services, and case-mix;

(d) The circumstances and complexity of the case;

(e) Patient characteristics; and

(f) For physician services, the usual and customary cost of the service.

(11) Following the resolution of arbitration, the Commissioner is permitted to refer the decision of the arbitrator to the appropriate state agency or the governing entity with governing authority over such provider or facility if the Commissioner concludes that a provider or facility has either displayed a pattern of acting in violation of this chapter or has failed to comply with a lawful order of the Commissioner or the arbitrator. However, if the provider or facility's violations or actions fall under the Commissioner's jurisdiction, the Commissioner may investigate and proceed under the provisions of Title 33.

(12) Each resolution organization contracted with by the Department should submit its quarterly reports to the Administrative Procedure. In addition to the information required by O.C.G.A. § 33-20E-19, each resolution organization will also submit in its quarterly report: the name of each arbitrator who settled a dispute and the number of disputes they settled in favor of either the insurer or the provider or facility.

(13) The Surprise Billing Consumer Protection Act becomes effective on January 1, 2020. The Department has until July 1, 2021, to contract with one or more arbitration organizations. Any arbitration requests received after January 1, 2020, and before the Department has contracted with an arbitration organization will be held until such contract is executed.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.10

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Arbitration" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.11 Hospital Surprise Bill Rating**

Insurers shall make available online and in print a health benefit plan surprise bill rating for hospitals as required in Chapter 20C of Title 33. For each hospital, health benefit plans shall clearly display a rating denoting the health benefit plan surprise bill rating factor. This factor shall range from 0, denoting no specialties are in-network, to 4, which means all specialty groups are in-network. For any rating less than 4, the health benefit plan shall display which specialty group is not in-network by marking the specialty with a red **X** and any specialty group that is included by a green checkmark **X**. If a hospital does not provide one of the qualified hospital-based specialties, the absence of that specialty shall be designated by a green N/A. The factor and markings shall be clearly displayed for the covered person or potential covered person to easily understand. Qualified hospital-based specialty groups are medical groups that include anesthesiologists, pathologists, radiologists, or emergency medicine physicians. Any changes in the hospital rating factor shall be changed by the health benefit plan within 30 days.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.11

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [33-20E](#).

**HISTORY:** Original Rule entitled "Hospital Surprise Bill Rating" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **120-2-106-.12 Severability**

If any section or any portion of a section of this Regulation or the applicability thereof to any waiver or circumstances is held invalid by any court of competent jurisdiction, the remainder of the rules or applicability of such provisions shall not be affected.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-106-.12

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), **33-20E**.

**HISTORY:** Original Rule entitled "Severability" adopted. F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## Department 120. RULES OF COMPTROLLER GENERAL

### Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF COMMISSIONER OF INSURANCE

#### Subject 120-2-107. INSURANCE WRITTEN IN CONNECTION WITH LOANS UNDER THE GEORGIA INSTALLMENT LOAN ACT

##### 120-2-107-.01 Promulgation and Purpose

These rules and regulations of the Insurance Commissioner, entitled "Insurance Written in Connection with Loans Under the Georgia Installment Loan Act," are promulgated pursuant to the rulemaking authority of the Insurance Commissioner, O.C.G.A. [33-2-9](#), and pursuant to the Insurance Commissioner's authority under O.C.G.A. § [7-3-11\(3\)](#), as amended in 2020.

Cite as Ga. Comp. R. & Regs. R. 120-2-107-.01

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Promulgation and Purpose" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

##### 120-2-107-.02 General Regulations, All Insurance

(1) Evidence of insurance. All insurance authorized and included in or incident to a loan contract made under the provisions of the Georgia Installment Loan Act shall be evidenced by a policy or certificate of insurance which shall be delivered to the borrower at the time the indebtedness is incurred. The policy and the certificate of insurance shall describe the amount and term of the coverage, the amount of the premium and a description of the coverage including any exceptions, limitations or restrictions. If a policy or certificate of insurance is not delivered to the borrower at the time the indebtedness is incurred, the insurer shall cause to be delivered to the borrower a policy or certificate of insurance within 30 days of incurred indebtedness. An application or notice of proposed insurance form shall serve as a binder during the first 30 days of incurred indebtedness.

(2) If any loan within the Georgia Installment Loan Act is made in conjunction with the sale of insurance authorized and included in or incidental to the advancement of funds at the expense of the borrower, then the licensee shall provide to the borrower a separate written disclosure statement. The disclosure statement shall disclose, in no smaller than twelve-point type, the following:

(a) The cost to the borrower of any such insurance.

(b) A copy of the signed document shall be provided to the borrower, and the licensee shall retain the original in the loan file.

(3) Payment of Claims.

(a) No licensee under the act shall execute any contract or agreement with any person, firm or corporation which permits such licensee to retain any portion of the premium for payment of losses incurred or to be incurred under policies or certificates of insurance.

(b) No plan or arrangement shall be used whereby any person, firm or corporation other than the insurance company or its designated claim agent or representative shall be authorized to settle or negotiate the settlement of claims.

(c) Each individual policy, group policy and certificate of insurance shall state that the benefits payable there under shall only be paid to the licensee to reduce or extinguish the borrower's then outstanding loan balance in the case of credit life insurance coverage; or for the exact amount of the borrower's covered installment payment due in the case of credit accident and sickness insurance. Each individual policy, group policy and certificate of insurance shall further state that if the amount of insurance benefits payable exceeds the borrower's outstanding insured loan balance in the case of credit life insurance; or the exact amount of the borrower's covered installment payment due in the case of credit accident and sickness insurance by an amount of one dollar (\$1) or more, such excess amounts shall be payable either to the borrower or to a beneficiary named by the borrower other than the creditor or to the borrower's estate.

(d) Payment of any such excess amount to the borrower or to any beneficiary named by the borrower other than the licensee or to the borrower's estate shall be made payable only to such borrower or to such other beneficiary named by the borrower. The delivery of such excess benefit check or draft may be accomplished by the licensee acting as an authorized agent of the insurer. For the purpose of this rule, the term "excess amount" shall mean any amount which is payable to the borrower or to the beneficiaries of the borrower other than the licensee or to the borrower's estate under the credit insurance policy which exceeds the amount necessary to extinguish the borrower's then outstanding insured loan balance in the case of credit life insurance, or the exact amount of the borrower's covered installment payment due in the case of credit accident and sickness insurance by an amount of one dollar (\$1) or more.

(e) Where proceeds from insurance written in connection with a loan under the Act prepay an account in full, a refund shall be made on interest, fees, and insurance premiums computed as of the date of the event insured against.

(f) Insurance proceeds paid on a loan and credited to the account by the finance company shall have the same effect as if a like amount was paid by the borrower and no late charges shall be charged to any borrower for any such payments or accounts which have been paid by such insurance proceeds.

#### (4) Agents and Agents' Commissions.

(a) All individual insurance solicited, sold and issued in conjunction with a loan contract under the provisions of the Georgia Installment Loan Act shall be solicited, sold and issued by an agent, subagent or limited subagent licensed under the provisions of the Georgia Insurance Code.

(b) No licensee or any other person subject to the provisions of the Georgia Installment Loan Act or the Rules and Regulations of the Office of Commissioner of Insurance shall contract for, charge, collect, or accept, directly or indirectly as an insurance agent or general agent or through any contract of credit life or credit accident and sickness insurance written or procured by such licensee pursuant to the Georgia Installment Loan Act as remuneration for the sale of such insurance in this state any commissions, service fees, or other forms of compensation other than those which are contained in the written agency agreement or agency contract between such insurer and its agent.

(c) No person shall solicit, directly or indirectly, make or cause to be made any contract of credit insurance unless such person holds a valid agent, subagent, or a limited subagent license.

(d) All licensees and any other persons subject to the provisions of the Georgia Installment Loan Act or the Rules and Regulations of the Office of Commissioner of Insurance shall be required in the handling of insurance to comply in all respects with the applicable requirements of Title 33 of the Official Code of Georgia Annotated, and of the Rules and Regulations of the Office of Commissioner of Insurance.

(5) Any agent, subagent, agency or licensee writing credit life or credit accident and sickness insurance in this state shall provide forms necessary to file claims within fifteen (15) calendar days of a request with reasonable explanations regarding their use and shall forward such claim to the insurer within twenty (20) business days of receipt of written proof of loss.

(6) Quarterly Insurance Reports. Quarterly Insurance Reports shall be filed with this department on a form obtained from the Insurance Commissioner on or before the 20th of each month following the quarters ending March 31, June 30, September 30 and December 31. Such forms shall reflect the number of loans made with insurance coverage,

amount of loans, total premiums charged, refunds, net premium charged, the percent of insurance claims paid to net premiums collected, and name of the insuring company as to:

- (a) Life insurance;
- (b) Accident and sickness insurance;
- (c) Household goods fire insurance;
- (d) Automobile insurance;
- (e) Non-recording insurance.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.02

**AUTHORITY:** §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "General Regulations, All Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.03 Credit Life Insurance**

#### (1) Coverage.

- (a) Level term life insurance will pay the first beneficiary at the death of the insured the amount of the indebtedness, not exceeding the amount of insurance stated in the policy, and pay the second beneficiary the amount stipulated in excess of the indebtedness; or if there be no indebtedness, the full face amount of the policy shall be paid to the second beneficiary.
- (b) Reducing term life insurance will pay the first beneficiary the amount of indebtedness, if any, owing by the insured to the first beneficiary at the time of the death of the insured.

#### (2) Rates.

- (a) Credit level term life insurance or group credit level term life insurance may be written as security on all loans made under the provisions of the Georgia Installment Loan Act. Insurance coverage shall not exceed the face amount of the contract. The premium shall not exceed \$.84 per annum per \$100.00 of the face amount of the loan unless otherwise authorized by law and applicable rules and regulations.
- (b) Credit decreasing term life insurance may be written on all loans made under the provisions of the Act. Insurance coverage shall not exceed the face amount of the contract. The premium shall not exceed \$.45 per annum per \$100.00 of the face amount of the loan unless otherwise authorized by law and applicable rules and regulations. For premiums not based on initial insured indebtedness, the premium shall not exceed a monthly rate of \$.70 per \$1,000.00 of outstanding unpaid insured indebtedness.
- (c) Single premiums for credit life insurance covering joint lives on either of the bases in subparagraphs (2)(a) or (2)(b) of this rule shall not exceed 150 percent of the appropriate single life rate specified in subparagraphs (2)(a) or (2)(b) of this rule.
- (d) Single premiums for credit decreasing term life insurance covering joint lives on either of the bases in paragraph (c) of this rule shall not exceed 150 percent of the appropriate single life rate specified in paragraph (c) of this rule.

#### (3) Policy status at renewal, refinancing or repayment of entire contract.

- (a) If through prepayment the indebtedness is discharged prior to the scheduled maturity date, the insured in all instances (except group credit reducing term life, which must be canceled) shall be given the option either to cancel

or to retain such insurance. The option to cancel or to retain shall be set forth in writing either as a part of the policy or certificate or by separate written statement furnished to the debtor.

(b) In the event of renewal or refinancing accounts where credit life insurance is written on the new loan, any unexpired credit life insurance which was written in connection with the previous loan or loans, shall be concurrently canceled and proper credit given the borrower by refunding to him the unearned portion of the premium on the former policy or policies.

(4) Refund of Premiums.

(a) All unearned premiums on credit life insurance shall be made according to the Rule of 78's without regard to a minimum refund provision.

(b) Refunds will be made in all instances of insurance cancellations due to prepayments, renewals, and refinancing with the exception of a loan prepaid in full by credit life insurance proceeds; in this event life insurance premiums shall be considered earned unless otherwise provided in the insurance contract.

(5) Insured.

(a) Where a credit life insurance policy or certificate is issued to cover two lives jointly, the amount of credit life insurance shall be made payable upon the death of the first to die during the term of the policy, and the policy or certificate will then terminate. The phrase "two lives" as used in the preceding sentence means only spouses or business partners and such persons must be jointly and severally liable for the repayment of the single indebtedness and be joint signers of the instrument of indebtedness. Endorsers and guarantors are not eligible for such credit insurance coverage covering joint lives. Joint life coverage shall not be written covering more than two lives. Jointly indebted spouses shall not be covered separately at single life rates.

(b) No disability benefit provisions may be included in such a joint credit life policy, except that disability benefits may be provided on one of the lives insured who is specifically identified by name if the policy provisions clearly indicate that only such person is covered for disability benefits.

(c) If a credit life policy containing a suicide exclusion is issued on joint lives, the policy must be specific regarding termination of the policy, or continuation of the policy on the life of the survivor, and appropriate refunds to be made in the event suicide does occur.

(6) Principal Party Rule.

(a) As used in paragraph (3) of O.C.G.A. Section [7-3-11](#), the term "principal party" refers to the person or persons from whom repayment of the loan is expected because such person:

1. has applied for the loan; and

2. possesses assets, income, or indicia of credit-worthiness from which the expectation of repayment is reasonably drawn; and

3. is not an endorser or guarantor.

(b) A spouse is not principal party by virtue only of the status of spouse without meeting the criteria of subparagraph (a) of this paragraph.

(c) The burden of proving the status of a person as a principal party for purposes of requiring insurance shall be upon the licensee. Such information shall be obtained in writing by the licensee and shall become a part of the loan file.

(7) The Insurance Commissioner may review the regulations concerning credit insurance and promulgate such changes as are appropriate.



Cite as Ga. Comp. R. & Regs. R. 120-2-107-.03

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Credit Life Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.04 Credit Accident and Sickness Insurance**

(1) Coverage. Credit accident and sickness insurance may be written on all loans made under the provisions of the Georgia Installment Loan Act. Provided, however, any such insurance written in connection with such a loan shall not provide for monthly benefits which exceed the amount of one monthly repayment installment loan.

(2) Rates.

(a) On loans where the actual amount of cash advanced is one hundred dollars (\$100.00) or less, no credit accident and sickness insurance shall be written which provides a waiting period in excess of three (3) days, coverage shall be retroactive and no premium shall be charged for such insurance in excess of \$3.06 per annum per five dollars (\$5.00) per month benefit unless otherwise authorized by law and applicable Rules and Regulations.

(b) On loans where the actual amount of cash advanced is in excess of one hundred dollars (\$100.00), no credit accident and sickness insurance shall be written which provides a waiting period in excess of seven days. Coverage shall be retroactive and no premium shall be charged for such insurance in excess of \$2.10 per annum for five dollars (\$5.00) per month benefit unless otherwise authorized by law and applicable Rules and Regulations. Provided, however, if the waiting period is three (3) days, no premium shall be charged for such insurance in excess of \$3.06 per annum for five dollars (\$5.00) per month benefit unless otherwise authorized by law and applicable Rules and Regulations.

(3) Policy status at renewal, refinancing or prepayment of entire contract.

(a) If through prepayment the indebtedness is discharged prior to the scheduled maturity date, the insured in all instances (except for group coverage which must be canceled) shall be given the option either to cancel or to retain such insurance. The option to cancel or to retain shall be set forth in writing either as a part of the policy or by separate written statement furnished to the debtor.

(b) In the event of renewal or refinanced accounts where credit accident and sickness insurance is written on the new loan, any unexpired credit accident and sickness insurance written in connection with the previous loan or loans shall be concurrently canceled and proper credit given the debtor by refunding to him the unearned portion of the premium on the former policy or policies.

(4) Refund of Premiums.

(a) All unearned premiums on credit accident and sickness insurance shall be refunded according to the Rule of 78's without regard to a minimum refund provision.

(b) Refunds shall be made in all instances of insurance cancellations due to prepayments, renewals, and refinancing with the exception of the loan being prepaid in full by accident and sickness insurance proceeds; in this event accident and sickness premiums shall be considered earned unless otherwise provided in the insurance contract.

(5) Claim Forms. All insurance companies writing accident and sickness insurance in connection with loans made under the Georgia Installment Loan Act shall use medical claim forms wherein a doctor's signature is required in connection with making claims for losses occurring under accident and sickness policies.

(6) Claims relative to renewals and refinancing. Renewal or refinancing of a loan shall not operate to extinguish an insurance contract when as an incident to such renewal or refinancing another insurance contract is entered into by

the same insurer and insured. Any new insurance contract issued incident to such renewal or refinancing shall be a continuation of the original contract and any waiting periods or existing disease provisions shall relate to the date of the initial insurance contract.

(7) No credit accident and sickness policy shall be issued in this State to cover two lives jointly.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.04

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Credit Accident and Sickness Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

## **120-2-107-.05 Household Goods Fire Insurance**

(1) Coverage.

(a) Dual interest household goods insurance shall insure both the creditor and the debtor as their interest may appear against loss or damage caused by fire, lightning and collision;

(b) Single interest household goods insurance shall insure only the interest of the Creditor Loss Payee or assignees against loss or damage caused by fire, lightning and collision.

(2) Rates. The rates for both single interest and dual interest household goods insurance shall be approved by the Georgia Insurance Department. Rates may differ between single and dual interest insurance and between protected and unprotected areas.

(3) No household goods insurance may be written where the maximum premium approved by the Georgia Insurance Department is less than one dollar (\$1.00).

(4) Refund of premiums. All unearned premiums on single or dual interest household goods insurance included on a loan contract on items pledged as collateral to secure a loan shall be refunded according to the Rule of 78's. Refunds shall be given on all insurance contracts canceled before the expiration date.

(5) Limitation, Coverage.

(a) On loans where household goods are the only collateral and the actual market value is equal to or exceeds the face amount of the note, the insurance written shall not exceed the face amount of the note.

(b) On loans where household goods are the only collateral and the actual market value is less than the face amount of the note, insurance, if written, shall be for the actual market value of the household goods.

(6) Loss Payee. No licensee shall require fire insurance to be written on any household goods pledged as security for a loan if the borrower produces evidence that such pledged property is insured for the term of the loan and endorses the insurance policy to the licensee as assignee or loss payee. A licensee, who requires insurance on collateral pledged to secure a loan and who writes such insurance, shall be liable to the borrower in case of loss covered by the policy in the full amount even though coverage is provided by other insurance. The licensee cannot deny liability, or any part thereof, on the grounds that said collateral is covered by other insurance.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.05

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Household Goods Fire Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

## **120-2-107-.06 Automobile Insurance**

### (1) Coverage.

(a) Dual interest automobile insurance shall insure both creditor and debtor as their interest may appear against loss or damage caused by fire, theft, and collision.

(b) Single interest automobile insurance shall insure only the interest of the creditor loss payee or assignee against loss caused by fire, theft and collision.

(2) Rates. The rates for both single interest and dual interest automobile shall be those which meet the applicable standards and requirements contained in Chapter 9 of Title 33 of the Official Code of Georgia Annotated and the applicable Rules and Regulations of the Georgia Insurance Department.

(3) Term and Type Coverage Permitted. Single interest insurance coverage issued in connection with a loan contract made under the provisions of the Georgia Installment Loan Act shall not exceed the term of said loan contract. Automobile insurance coverage issued in connection with loans made under the provisions of the Georgia Installment Loan Act shall be limited to fire, theft, and collision, or comprehensive and collision.

### (4) Refund of premiums.

(a) All unearned premiums on single interest automobile insurance shall be refunded according to the Rule of 78's.

(b) All unearned premiums on dual interest automobile insurance shall be refunded on a pro-rata basis when canceled by the insurer and on a short rate basis when canceled by the insured.

### (5) Limitation of coverage.

(a) Single interest automobile insurance may be written in an amount not to exceed the face amount of the loan or the actual market value of the automobile, whichever is smaller.

(b) Dual interest automobile insurance may be written in an amount not to exceed the actual cash value of the automobile as determined by authorized publications of the insurance industry. Coverage is not limited by the face amount of the note.

(6) Loss Payee. No licensee shall require automobile insurance to be written on an automobile pledged as security for a loan if the borrower produces evidence that such pledged property is insured for the term of the loan and endorses the insurance policy to the licensee as assignee or loss payee.

### (7) Insurance on Dual Collateral.

(a) When household goods and an automobile are both pledged as security on a loan and the actual cash value of the automobile and the market value of the household goods together are less than the face amount of the loan, the insurance written shall be for the actual market value of the automobile and the household goods. This applies regardless of whether or not single interest or dual interest coverage is written on any of the policies.

(b) In the event the actual market value of the automobile and the household goods exceed the face amount of the contract and single interest insurance is written on both types of collateral, the amount of coverage shall not exceed the face amount of the contract.

(c) A licensee shall not divide the amount of insurance written on collateral in such a manner as to penalize a borrower in the amount of insurance premium he is required to pay.

(d) Insurance written may exceed the face amount of the contract in the event the actual cash value of an automobile exceeds the amount of the contract and dual interest coverage is provided. If household goods are included as security on the loan, insurance coverage shall not be written on such household goods.

(e) All insurance written on personal property pledged as security for a loan shall be written in one contract. No licensee shall write fire, theft, and collision insurance with \$50.00, or some other amount, deductible and then write a separate single interest policy on the same automobile for the deductible amount.

(f) Where equity in an automobile which has been or is being financed with insurance coverage, is pledged as security for a loan, insurance may be written only to cover that period of the life of the loan that is not covered by the existing contract of insurance.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.06

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Automobile Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.07 Non-Recording Insurance**

(1) No licensee shall charge any recording fee, or actual premiums on insurance used in lieu of such recording fee unless the amount of such fee or premium be fully set forth in the copy of the loan contract or voucher furnished to the borrower.

(2) Non-recording insurance may be written on loans with a face amount in excess of \$100.00. Such insurance may be written in lieu of recording the security instrument with the proper "public official or agency of the State" and protects the lender against losses.

(3) Rates. The rates for such non-recording insurance shall be those which meet the applicable standards and requirements contained in Chapter 9 of Title 33 of the Official Code of Georgia Annotated and the applicable Rules and Regulations of the Georgia Insurance Department.

(4) Restrictions.

(a) If no security exists on a loan, charges for non-recording insurance are illegal.

(b) A licensee shall not select non-recording insurance instead of recording if the choice will cost the borrower more money.

(5) Commissions. A licensee shall not deduct a fee or commission from the borrower's payment of non-recording insurance premiums. Where commissions are returned to the lender, such shall be credited to the customer's account.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.07

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Non-Recording Insurance" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.08 Repossession Expenses**

The actual and reasonable expenses of repossessing, storing and selling any collateral pledged as security under the Georgia Installment Loan Act shall not exceed the expenses of repossessing, storing and selling recoverable under other provisions of law.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.08

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Repossession Expenses" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.09 Insurance Claims Register**

Each licensee of the Georgia Installment Loan Act shall maintain on a daily basis an insurance claims register. There shall be recorded on this register, with respect to any and all claims against insurance sold in connection with a loan made under the provisions of the Georgia Installment Loan Act, the loan account number, the name of the borrower/insured, the type of claim filed, the date of loss, the amount of claim, the date the claim was filed with the insurer, the date the claim was paid, the amount of the claim payment and the name and address of the person or entity to whom the proceeds of the claim payment were disbursed. In addition to the foregoing information, if a claim is filed against credit life insurance coverage, the date of the insured's death shall be shown on the insurance claims register. In addition to the foregoing information, if a claim is filed against credit life insurance coverage, the date of the insured's death shall be shown on the insurance claims register. In addition to the foregoing information, if a claim is filed against credit accident and sickness insurance coverage, the number of days for which the disability claim is filed shall be recorded on the insurance claims register. Register will include all denied claims and all paid claims.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.09

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Insurance Claims Register" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.10 Insurance Permitted**

(1) With respect to any consumer loan transaction, the creditor shall not require any insurance other than insurance covering the loss of or damage to any property in which the creditor is given a security interest. Credit life and credit accident and sickness insurance if required by the creditor, may be provided by the creditor through an insurer authorized to issue such insurance in this State.

(2) If a creditor requires any insurance permitted under subsection (1) above in any consumer loan transaction, the debtor shall be given written notice of the option of providing such insurance through an existing policy or a policy independently obtained and paid for by the debtor. If the creditor requires credit life insurance, the creditor shall give the debtor written notice of the debtor's right to choose either level term life insurance or reducing term life insurance coverage. The creditor may for reasonable cause before credit is extended decline the insurance provided by the debtor.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.10

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Insurance Permitted" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.11 Premiums**

(1) The charge to the consumer for any insurance shall not exceed the premium charged by the insurer and the premium of premiums charged for such insurance shall be reasonable in relation to the amount and term of the credit and the risk covered and the benefits provided.

(2) Upon prepayment, refinancing, or renewal of the debt before final maturity date the debtor shall be entitled to receive that portion of the premiums on any insurance refunded by the insurance carrier.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.11

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Premiums" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.12 Insurance on Property; Amounts; Terms**

(1) A creditor in a consumer loan transaction may not contract for or receive a charge for insurance against loss or damage to property unless:

(a) the insurance covers a substantial risk of loss of or damage to property related to the loan transaction;

(b) the amount, terms, and conditions of insurance are reasonable in relation to the character and value of the property insured or to be insured; and

(c) the term of the insurance is reasonable in relation to the term of credit.

(2) The term of the insurance is reasonable if it is customary and does not extend substantially beyond a scheduled maturity.

(3) No household goods insurance may be written where the maximum premium approved by the Georgia Insurance Department is less than one dollar (\$1.00).

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.12

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Insurance on Property; Amounts; Terms" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

### **120-2-107-.13 Severability**

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

**Cite as** Ga. Comp. R. & Regs. R. 120-2-107-.13

**AUTHORITY:** O.C.G.A. §§ [33-2-9](#), [7-3-11\(3\)](#).

**HISTORY:** Original Rule entitled "Severability" adopted. F. Dec. 8, 2020; eff. Dec. 31, 2020, as specified by the Agency.

**Department 120. RULES OF COMPTROLLER GENERAL**  
**Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER**  
**Subject 120-3-7. RULES AND REGULATIONS FOR**  
**MANUFACTURED HOMES**

**120-3-7-.08 Annual License**

(1) Every manufacturer who manufactures manufactured homes in Georgia and every manufacturer who manufactures manufactured homes outside the State of Georgia and who sells or offers for sale said manufactured homes in Georgia shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division on the prescribed form and accompanied by the fee as provided in O.C.G.A. § 8-2-135(1) and (2). For licensing purposes, each plant location shall be treated as a separate entity and shall adhere to all licensing requirements. The applicant for licensure shall specify the actual physical location where manufactured homes are built or assembled. Every manufacturer receiving a license shall display the license in the place of business and shall make such license available upon request for verification by an authorized representative of the Commissioner.

(2) Every retailer and retail broker who sells or offers for sale to consumers three (3) or more new or previously owned manufactured or mobile homes in a twelve (12) month period in Georgia shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division on the prescribed form and accompanied by the fee as provided in O.C.G.A. § 8-2-135(3) and (5). For licensing purposes, each retailer lot or location and retail broker location shall be treated as a separate entity and shall adhere to all licensing requirements. The applicant for licensure shall specify the actual physical address where manufactured or mobile homes are located. Every retailer or retail broker receiving a license shall keep the license in the place of business and shall make such license available upon request for verification by an authorized representative of the Commissioner. The application for said license shall include a complete authorization form prescribed by the Commissioner of Insurance which allows the verification of criminal history by the department.

(3) Every installer who installs new or previously owned manufactured or mobile homes anywhere within the State of Georgia in accordance with O.C.G.A. § [8-2-161\(1\)](#) shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division, to operate as a licensed installer, on the prescribed form and accompanied by the fee as provided in O.C.G.A. § [8-2-161\(1\)](#). The applicant shall specify an actual physical location where the installer's business is based and where records are maintained. The application for said license shall include a completed authorization form as prescribed by the Commissioner of Insurance which allows the verification of criminal history by the department.

(a) The application for licensure for each installer shall be accompanied by proof of successful completion of an installation training course and corresponding examination, authorized or approved by the Commissioner, and designated for licensure. The course must have been taken within 12 months prior to the initial application for licensure. Continuing education courses approved by the Commissioner shall be taken every 24 months thereafter.

(b) A licensed installer may employ or contract with other authorized accountable personnel to assist with the installations of manufactured or mobile homes. The licensee shall be required to be at the installation site at all times, unless at least one authorized accountable personnel is continually at the installation site while the installation work is in progress and is accountable to the licensee. The licensee shall be responsible for ensuring that any installation performed under said license be in compliance with the applicable instructions and the licensee shall be responsible for providing remedial action when required. Proof of licensure and/or authorization of accountable personnel, shall be maintained at the installation site at all times for verification by local code officials and authorized representatives of the Commissioner. The proof may be in the form of the original license, copy of the original license or on a form prescribed by the Commissioner. Local jurisdictions are authorized to require proof of licensure prior to issuing any permits necessary to perform installations of manufactured and mobile homes. "Authorized accountable personnel" is defined as a person or persons who have successfully completed the

installation training course, and any applicable continuing education courses, and their corresponding examinations, approved by the Commissioner. A certificate of Completion will be provided by the Manufactured Housing Section of the Safety Fire Division to these individuals upon proof of successful completion of these courses and examinations. Any retailer or retail broker licensed under the provisions of the Manufactured Housing Act who uses the services of or otherwise employs a person, partnership, corporation, entity, etc. that is not licensed as an installer in the State of Georgia shall be subject to the revocation of said retailer's and retail broker's license or other penal measures as prescribed by this Regulation. Any failure to comply with the provisions contained herein shall be considered a violation of the Manufactured Housing Act and be subject to penal measures prescribed by the Commissioner of Insurance, including but not limited to, the revocation of any applicable license.

(c) An individual who transports a manufactured or mobile home to the site of installation shall be excluded from licensure as an installer provided he or she performs only such temporary blocking as is necessary to stabilize the home and shall not, under these circumstances, be considered to be an installer. However, any further blocking of the home by the carrier shall be considered to be an installation of the unit, and the carrier shall comply with licensure requirements of an installer and the installation must be performed in compliance with O.C.G.A. § [8-2-160](#) et seq. and the applicable rules of the Commissioner. A partial installation of a manufactured or mobile home is not allowed under the Manufactured Housing Act.

(d) Any installer who is discovered by a state or local inspector to have performed an installation in a manner contrary to the methods indicated by the manufacturers installation instruction manual and Rule [120-3-7-.21](#), as applicable, shall be deemed to be in violation of the Manufactured Housing Act and shall be subject to revocation of his or her license and/or other penal measures as prescribed by the Commissioner of Insurance, this Regulation or other applicable Georgia law.

(e) In all cases in which the installation is arranged by and/or paid for by the retailer or retail broker, the retailer and retail broker shall assume responsibility for the proper set up of the mobile or manufactured home. Failure to comply with the requirements of this subsection shall be deemed a violation of the Manufactured Housing Act and shall be subject to the revocation of the retailer's or retail broker's license or other penal measures as prescribed by this Regulation or other applicable Georgia law. This subsection shall not relieve any installer from any responsibilities and applicable penalties.

(4) Applications for licensure must be approved by the Commissioner or his or her delegate before engaging in any activities contemplated by the Manufactured Housing Act and requiring licensure for manufacturers, retailers, retail brokers or installers. Each license shall be valid from January 1 through December 31 of the year in which the license is issued. License fees shall not be prorated for the remainder of the year in which the application is made but shall be paid for the entire year regardless of the date of application. All licenses are non-transferable regarding ownership and/or location. Any licensed entity changing the business name, or any other information not referenced herein, presented on the original application for licensure shall notify the Manufactured Housing Section of the Safety Fire Division of any change of information contained in the original application for licensure within twenty (20) days and shall complete a revised application.

(5) Applications for renewal licenses for manufacturers, retailers, retail brokers and installers shall be obtained and submitted to the Manufactured Housing Section of the Safety Fire Division on or before January 1 of each year and shall be accompanied by a completed consent form allowing a criminal history background check by the Safety Fire Commissioner's Office. On or before December 1 of each year, the Manufactured Housing Section of the Safety Fire Division shall forward a Notice of Renewal by electronic mail to each licensee at the last known email address on the records of the Safety Fire Commissioner. After sending the Notice of Renewal by electronic mail, the Manufactured Housing Section shall have no further duty or obligation to notify the licensee of the expiration of annual license. The fee for delinquent renewal applications received after January 10 of each year shall be double the regular annual fee.

(6) A license may be refused or a license duly issued may be suspended or revoked or the renewal of such license may be refused by the Commissioner if he or she finds that the applicant or the holder of a license:

(a) has violated any provision of the Act, the Standards, the Manufactured Homes Act or these Rules and Regulations;



(b) has intentionally made any misstatement or misrepresented or concealed any material fact in the application for the license;

(c) has obtained or attempted to obtain a license by fraud or misrepresentation;

(d) has been determined to have engaged in, or to be engaging in, a fraudulent or dishonest practice or to have demonstrated a lack of trustworthiness or lack of competence;

(e) has been convicted by final judgment in any state or federal court of a felony; or

(f) has willfully failed to comply with or has willfully violated any proper order, rule or regulation issued by the Commissioner or the Secretary.

(g) in the case of a license application, if any person having control of the applicant is subject to any of the grounds for refusal stated in subparagraphs (a) through (f) above, the license may be refused. For purposes of this subparagraph, control shall be presumed if the person owns ten percent or more of the applicant, or if the person owns ten percent or more of the voting securities of a corporate applicant.

(7) Before any license application shall be refused or any license shall be suspended or revoked or the renewal thereof refused as provided for in this Rule, the Commissioner shall give notice of his or her intention to do so to the applicant or the holder of a license in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13, and O.C.G.A. [25-2-29](#), and applicable Rules and Regulations of the Safety Fire Commissioner.

(8) In situations where persons otherwise would be entitled to a hearing prior to an order, the Commissioner may issue an order to become effective within twenty (20) days from the date of the order, unless persons subject to the order request a hearing within ten (10) days after receipt of the order. Failure to make a request shall constitute a waiver of any provision contained herein for the hearing.

(9) Any person who engages in any activities identified by the Manufactured Housing Act as requiring licensure as a manufacturer, retailer, retail broker or installer without having first obtained the appropriate license or who conducts said business without proper licensure or with an expired license shall be deemed to be in violation of the Manufactured Housing Act and shall be subject to the penalties prescribed in O.C.G.A. §§ [8-2-141](#) or [8-2-166](#) after notice and hearing as prescribed by this Regulation.

(10) Lists of licensees shall be made available to the general public upon request pursuant to the provisions of O.C.G.A. § [50-18-70](#) et seq.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-7-.08

**AUTHORITY:** O.C.G.A. §§ [8-2-133](#), [8-2-161](#), [8-2-164](#).

**HISTORY:** Original Rule entitled "Reciprocity" adopted. F. Oct. 1, 1968; eff. Sept. 26, 1968, as specified by the Agency.

**Repealed:** New Rule entitled "Certification of Mobile Homes" adopted. F. Aug. 8, 1974; eff. Sept. 1, 1974, as specified by the Agency.

**Repealed:** New Rule entitled "Annual License" adopted. F. May 23, 1984; eff. July 1, 1984, as specified by the Agency.

**Amended:** F. Oct. 7, 1992; eff. Jan. 1, 1993, as specified by the Agency.

**Amended:** F. July 22, 1996; eff. Aug. 11, 1996.

**Repealed:** New Rule of same title adopted. F. Aug. 6, 1998; eff. Aug. 26, 1998.

**Repealed:** New Rule of same title adopted. F. Nov. 30, 2004; eff. Dec. 20, 2004.

**Repealed:** New Rule of same title adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

# Department 120. RULES OF COMPTROLLER GENERAL

## Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

### Subject 120-3-25. Rules and Regulations for Escalators and Elevators

#### 120-3-25-.01 Promulgation and Purpose

(1) These rules and regulations of the Safety Fire Commissioner entitled, "Rules and Regulations for escalators and elevators" are promulgated to establish the State's minimum fire safety codes and standards for escalators and elevators as specified in the Official Code of Georgia Annotated, (O.C.G.A.) Section [8-2-1](#).

(2) A primary purpose of these rules and regulations is to establish the state minimum safety codes and standards for the prevention of loss of life, injury and structural damage in all buildings, structures and other locations governed by state regulations.

Cite as Ga. Comp. R. & Regs. R. 120-3-25-.01

**AUTHORITY:** O.C.G.A. §§ [8-2-1](#), [50-13-21](#).

**HISTORY:** Original Rule entitled "Authority and Purpose" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Promulgation and Purpose" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

#### 120-3-25-.02 Application

(1) Pursuant to O.C.G.A. [8-2-1](#), rules and regulations adopted by the Safety Fire Commissioner shall have the force and effect of law and shall have statewide application as being the state minimum fire safety codes and standards for escalators and elevators and shall not require adoption by a municipality or county.

(a) Pursuant to O.C.G.A. Section [25-15-1](#), the Office succeeded to all rules and regulations of the Department of Labor which were in effect on June 30, 2012, or were scheduled to go into effect on or after July 1, 2012, which related to the functions transferred to the Office pursuant to either Chapter 15 of Title 25 or Part 6 of Article 1 of Chapter 2 of Title 8. The Office has the authority to modify the Escalator and Elevator regulations or promulgate new regulations pursuant to O.C.G.A. Sections [8-2-104](#), [25-15-1](#), [33-2-9](#) and [50-13-21](#).

(b) The primary purpose of these rules and regulations is to promote consumer protection through state regulation of elevators, dumbwaiters, escalators, manlifts, and moving walks as adopted by these regulations listed below:

(c) (1) ASME A17.1, 2019 Edition, American National Standard Safety Code for elevators, escalators, dumbwaiters, moving walks, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Council of the Standard.

Copies may be obtained from the American Society of Mechanical Engineers, 22 Law Drive, Box 2300, Fairfield, NJ 07007. The state amendments to this Code are as follows: Note - Except for Testing and Inspection Requirements, Existing Hydraulic Jack Requirements and QEI Requirements. See Rule [120-3-25-.14](#).

(2) ASME A17.2, 2017 Edition of the Inspector's Manual for Elevators, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order copies)

(3) ASME A17.3, 2017 Edition of the Safety Code for Existing Elevators and Escalators, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order copies.)

(4) ASME A17.7, 2007 Performance-Based Safety Code for Elevators and Escalators.

(5) ASME A17.6, 2017 Standard for Elevator Suspension, Compensation and Governor Systems.

(6) ICC/ANSI A117.1, 2017 Edition, American National Standard for Building and Facilities, Providing Accessibility and Usability for Physically Handicapped People and Rule 120-3-20 as approved by the State Fire Marshal's office. Copies may be obtained from the State Fire Marshal's office. (See note below)

Note - ICC/ANSI A117.1, Section 409 is a recommended Standard only. Exception taken to Section 407.4.6.2.2.

(7) ASME B20.1, 2018 Edition of the Safety Standards For Conveyors and related equipment with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee.

(8) ASME A90.1, 2015 Edition of the Safety Standards for Manlift, with such revisions, amendments and interpretations thereof as are made, approved, and adopted by the Standards Committee. (See (c)(1) herein to order copies.)

(9) ANSI A10.4, 2016 Edition and ANSI A10.5, 2020 Edition for the Safety Requirements for Personnel Hoists and Employee Elevators used for construction and demolition and Safety Standard for Construction Hoist, with such revisions, amendments, and interpretations thereof as are made, approved, and adopted by the Council of the Standard. (See (c)(1) herein to order copies)

(10) National Electrical Code, State adopted Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the National Fire Protection Association, 1 Battery March Park, Post Office Box 9101, Quincy, MA 02269.

(11) The International Building Code, State approved Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the International Code Council, Birmingham District Office, 900 Montclair Road, Birmingham, AL 35213-1206.

(12) NFPA Section 101, Life Safety Code, State adopted Edition of the National Fire Protection Association, with such revisions, amendments and interpretation thereof as are made, approved and adopted by the Standards Committee. (See (c)(9) herein to order copies.)

(13) ASME A18.1, 2017 Edition of the Safety Standard for Platform Lifts and Stairway Chairlifts, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order.)

(14) ANSI A92.10, 2009 (R2014) Edition of the American National Standard for Transport Platforms, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the American National Standards Institute, 11 West 42<sup>nd</sup> St, New York, NY 10036.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.02

**AUTHORITY:** O.C.G.A. §§ [8-2-100](#), [8-2-101](#), [8-2-102](#), [8-2-104](#), [25-15-1](#), [33-2-9](#), [50-13-21](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Application" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.03 Definitions**

- (1) Accident means an unplanned or unscheduled event that results in property damage and/or personal injury.
- (2) Act is Part 6 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia, O.C.G.A. Sections [8-2-100](#) through 8-2-109.1.
- (3) Approved means that which is acceptable to the Office.
- (4) Board is the Advisory Committee as described in Section [8-2-109](#) of the Act.
- (5) Certified Inspector is an inspector, by reason of experience and knowledge, considered qualified by the Office. The minimum experience shall be established by these rules. Knowledge shall be evidenced by approved written and oral examinations, acceptable to and administered by the Office.
- (6) Cessation order is the official order stopping an action by an individual or company.
- (7) Citation is the written document by which a person or company is summoned or cited.
- (8) The Commissioner is the Commissioner of Insurance and Safety Fire, and
- (9) the Office is the Office of the Commissioner of Insurance and Safety Fire.
- (10) Dormant Elevator means an elevator that is intact and on the premises and the equipment is entirely disconnected in an approved manner.
- (11) Elevators as used in these Rules means, Elevators, Escalators, Dumbwaiters, Material lifts, Manlifts, Moving Walks, or Platform Lifts (Wheelchair Lifts) or Stairway Chairlifts where the Rule is applicable in accordance with the adopted Codes and Standards.
- (12) Hand powered one-man elevator is an elevator having a car platform area of not more than five square feet and a rated load of not more than three hundred pounds and which is operated from the car only by pulling on a stationary rope located in the hoistway and passing through or adjacent to the car platform. It is for the exclusive use of certain designated operating and maintenance employees and installed in a grain or feed mill or similar structure not accessible to the general public.
- (13) Inspection means the official determination by a certified inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.
- (14) Personnel Hoist is those elevators used during construction to carry workers. Such elevators are temporary and shall not become a permanent part of the structure.
- (15) Personal Injury, as used in O.C.G.A. § [8-2-106\(a\)](#), means bodily injury, sickness, or disease sustained by any person by reason of the operation or malfunction of an elevator, escalator, manlift moving walk or power dumbwaiter, platform lifts or stairway chairlifts including death at any time resulting therefrom. Personal Injury does not include false arrest, detention, imprisonment, confinement, slander, libel, violation of privacy or any mental disease, disability or disorder not accompanied by physical injury at the time of the incident.
- (16) Property Damage, as used in O.C.G.A. § [8-2-106\(b\)](#), means physical injury to, or destruction of tangible property to the structure or operational parts (including safety equipment and devices) of an elevator, escalator, manlift, moving walk or power dumbwaiter, sustained by reason of accident or malfunction, other than routine wear and tear.

(17) Special Purpose Personnel Elevator is an elevator permanently installed to provide vertical transportation of authorized personnel. Such elevators are typically installed in Grain Elevators, Radio Antennas and Bridge Towers.

(18) Deleted for future use.

(19) Temporary Inspection is the inspection by a certified inspector of an elevator to be used on a temporary basis.

(20) Elevator Contractor - Any person, firm, or corporation who possesses an "Elevator Contractor's Certification" in accordance with the provisions of Rule [120-3-25-.21](#) and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance equipment covered by this chapter.

(21) Elevator Mechanic - Any person who possesses an elevator mechanic certification in accordance with the provisions of Rule [120-3-25-.21](#).

(22) Certification, Elevator Contractor (Class I, Class IR) - A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.

(23) Certification, Elevator Contractor (Class II) - A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by this Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.

(24) Certification, Elevator Contractor, Limited (Class III) - A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining residential dumbwaiters, elevators, platform lifts and stairway chairlifts.

(25) Certification, Elevator Contractor, Limited Class IIIR - A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining residential platform lifts and stairway chairlifts.

(26) Certification, Elevator Mechanic (Class I, Class IR) - A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on conveyance equipment. It shall entitle the holder to install, service, repair, test, maintain and perform electrical work on elevators or related conveyance equipment covered by this Chapter.

(27) Certification, Elevator Mechanic (Class II) - A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on conveyance equipment. It shall entitle the holder to service, repair, test and maintain elevators or other conveyance equipment covered in this Chapter. The Class II Mechanic shall be employed by a Class II Elevator Contractor or owner user.

(28) Certification, Elevator Mechanic (Class III) - A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on residential platform lifts and stair chairlifts. It shall entitle the holder to install, alter, service, repair, test, maintain and perform electrical work on residential elevators, platform lifts and stair chairlifts.

(29) Certification, Elevator Mechanic Class IIIR - A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on residential platform lifts and stair chairlifts. It shall entitle the holder to install, alter, service, repair, test, maintain and perform electrical work on residential elevators, platform lifts and stair chairlifts.

(30) Private Residence - A single unit of a multiple facility or a detached dwelling designed for, inhabited by, and accessible only to one person or that person's family.

(31) LULA Elevator - A passenger elevator limited in size, capacity, travel and speed. These elevators shall comply with ASME A17.1, Section 5.2 (Capacity, Speed, Travel, Etc.) and ICC/ANSI A17.1, Section 407.4 (Car Size, Power Operation, Signal Location, Etc.).

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.03

**AUTHORITY:** O.C.G.A. §§ [8-2-100](#) to [8-2-102](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Jurisdiction Numbered Tags" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Definitions" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.04 Jurisdiction Numbered Tags**

(1) A jurisdiction numbered tag shall be furnished and shall be permanently attached on or near the elevator or dumbwaiters crosshead by the State Deputy Inspector.

(2) On elevators or dumbwaiters without a crosshead, jurisdiction tags shall be attached to the equipment on the car top. Elevators or dumbwaiters without car tops, escalators, manlifts, moving walks or platform lifts (wheelchair lifts) stairway chairlifts, the jurisdiction tag shall be attached on or near the control panel.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.04

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Qualification of Inspectors" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Jurisdiction Numbered Tags" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.05 Qualification of Inspectors**

(1) All persons inspecting elevator equipment shall be tested for compliance with Georgia statutes and regulations governing escalators and elevators and shall be certified inspectors.

(2) All persons eligible for certification by the Office must have a minimum of three (3) years' experience in the installation, repair, maintenance or inspection of elevators and be a current QEI (Qualified Elevator inspector).

(3) All private inspection firms inspecting elevators in the State of Georgia shall have a minimum of \$500,000 general liability insurance issued by a company acceptable to the Office.

(4) All private inspection firms certified by the Office to inspect elevators shall provide the Office of the Insurance and Safety Fire Commissioner a copy of a signed contract for each inspection location and a list of equipment to be inspected. The contract shall give the initial inspection date and expiration date.

(5) Inspection reports shall be sent electronically. Any reports not sent electronically will have a \$5.00 entry fee charged per inspection report.

Cite as Ga. Comp. R. & Regs. R. 120-3-25-.05

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Responsibility of Elevator Operations and Maintenance" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Qualification of Inspectors" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.06 Responsibility of Elevator Operations and Maintenance**

(1) The person, firm or corporation installing, repairing, relocating or altering an elevator shall be responsible for its safe operation, test and maintenance until the elevator is inspected and approved by a certified deputy inspector.

(2) The owner of the equipment shall be responsible for the safe operation and proper maintenance of the elevator. Maintenance records required by the Maintenance Control Program shall be maintained at the location for a period of three (3) years, with the exception of the five (5) year testing, which will be kept for five (5) years. The records shall contain, but not be limited to, all tests, inspections and other maintenance duties referred to in the latest adopted version of ASME A17.1. The records that are kept in electronic format shall also be maintained on site as a printed copy.

(3) The holder of the operating permit shall be responsible for all Code required testing and Code compliance.

(4) The company holding a temporary operating permit shall be responsible for the safe operation and maintenance of the elevator during the period that the temporary operating permit is in force.

(5) All operating permits shall be posted in the elevator car or a sign shall be posted in the car or in the elevator lobby, in a conspicuous location, stating where the permit is located on premises. Operating permits for other equipment shall be posted on or near the control panel or a sign stating where the permit is located.

(6) A Certificate of Inspection shall be conspicuously placed inside each elevator within 72" of the centerline of frame and 72" inches above the elevator cab floor, in a permanently mounted frame with a clear glass or plastic removable cover. The frame shall be sized to provide full visibility of a 2 1/2" x 3" certificate. The cover shall be secured by one or more tamper resistant screws. The Inspection Certificate shall be signed and dated for each inspection, by the authorized inspector and replaced at each succeeding inspection. The Inspection Certificate is required in addition to the operating permit. On all other equipment (dumbwaiters, escalators, etc.) the Inspection Certificate shall be placed in a location where it will be visible to the users of the equipment.

(7) All companies performing escalator and moving walk maintenance repair shall have trained personnel and equipment for measuring the "Performance Step Index" on or before January 1, 2003.

(8) An elevator which is inactive for one year, or as removed from service by the owner/user shall be classified as a dormant elevator and placed out of service in accordance with ASME A17.1 Definition Section for "Installation placed out of service."

(9) Before a dormant elevator can be placed in service it shall be inspected by a certified deputy inspector and shall conform to requirements of the applicable standard.

(10) Owners who places elevators in dormant status shall notify the Office within 10 days of the change in status.

(11) Escalators shall not be used as stairs in any location. They will be barricaded with a secure barricade at both the top and bottom landing when temporarily shut down for any reason.



**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.06

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-102](#), [8-2-103](#), [8-2-104](#), [8-2-106](#).

**HISTORY:** Original Rule entitled "Reporting of Accidents. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Reporting of Accidents" adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Responsibility of Elevator Operations and Maintenance" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.07 Reporting of Accidents**

(1) All incidents involving Personal Injury or Property Damage sustained by reason of the operation or malfunction of an elevator, escalator, manlift, moving walk or power dumbwaiter, platform lifts and stairway chairlifts, including death shall be reported by the owner, operator, lessee, or Maintenance Company as follows:

(a) For incidents in which actual Personal Injury or Property Damage is observed or reported by the owner, operator, lessee, or maintenance company at the scene at the time of the incident, immediately by telephone to the Office on the same day or by noon the next business day. The elevator, escalator, manlift, moving walk, or power dumbwaiter, platform lifts and stairway chairlifts, involved shall be taken immediately out of service and no work will be done to the equipment unless otherwise advised (see subparagraph (2) below).

(b) For all other incidents becoming known as the owner, operator, lessee, or maintenance company not at the scene at the time of the incident (including belated reports of Personal Injury after the person alleging injury has departed the scene without notifying the owner, operator, lessee, or maintenance company) by telephone not later than noon the next business day after the incident becomes known to the owner, operator, lessee, or maintenance company. The elevator, escalator, manlift, moving walk, or power dumbwaiter involved shall be taken immediately out of service unless otherwise advised (see subparagraph (2) below).

(c) For all incidents, the owner, operator, lessee shall file a written report, including witness statements, within three days of the date of the incident or of the date the incident became known to the owner, operator, lessee, or maintenance company, whichever is later.

(2) Upon receiving a telephonic report or emailed report, the Office may at its discretion determine whether or not to investigate an incident. At the time of the report, the Office shall inform the owner, operator, lessee, maintenance company, or agent reporting the incident whether the Office be investigating and when the elevator, escalator, manlift, moving walk or power dumbwaiter, platform lifts and stairway chairlifts, involved may be repaired or put back in service. In its discretion, the Office may require a telephonic conference with the certified elevator mechanic or Maintenance Company prior to making a decision to investigate an incident.

(3) All telephonic and written reports for accidents involving personal injury shall include the name(s), address, phone number and injuries of the person(s) injured and any witnesses. It will also include a description of the accident.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.07

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-106](#).

**HISTORY:** Original Rule entitled "New, Altered or Relocated Elevators" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Reporting of Accidents" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.08 New, Altered or Relocated Elevators**

The installation of a new, altered, or relocated elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift or chair lift shall not begin until a construction permit has been issued by the authority having jurisdiction for the elevators in the installation area. The equipment shall not be placed into service until it has been inspected, all acceptance tests have been successfully completed in the presence of a certified deputy inspector and all violations have been resolved to the satisfaction of the deputy inspector.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.08

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "Temporary Use of Permanent Elevators During Construction" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "New, Altered or Relocated Elevators" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.09 Temporary Use of Permanent Elevators, Temporary Construction Elevators and Transport Platforms During Construction**

(1) An elevator contractor may request a temporary operating permit to allow the use of a passenger or freight elevator before its completion for carrying workmen, authorized personnel or materials. Such elevator shall not be used until it has been inspected and approved by a certified deputy inspector and the required fee has been paid. The operating permit shall be issued for a period not to exceed ninety days. Renewals may be granted at the discretion of the Office, and upon inspection by a certified deputy inspector.

(2) Personnel Hoist Used During Construction.

(a) Personnel hoist shall be installed and maintained in accordance with the latest accepted edition of the American National Standard A10.4 or the latest edition of the Rules adopted by the Commissioner.

(b) An operating permit shall be required. Double cage units on a common tower shall require an operating permit for each cage.

(c) Personnel hoist used during construction shall be inspected every ninety days and after each jump, by a certified deputy inspector.

(d) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(e) Certified Inspectors shall use the latest adopted edition of the ANSI A90.1, ANSI A10.4 or ANSI A92.10 codes and standards with such revision, amendments, and interpretation.

(f) All Temporary Transport Platforms shall meet the requirements of ANSI A10.4 Section 5.

(g) All Temporary Transport Platforms shall meet the requirements as set forth in ANSI A10.4 Section 17.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.09

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-102](#).

**HISTORY:** Original Rule entitled "Existing Freight Elevators" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Temporary Use of Permanent Elevators, Temporary Construction Elevators and Transport Platforms During Construction" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.10 Existing Freight Elevators**

(1) Existing freight elevators shall comply with the following descriptions:

(a) Freight elevators with operating stations in the car, which allow personnel to ride shall comply with ASME A17.3, the standards for existing elevators.

(b) Material Lifts (other than those that fall under the requirements of ASME A17.1) that do not allow personnel to ride and does not have an operating station in the car, shall comply with ASME B20.1, the standards for conveyors and related equipment.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.10

**AUTHORITY:** O.C.G.A. § 8-2-102(c), (d).

**HISTORY:** Original Rule entitled "Notice of Hearing and Penalties" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Freight Elevators" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.11 Notice of Hearing and Penalties**

(1) Cessation Order.

(a) The Office may issue a written order for the cessation of operation of elevators, escalators, moving walks and all other equipment covered by these regulations when it has been determined to be hazardous, unsafe, or the failure to comply with any of the provisions of these rules or the safety act. Operation shall not resume until such violations are corrected to the satisfaction of the Commissioner or the Commissioner's authorized representative.

(b) In the event a person knowingly commits a violation or allows a violation to be committed after being issued a cessation order, or warning the Commissioner or the Commissioner's authorized representative may initiate a Citation as stated below.

(2) Issuance of Citation or Notice of Administrative Proceeding:

(a) If upon inspection by an inspector or deputy inspector;

1. An elevator, escalator, dumbwaiter, manlift, or moving walk, platform lifts and stairway chairlifts, is deemed to be in an unsafe condition,

2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or Rules, or

3. When a written warning or citation has been issued and the violation continues, then the deputy inspector shall issue the violator a citation stating the date, time and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(b) If upon receiving information from any source, the Chief Inspector determines that there is a reasonable belief that:

1. An elevator, escalator, manlift, dumbwaiter, or moving walk platform lifts and stairway chairlifts, may be in an unsafe condition,
2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or these Rules, or
3. When a warning has been issued, and the violation is a continuing violation, the Chief Inspector or the Director, Safety Engineering, on behalf of the Office, may issue Notice of Administrative Proceeding stating the date, time, and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(c) The Director, Safety Engineering, upon review of a citation issued under subsection (a) above, may, in his sole discretion, dismiss the citation and substitute therefore a Notice of Administrative Proceeding pursuant to subsection (b) above on the same, similar, or different violation, as required by the evidence.

(d) The Commissioner, upon review of a Citation or Notice of Administrative Proceeding, in his sole discretion, may refer the matter to the appropriate prosecuting official for criminal or injunctive relief as permitted under law. In such event, the Commissioner may, in his sole discretion, elect to dismiss, suspend, or continue with the civil penalty proceeding.

### (3) Hearing Procedure:

(a) If request for a hearing is not received from the respondent within the allotted time, the Director, Safety Engineering, on behalf of the Commissioner, may without further process impose a civil penalty not greater than the total of civil penalties set forth on the citation or in the Notice of Administrative Proceeding. An administrative order under the authority of the Commissioner may be issued to collect the civil penalty assessed.

(b) If a hearing request is received in response to a Citation or Notice of Administrative Proceeding, further actions or proceedings shall be governed by the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13, O.C.G.A. [25-2-29](#), and applicable Rules and Regulations of the Commissioner.

(c) All hearings, whether before the Commissioner or an appointed adjudicator, shall be conducted in accordance with the statutes and regulations cited in the preceding sub-paragraph, including the applicable Rules and Regulations of the Commissioner.

(d) The decision of an appointed adjudicator made after a hearing shall be an initial agency decision within the meaning of O.C.G.A. § [50-13-41\(d\)](#) and shall be subject to review by the Commissioner, Insurance and Safety Fire, as set forth in O.C.G.A. § 50-13-41(e). A hearing before the Commissioner shall be the final agency decision in the matter and shall be subject to judicial review as set forth in O.C.G.A. § [50-13-19](#).

### (4) Guidelines for Imposition of Civil Penalties:

(a) Any person, firm, partnership, corporation or other business entity, which violates this part, shall be subject to the imposition of civil penalties. Each day on which a violation occurs shall constitute a separate offense. Repeat offenders, whom a violation occurs, shall constitute a separate offense. Repeat offenders, including those who refuse to adhere to orders of the inspectors, exceed the limitations of operating permits, or refuse to adhere to the requirements of these rules and regulations, may be referred to appropriate prosecuting official for criminal (misdemeanor) or injunction relief as permitted under law. Serious violations, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may also be referred appropriate prosecuting official for criminal (misdemeanor) or injunctive relief as permitted under law.

(b) Notwithstanding the recommended minimum penalties set forth below, a serious violation, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may

receive the maximum penalty of \$5,000.00 for each violation including a first offense. The imposition of a penalty for a violation of this part shall not excuse the violation or permit it to continue.

(c) The deputy inspector issuing a Citation shall, at the time of issuance, specify a recommended civil penalty amount for each specific violation in accordance with these Rules and Regulations. The Director is charged with the responsibility to insure that recommended penalties for violations are graduated with the more serious violations receiving the heavier penalty and with assuring uniformity of recommended penalties such that offenders in similar circumstances with similar violations receive similar penalty recommendation. In this regard, the Director may dismiss a Citation and issue a Notice of Administrative Proceeding solely for the purpose of making an appropriate penalty recommendation.

(d) The recommended civil penalty set forth in the Citation or Notice of Administrative Proceeding shall be given great deference by the appointed adjudicator. The minimum recommended penalties set forth below is normally for the first offense with only one violation being cited. The appointed adjudicator shall, after hearing the case, consider factors in mitigation of the violation as well as those in aggravation. The appointed adjudicator shall impose a penalty less than the recommended minimum penalty only upon finding unusually significant mitigating factors, and shall set forth those factors in the order. The appointed adjudicator may impose a penalty substantially greater than the Office recommended penalty upon finding significant aggravating factors associated with violations, and shall set forth those factors in the order. The appointed adjudicator shall consider the provision of these Rules and Regulations guiding the assessment of penalties. In particular, the appointed adjudicator shall, in cases involving structural damage, bodily injury, or death; or continued operation after an unsafe condition is detected or after the equipment is taken out of service by an inspector or deputy inspector, consider the imposition of separate penalties for each day of violation. No penalty exceeding \$5,000.00 for each violation and each day of violation shall be assessed.

(e) The appointed adjudicator may, in addition to a civil penalty, recommend in the order that the Commissioner suspend for a period of time or indefinitely, operating certificate, permits to install, or certificates for contractors.

(5) Minimum recommended penalties.

(a) Specific violations:

1. Operating equipment without an operating certificate. (O.C.G.A. § [8-2-103](#))

First offense ..... \$250.00

Second offense ..... \$500.00

2. Operating equipment in an unsafe condition. (O.C.G.A. § [8-2-101](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

3. Failure to permit access for the purpose of inspecting or investigating equipment. (O.C.G.A. § [8-2-102](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

4. Failing to notify the Chief Inspector of any accidents involving structural damage or injury as defined in the definition section. (O.C.G.A. § [8-2-106](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

5. Failing to notify the Chief Inspector of an accident which involved death. (O.C.G.A. § [8-2-106](#))  
..... \$5,000.00

6. Placing unit back in service, which has been Red Tagged and placed out of service by a deputy inspector, without first having the unit inspected. (O.C.G.A. § [8-2-102](#))

First offense ..... \$1,000.00

Second offense ..... \$2,500.00

7. Placing a unit which has been involved in an accident back in service prior to having the unit inspected or otherwise cleared. (O.C.G.A. § [8-2-106](#), Rule [120-3-25-.07](#) )

First offense ..... \$1,000.00

Second offense ..... \$2,500.00

8. Turning equipment over for use without a final acceptance inspection. (O.C.G.A. § [8-2-101](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

9. Installing equipment without a permit. (Rules [120-3-25-.08](#) & .22)

First offense ..... Double Permit Fee

Second offense..... Triple Permit Fee

10. Inspecting without qualifications. ([120-3-25-.22](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

11. Using construction elevators or personnel hoist without first obtaining a permit or receiving an inspection. (Rule [120-3-25-.21](#))

First offense ..... Double permit fee

Second offense ..... Triple permit fee

(b) General Violations:

1. Violating adopted Codes, Standards, Rules, Regulations or Order. (Rule 120-3-25)

First offense ..... \$250.00

Second offense ..... \$500.00

2. Certified company performing an activity, which violates the law or regulations.

Any Offense ..... \$2,500.00 and Suspension of Certificate

3. Any third repeated offense might subject the violator to the maximum civil penalty permitted under the Act...  
\$5,000.00

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.11

**AUTHORITY:** O.C.G.A. §§ [8-2-102](#), [8-2-103](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Discontinuance of Operation" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Notice of Hearing and Penalties" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.12 Discontinuance of Operation**

(1) A certified inspector may seal an elevator out of service and void the operating permit if any of the following conditions exist:

(a) The holder of the operating permit fails to pay the required fee.

(b) The holder of the operating permit fails to report an accident as required by these Rules.

(c) Continued use of the elevator presents immediate danger to the user or people exposed to the hazards of the elevator.

(d) The holder of the operating permit fails to comply with Safety Act, Rules, or Codes and Standards within the specified time on the inspection report.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.12

**AUTHORITY:** O.C.G.A. §§ [8-2-102\(d\)](#), [8-2-103\(b\)](#).

**HISTORY:** Rule number originally Reserved.

**Repealed:** New Rule entitled "Discontinuance of Operation" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.13 Repealed and Reserved**

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.13

**AUTHORITY:** O.C.G.A. §§ [8-2-102](#), [8-2-103](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Fees. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Amended:** F. Jan. 10, 2014; eff. Jan. 30, 2014.

**Repealed:** New Rule entitled "Fees" adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

## 120-3-25-.14 Fees

(1) Payment of required fees and civil penalties imposed under these rules and regulations shall be made in accordance with instructions and forms on the website of the Commissioner of Insurance and Safety Fire. In determining acceptable methods of payment, the Commissioner should consider all relevant factors, including the convenience of the parties, the availability of better means of payment through enhanced technology, the need for efficient administration of the law, and the cost to the agency.

(2) Once permits are processed by this office, no refunds will be issued.

(3) Fees shall be paid in accordance with the following schedule:

(a) Certification - Examination:

1. Inspector ..... \$100.00
2. Elevator Mechanic ..... \$100.00

(b) Certification - Annual:

1. Inspector ..... \$50.00
2. Class I Elevator Contractor ..... \$300.00
3. Class II Elevator Contractor ..... \$200.00
4. Class III Elevator Contractor ..... \$100.00

(c) Certification - Bi-Annual Renewal:

1. Elevator Mechanic ..... ..\$50.00

(d) Installation Permits:

1. Passenger or Freight base price, per unit ..... \$400.00
- Plus, each opening ..... \$50.00
2. Dumbwaiters and material lifts, per unit ..... \$250.00
3. Escalator, per unit ..... \$500.00
4. Workmen's hoist, initial inspection, per unit ..... \$500.00
5. Workmen's hoist, tower rise, per jump ..... \$150.00
6. Private residence elevators ..... \$400.00
- Plus, each opening ..... \$50.00
7. Private residence platform lifts (wheelchair lifts) and stairway chairlifts, first unit permitted at single residence ..... \$250.00
- any additional units at time of permitting ..... \$50.00 per unit
8. Belt Manlift ..... \$250.00



9. Special purpose personnel elevators and wheelchair lifts, per unit ..... \$250.00

(e) One acceptance inspection is included in the installation permit fee. All additional permit inspections shall be at two hundred fifty (\$250.00) dollars per hour. Elevator Construction Permits shall expire two (2) years from the date of issue, if the permit has shown no action. Elevator Construction Permit Certificates shall expire no more than six (6) months from the date of completion of the permit. If the permit is open more than two (2) years with no action, it will therefore be cancelled.

(f) Major Alteration Permits:

1. Each Alteration - One item as outlined in the Standard, per unit ..... \$240.00

2. Each additional alteration as outlined in the Standard, per unit ..... \$120.00

3. Maximum alteration fee, per unit ..... \$1,200.00

(g) The acceptance inspection fee is included in the major alteration permit fee. The alterations acceptance inspection will not change the normal inspection or the operating permit due date.

(h) Additional permit inspections shall be at the rate of two hundred fifty dollars (\$250.00) per hour.

(i) Operating Permit:

1. Operating permit - one year, price per unit ..... \$65.00

2. Temporary operating permit, per unit ..... \$100.00

(j) Inspection by a certified inspector of the Office:

1. Initial inspection of a temporary elevator, per unit ..... \$200.00

2. Periodic inspection of a temporary elevator used during construction, per unit ..... \$50.00

3. Annual fee for inspections are based upon number of openings per unit.

101 to 110 openings	\$445.00
91 to 100 openings	\$420.00
81 to 90 openings	\$395.00
71 to 80 openings	\$370.00
61 to 70 openings	\$345.00
51 to 60 openings	\$320.00
41 to 50 openings	\$295.00
31 to 40 openings	\$270.00
21 to 30 openings	\$245.00
11 to 20 openings	\$220.00
10 openings	\$195.00
9 openings	\$170.00
8 openings	\$145.00
7 openings	\$120.00
6 openings	\$95.00
5 openings	\$85.00
4 openings	\$75.00
3 openings	\$65.00
2 openings	\$55.00

(k) All third and subsequent inspections shall be at two hundred fifty (\$250.00) dollars per elevator for routine inspections.

(l) Appeal hearings before the Board, per Appeal ..... \$500.00

(m) The Office may bill applicants for operating certificates prior to the issuance of such certificates.

(4) The Office may provide services or perform inspections not otherwise specified in the fee structure. The charge for this service shall be at the rate of \$250.00 per visit, per elevator.

(5) The Office will allow licensed private inspection companies with valid commissioned inspectors to perform permit inspections on residential equipment that falls under the scope of ASME A18.1, latest adopted addition.

(a) No inspection will be allowed as in (5) above prior to the installer obtaining the required permit and two sets of approved stamped drawings from this Office. These are required to be at the site of the prior to any inspection.

(b) These inspections shall be subject to audit by the Office.

(c) Both the installer and the inspection company will be responsible for ensuring that the installation meets all state adopted regulations and that all testing has been completed. The inspection company is responsible for supplying a copy of this report to the installer. An electronic copy of this report shall be sent to the Office prior to the equipment being placed in service.

(d) Any inspection of residential equipment that falls under the scope of ASME A18.1 not performed by a licensed private inspection companies with commissioned inspectors shall be performed by a State Deputy Inspector.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.14

**AUTHORITY:** O.C.G.A. §§ [8-2-102](#), [8-2-103](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Existing Installation (General)" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Fees" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.15 Existing Installation (General)**

(1) The minimum requirements for regular maintenance and safety practices for existing elevators as provided for in the Safety Act and Rules. All existing features or components of the elevator shall comply with the Rules as adopted by the Commissioner.

(2) All existing elevators having a travel of more than 25' 0" shall have "Fire Emergency Service" complying with ASME A17.1 1987 Edition as a minimum.

(3) A permanent decal or metal tag shall be affixed to the lift equipment, in the machine room, control space, machine space, pits, hoistway required to be tested by ASME A17.1, Section 8.6 of the Standard. This decal or tag shall be affixed to the affected equipment when new installations, alterations, or periodic tests are conducted, as required by the Standard. This decal or tag must indicate the date of the test, and the name of the person or firm which performed the test and type of test performed. A decal will not be acceptable when the Standard requires a metal tag. At the time of new installation, alteration, or periodic tests, additional data shall be provided to the building owner or his representative. This document shall include the date of the test, the name of the person or firm conducting the tests and all pertinent data relating to the test.

(4) Mass transit equipment shall have a routine and a periodic inspection as defined by ASME A17.1 latest adopted edition, as modified by OCGA Section [8-2-102](#).

(5) Existing Hydraulic Elevators are exempted from the requirements of Rule 8.6.5.8 for five (5) years. Elevators shall have all work required for compliance with ASME A17.3, Section 4.3.3 completed within five (5) years of the effective date of this regulation. Failure to complete work within the required time period will result in the elevator being removed from service until such work is completed, unless the cylinder is replaced.

(6) Existing escalators shall meet the Performance Step Indexing requirements of ASME A17.3, Rule 5.1.11 within two (2) years of the effective date of this Rule revision.

(7) State Elevator Inspectors are not required to meet 8.11, QEI-1 requirements.

(8) Existing passenger elevators shall meet the Restricted Opening of Hoistway Doors or Car Doors as required by ASME A17.3, Rule 2.7.5 within two (2) years of the effective date of this Rule revision.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.15

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-102](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts)" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Installation (General)" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.16 Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts)**

Existing special purpose personnel elevators, and wheelchair lifts shall meet ASME A17.1, the Safety Code for Elevators and Escalators.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.16

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "Existing Installations - Belt Manlifts" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts)" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.17 Existing Installations - Belt Manlifts**

All existing belt manlifts shall meet latest adopted version of ASME A90.1 the standards for belt manlifts.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.17

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "Existing Installations - Side Walk Elevators" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Installations - Belt Manlifts" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.18 Existing Installations - Side Walk Elevators**

All existing side walk elevators shall meet ASME B20.1, the Safety Standard for Conveyors and related equipment.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.18

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "Existing Installations - Dumbwaiters" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Installations - Side Walk Elevators" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.19 Existing Installations - Dumbwaiters**

All existing dumbwaiters shall meet ASME A17.1, the standards for dumbwaiters.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.19

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "New Installation (General)" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Existing Installations - Dumbwaiters" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.20 New Installation (General)**

(1) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(2) Certified Inspectors shall use the latest adopted edition of the ASME A17.2 inspector's manual with such revision, amendments, and interpretation.

(3) All new elevators machine rooms shall not have sprinklers in these rooms if they are separated from the building with a minimum of a two hour fire separation and have smoke detectors in accordance with NFPA. If these rooms do not have the two hour minimum fire separation they shall have sprinkler protection conforming to the requirements NFPA and shall be provided with means to automatically disconnect the main power supply to the affected elevator prior to the application of water as required by ASME A17.1, unless prohibited by the building code as covered in Section 3007 or 3008. The machine room door shall swing outward from the machine room.

Elevator machine rooms must have conditioned air (heated and cooled) to maintain a temperature range between 55 and 90 degrees Fahrenheit, with a maximum relative humidity of 85%.

(4) Elevator machine rooms and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both. The fire-resistance rating shall be not less than two hours. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors. Exceptions:

1. Where machine rooms and machinery spaces do not meet the required fire resistance rating, they shall require sprinklers and shunt trip breaker in accordance with NFPA 72.

(5) All machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces must meet electrical clearances as set in NFPA 70 with the room/spaces access doors closed. This will include all machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces that have fused elevator and cab light disconnects.

(6) All residential elevators will be required to have a machine room with proper electrical clearance with the door in the closed position with the exception of machine room less elevators that have all equipment located in the hoistway.

(7) All new elevators shall have a Fireman Emergency Keybox. The keybox is to be a minimum 5.375" wide by 9" high by 2" deep. Front cover shall be hinged on the right side. Lock and key shall be uniform with Lock and Key, Catalogue #25460 or equivalent. Box may either be flush or recessed mounted. Front cover shall be engraved with 1/4" high letters and shall read in capitals "FIRE DEPARTMENT USE ONLY." Engraving shall be filled with color which will be readily conspicuous. Location of key-box shall be at each bank of elevators in the lobby normally used as a place of entrance to the building. As a minimum, the keybox shall contain the key to the elevator machine room, the elevator hoistway access key, and necessary keys to operate Fireman's Emergency Return System. The key shall be available to Group 1, Group 2 and Group 3 levels of security. This keybox shall be located within sight of the elevator (s) with all required keys at the designated level of Phase I recall.

(8) All new elevators shall be prohibited from providing side emergency exits as detailed in ASME A17.1 Rule 2.14.1.10 provided the elevators are in full compliance with paragraphs (10) and (11) below.

(9) All new elevators shall have the means in the elevator controller for a qualified elevator mechanic to electrically move a stalled elevator to the nearest landing. Key pads or control boxes used for this function shall be permanently installed.

(10) All elevators shall have emergency key access at all landings.

(11) Other Devices - Gravity elevators, hand elevators, incline elevators, multideck elevators, observation elevators, moving walks, material lifts and dumbwaiters with automatic transfer devices and screw column elevators shall meet the requirements of the Codes, as references by these rules.

(12) Reserved for future use

(13) All new escalators installed after January 1, 2002, shall comply with the latest adopted edition of ASME A17.1.

(14) All variance requests from the law, rules or standards on new, altered or modernized elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift, or stairway chairlift shall be reviewed by the Elevator Advisory Board Members and recommendations given to the Safety Inspection Section. These variance requests shall be submitted to Board Members by Safety Inspection staff for email ballot within three (3) days from the date received. Board Members shall return their votes to approve or disapprove within ten (10) days. The majority of the returned votes are to be considered the recommendation of the Board.

(15) Reserved for future use

(16) ASME A17.1, Section 5.3 shall be modified to read as follows:

**5.3.1.8.3 Clearance Between Doors or Gates and Landing Sills and Car Doors or Gates.** The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 19 mm (3/4 in.). The distance between the hoistway face of the landing door or gate shall not exceed 75 mm (3 in.).

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.20

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-102](#).

**HISTORY:** Original Rule entitled "New Installation - Wheelchair Lift" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "New Installation - Platform Lifts (Wheelchair Lift) and Stairway Chairlifts" adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "New Installation (General)" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.21 New Installation - Platform Lifts (Wheelchair Lift) and Stairway Chairlifts**

(1) All existing wheelchair lifts and stair lifts installed before January 1, 2002, including temporary installed and portable lifts shall comply with ASME A117.1 and A17.1.

(2) All new wheelchair lifts and stair lifts installed after January 1, 2002, including temporary installed and portable lifts shall comply with ASME A18.1 and A117. If these lifts penetrate a floor, they shall be in a fire rated hoistway and shall comply with Rule 120-3-25-.19(5).

(3) Residential platform lifts (wheelchair lifts) and stairway chairlifts may be installed and placed into service prior to inspection once the permit and stamped drawings are obtained by the installation company. The installation and testing shall be done to the requirements of ASME A18.1, the latest adopted version. The installation and testing will be done by a Class IIIIR elevator mechanic and a test report signed by them showing that both the installation and all tests required in Section 10 of the Code have been completed. A copy of the permit will be posted at the location and a copy of the test report will be emailed to safety engineering. The permit inspection, to include all testing will be conducted as soon as possible after the installation by a certified elevator mechanic of the company that installed the equipment.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.21

**AUTHORITY:** O.C.G.A. § [8-2-101](#).

**HISTORY:** Original Rule entitled "Certificate to Perform Elevator Installations, Alterations, Repairs, Maintenance or Inspections" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Amended:** F. Jan. 10, 2014; eff. Jan. 30, 2014.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "New Installation - Platform Lifts (Wheelchair Lift) and Stairway Chairlifts" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.22 Certificate to Perform Elevator Installations, Alterations, Repairs, Maintenance or Inspections**

(1) Elevator Contractor (Class I): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.

(2) Elevator Contractor (Class IR): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of ASME A17.1, Section 4 and 5.7 elevators, temporary construction elevator and material lifts or separately cab interiors and phones, shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.

(3) Elevator Contractor (Class II): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.

(4) Elevator Contractor (Class III): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of residential dumbwaiters, elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.

(5) Elevator Contractor (Class IIIIR): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of residential platform lifts, and/or stairway chairlifts shall apply for Certification by the Office a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.

(6) Elevator Contractor's Certification shall expire twelve (12) months following the date of issuance after April 1, 2014.

(7) Qualifications of Elevator Contractor.

(a) No Certification shall be granted to any person or firm who has not proven their qualifications and abilities. Applicants for Elevator Contractor's Certification must demonstrate the following qualifications:

(b) Elevator Contractor Class I, Class IR and II shall submit proof of Elevator Mechanic Certification. All Class II Elevator Contractors shall employ Class I or Class II Elevator Mechanics.

(c) Elevator Contractor Class III and Class IIIIR shall submit proof of Elevator Mechanics Certification.

(d) Elevator Contractors shall have insurance as required by Rule 120-3-25-.22.

(8) The application for Elevator Contractor Certification shall contain the following information:

(a) The Class of the Certification requested.

(b) Name and address of business.

(c) Such other information as the Office may require.

(9) The application for Elevator Mechanic shall contain the following information:

(a) Name and address of the applicant and company where employed.

(b) The Certification class requested by the applicant.

(c) The number of years the applicant has engaged in the business of installing, maintaining and/or servicing elevators, escalators and/or platform lifts and stairway chairlifts.

(d) Documentation of all training or classes applicant has attended in the last year.

(e) Such other information as the Office may require.

(10) All elevator mechanics installing, altering, repairing, maintaining, or servicing elevators, escalators, moving walks, dumbwaiters, material lifts, residential elevators, platform (wheelchair) lifts and stairway chairlifts after January 1, 2006 shall have a "Certificate of Authorization" issued by the Office.

(11) Approval of training programs for Certification and Recertification of elevator mechanics. The Elevator Advisory Board shall review and approve all certification and recertification programs. The Office of Insurance and Safety Fire Commissioner shall prepare a testing program.

(12) Renewal applications. Applicants renewing their Certification shall provide the following information:

(a) Certification number.

(b) Documentation of training, certification and classes successfully completed in the previous year [eight (8) hours minimum], including Code updates using a pre-approved or recognized training program.

(13) Qualification of Class I Elevator Mechanic.

(a) Certification shall be granted to any person with a minimum of three (3) years for all except for Class IIR shall be one (1) year experience and who is employed by a company holding a State Certification and has proven their qualifications and abilities. Applicants must demonstrate the following qualifications:

(b) Certificate(s) of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, Certified Elevator Technician Program or the equivalent of an apprenticeship program for the elevator mechanics registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a State Apprenticeship Program.

(c) Any person who furnishes the Office with acceptable proof they have worked as an elevator constructor, maintenance person, or repair person may, upon making application for Certification and paying the fee, be entitled to receive a Certification without an examination at the discretion of the Office. They shall have worked under direct and immediate supervision of an elevator contractor certified to do business in this state. The person must make application within one (1) year of the effective date of these Rules and Regulations.

(d) A Certification may be issued to an individual holding a valid Certification or License from a state having a standard substantially equal to those of this Chapter.

(14) Qualification of Class IR Elevator Mechanic.

(a) Certification shall be granted to any person with a minimum of three (3) years' experience and who is employed by a company holding a State Certification and has proven their qualifications and abilities. Applicants must demonstrate the following qualifications: (b) Certificate(s) of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, Certified Elevator Technician Program or the equivalent of an apprenticeship program for the elevator mechanics registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a State Apprenticeship Program. (c) Any person who furnishes the Department with acceptable proof they have worked as an elevator constructor, maintenance person, or repair person may, upon making application for Certification and paying the fee, be entitled to receive a Certification without an examination at the discretion of the Department. They shall have worked under direct and immediate supervision of an elevator contractor certified to do business in this state. The person must make application within one (1) year of the effective date of these Rules and



Regulations. (d) A Certification may be issued to an individual holding a valid Certification or License from a state having a standard substantially equal to those of this Chapter.

(15) Qualification for Class II Elevator Mechanic.

(a) Same as (11)(a).

(b) The mechanic shall provide documentation proving they have been trained in the service, repair and maintenance of the equipment they will be working on.

(c) Same as (11)(c).

(d) Same as (11)(d).

(16) Qualification for Class III Elevator Mechanic.

(a) Same as (11)(a).

(b) Same as (11)(b).

(c) Same as (11)(c).

(d) Same as (11)(d).

(17) Qualification for Class IIIR Elevator Mechanic.

(a) Same as (11)(a).

(b) Same as (11)(b).

(c) Same as (11)(c).

(d) Same as (11)(d).

(18) Issuance and Renewal of Certification.

(a) Upon approval of a mechanic's application, the Office may issue Certification(s), all of which shall be renewed bi-annually. The Certification(s) will expire on July 1, not more than two (2) years from the date of issue.

(b) Whenever an emergency exists, and upon request, the Office may waive all requirements.

(c) A Certified Elevator Contractor shall notify the Office when there are no Certified personnel available to perform elevator work. The Certified Elevator Contractor may request the Office issue Temporary Elevator Mechanic Certifications to personnel employed by the Certified Elevator Contractor who have an acceptable combination of documented experience and education to perform elevator work. The temporary certification will expire after six (6) months. Only three (3) temporary certification will be issued per person, per company.

(d) The renewal of all Certifications granted under the provisions of this Section shall be conditional upon the submission of a certificate of completion of a course designed to ensure the continuing education of Certified Personnel. Such course shall consist of not less than eight (8) hours of instruction that shall be attended and completed within one (1) year prior to any Certification renewal.

(e) The courses shall be taught by instructors who are qualified and approved by the Office. (f) A mechanic who is unable to complete the education course required under this Section prior to the expiration of their Certification due to a temporary disability may apply for a waiver from the Office.

(19) Suspension and Revocation of Certification.

(a) A Certification issued pursuant to this Chapter may be suspended or revoked by the Office upon verification that one or more of the following exists:

1. Any false statement as to material matter in the application.
2. Violation of any provision of this Chapter.
3. Fraud or misrepresentation in securing a Certification.

(b) No Certification for a company or person shall be suspended, or revoked, until after a hearing before the Office upon notice to the person and/or company of at least ten (10) days at the last known address appearing on the Certification, served personally or by registered mail.

(c) Any company or person whose Certification is revoked or suspended may appeal such determination to the Office within thirty (30) days.

(d) Any company or person certified to perform an activity, who violates this part, after notice and hearing, may cause such company or person's Certification to be suspended and such company or person may receive a penalty not to exceed \$5,000.00 per violation.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.22

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-102](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Insurance Requirements" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

**Repealed:** New Rule entitled "Certificate to Perform Elevator Installations, Alterations, Repairs, Maintenance or Inspections" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

### **120-3-25-.23 Insurance Requirements**

(1) Class I, Class IR and Class II Elevator Contractors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(2) Class III and IIR Elevator Contractors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least five hundred thousand dollars (\$500,000.00) for injury or death of one (1) person and at least five hundred thousand dollars (\$500,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least two hundred fifty thousand dollars (\$250,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(3) Private Elevator Inspectors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide Professional Errors and Omissions Insurance coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of

at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(4) Such policies must be issued by an insurance company authorized to do business in the State of Georgia by the Insurance Commissioner with a Best Policyholders rating of "A-" or better and with a financial size rating of Class V or larger.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-25-.23

**AUTHORITY:** O.C.G.A. §§ [8-2-101](#), [8-2-104](#).

**HISTORY:** Original Rule entitled "Insurance Requirements" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

## Department 120. RULES OF COMPTROLLER GENERAL

### Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

#### Subject 120-3-26. RULES AND REGULATIONS FOR BOILERS AND PRESSURE VESSELS

##### 120-3-26-.01 Promulgation and Purpose

(1) These rules and regulations of the Safety Fire Commissioner entitled, "Rules and regulations for boilers and pressure vessels" are promulgated to establish the State's minimum fire safety codes and standards for boilers and pressure vessels as specified in the Official Code of Georgia Annotated, (O.C.G.A.) Section [25-15-10](#).

(2) A primary purpose of these rules and regulations is to establish the state minimum safety codes and standards for the prevention of loss of life and property from explosions, fire or related hazards in all buildings, structures and other locations governed by state regulations.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.01

**AUTHORITY:** O.C.G.A. §§ [25-15-10](#), [50-13-21](#).

**HISTORY:** Original Rule entitled "Authority and Purpose" adopted. F. Sep. 4, 2013; eff. Sep. 24, 1913.

**Repealed:** New Rule of same title adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Promulgation and Purpose" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

##### 120-3-26-.02 Application

(1) Pursuant to O.C.G.A. [25-2-10](#), rules and regulations adopted by the Safety Fire Commissioner shall have the force and effect of law and shall have statewide application as being the state minimum fire safety codes and standards for boilers and pressure vessels and shall not require adoption by a municipality or county.

(2) Pursuant to O.C.G.A. Section [25-15-1](#), the Office succeeded to all rules and regulations of the Department of Labor which were in effect on June 30, 2012, or were scheduled to go into effect on or after July 1, 2012, which related to the functions transferred to the Office pursuant to either Chapter 15 of Title 25 or Part 6 of Article 1 of Chapter 2 of Title 8. The Office has authority to modify the Boiler and Pressure Vessel regulations or promulgate new regulations pursuant to O.C.G.A. Sections [25-15-1](#), [25-15-13](#), [33-2-9](#) and [50-13-21](#).

(3) The primary purpose of these rules and regulations is to promote consumer protection through state regulation of the construction, installation, inspection, maintenance, and repair of boilers and pressure vessels.

(4) All Editions of the Codes and Standards shall also include revisions, amendments, and interpretations made, approved and adopted by the Codes or Standards Society as adopted by these regulations listed below:

(a) The 2019 American Society of Mechanical Engineers Boiler and Pressure Vessel Code. Copies of the Code may be obtained from said Society at 22 Law Drive, Box 2300, Fairfield, New Jersey 07007-2300.

(b) The 2019 Edition of the National Board Inspection Code. Copies of this Code may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229.

(c) ASME B31.1 as adopted by ASME Section I Boiler Pressure Piping and Piping Systems as described in B31.1.

(d) The 2018 Edition of the ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers less than 12,500,000 BTU/hr. and State adopted Edition of the National Fire Protection Association (NFPA) 85, Boiler and Combustion System Hazard Code for boilers over 12,500,000 BTU/hr., NFPA 87 Recommended Practice for Fluid Heaters, NFPA 54 National Fuel Gas Code and all other adopted and related NFPA Codes (see below definition of Code). ASME CSD-1 Boiler Controls and Safety Devices may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017. The National Fire Protection Association Standards may be obtained from National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

(e) The 2012 ASME PVHO-1 Pressure Vessels for Human Occupancy and 2012 ASME PVHO-2 In-Service Guidelines. This Code may be ordered from ASME, 22 Law Drive, Box 2300, Fairfield, NY 07007.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.02

**AUTHORITY:** O.C.G.A. §§ [25-15-1](#), [25-15-10](#), [25-15-13](#), [33-2-9](#), [50-13-21](#).

**HISTORY:** Original Rule entitled "Definition of Terms" adopted. F. Sep. 4, 2013; eff. Sep. 24, 1913.

**Repealed:** New Rule of same title adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Application" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.03 Definition of Terms**

(1) Accumulation Test - A test by which the capacity of the safety or safety relief valves are checked to ensure the pressure of the boiler does not rise six percent above the highest setting of any valve, and in no case six percent above the maximum allowable working pressure.

(2) Alteration - A change in any item described on the original manufacturer's data report which affects the pressure capability of the boiler or pressure vessel. Nonphysical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

(3) The Commissioner is the Commissioner of Insurance and Safety Fire.

(4) Approved - Approved by the Commissioner or his designee.

(5) Authorized Inspection Agency - one of the following:

(a) The State of Georgia Safety Engineering Section, of the Office of Insurance and Safety Fire Commissioner, or

(b) Any insurance company which has been licensed to write boiler and pressure vessel insurance and to provide all inspection services required by such company in this State, or

(c) An Owner-User Inspection Agency.

(6) Cessation order - is the official order stopping of an action by an individual or company.

(7) Certificate of Competency - A certificate issued to a person who has passed the examination prescribed by the Board.

(8) Certificate Inspection - An inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding, or revoking the Inspection Certificate. This certificate inspection shall be as complete an inspection as possible.

(9) Chief Inspector - The chief boiler and pressure vessel Engineer appointed by the Safety Fire Commissioner.

- (10) Citation - is the act by which a person or company is so summoned or cited.
- (11) Code - ASME Boiler and Pressure Vessel Code Sections I, III Division 1 and Division 2, IV, VIII Division 1, 2 and Division 3, and X, National Board Inspection Code, Controls and Safety Devices (CSD-1), National Fire Protection Association Code (NFPA) Sections 31, 54, 58, 70, 85, 87 and 211 for boilers and pressure vessels Code.
- (12) Commission - National Board - The Commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a Certificate of Competency who desires to make inspections in accordance with the National Board Bylaws and whose employer submits the Inspector's application to the National Board for such Commission.
- (13) Condemned Boilers and Pressure Vessels - Condemned boilers and pressure vessels declared unfit for further use by the Chief Inspector or Commissioner shall immediately be stamped with three X's over the ASME code symbol stamp or immediately above the front manway, or on the front head of a fire tube boiler, or over the object identification number.
- (14) Deputy Inspector - Any Inspector appointed by the Commissioner under the provision of the Act.
- (15) Electric Boiler - A power boiler or heating boiler in which the source of heat is electricity.
- (16) External Inspection - An inspection made when a boiler or pressure vessel is in operation or idle.
- (17) Existing Installation - Includes any boiler constructed, installed, placed in operation, or contracted for before January 1, 1986; and any pressure vessel constructed; installed, placed in operation, or contracted for before January 1, 1986.
- (18) Fitting or Appliance - The terms "Fittings" and "Appliances" shall be taken to mean such necessary safety devices as are attached to a boiler and/or pressure vessel for safety purposes.
- (19) Georgia State Special - A boiler or pressure vessel which is of a special design which cannot or has not been constructed to the Code.
- (20) Heating Boiler - A steam or vapor boiler operating at pressures not exceeding 15 psig or temperatures not exceeding 250 degrees Fahrenheit.
- (21) Heat Recovery Boiler - A steam boiler for operation at pressures not exceeding 15 psig.
- (22) High Pressure High Temperature Water Boiler - Means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.
- (23) Hobby - An activity pursued outside of one's regular work, primarily for pleasure and receive no monetary gain.
- (24) Hot Water Heating Boiler - A boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig and/or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.
- (25) Hot Water Supply Boiler - A boiler or heater completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or a temperature not exceeding 250 degrees Fahrenheit for hot water supply boilers, or temperatures not exceeding 210 degrees Fahrenheit for hot water supply heaters.
- (26) Inspector - The Chief Inspector, Deputy Inspector, Special Inspector, or Owner-User Inspector.
- (27) Installation of Boilers and Pressure Vessels - When referred to in this Chapter shall include all fittings, appliances and/or appurtenances.

(28) Internal Inspection - As complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates, or other inspection openings are removed as per the Inspector's requirements.

(29) Insurance Company - An insurance company which has been licensed or registered by the appropriate authority of a state of the United States or a Province of Canada to write boiler and pressure vessel insurance and to provide all inspection services required by this State.

(30) Investigative Board - The Investigative Board shall be made up of the Chief Inspector and two members of the Boiler Board appointed by the Chairman of the Boiler Board.

(31) Jurisdiction - A State, Commonwealth, County, or Municipality of the United States or a Province of Canada, which has adopted one or more sections of the ASME Code, one of which is Section I, and maintains a duly constituted department bureau or division for the purpose of enforcement of such Code.

(32) Lined Potable Water Heater - A water heater with a corrosion resistant lining used to supply potable hot water and exceeding any of the following:

- (a) A heat input of 200,000 BTU per hour;
- (b) A water temperature of 210 degrees Fahrenheit; or
- (c) A nominal water containing capacity of 120 gallons.

(33) Miniature Boiler - A power boiler or high-temperature water boiler which does not exceed the following limits:

- (a) 16 inches inside diameter of shell;
- (b) 20 sq. ft. heating surface (not applicable to electric boilers);
- (c) 5 cu. ft. gross volume exclusive of casing and insulation;
- (d) 100 psig maximum allowable working pressure.

(34) National Board - The National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229.

(35) National Board Inspection Code. The manual for Boiler and Pressure Vessel Inspectors published by the National Board and adopted by the Board.

(36) New Boiler or Pressure Vessel Installation - All boilers constructed, installed, placed in operation, or contracted for after December 31, 1986. All pressure vessels constructed, installed, placed in operation, or contracted for after December 13, 1986.

(37) Non-standard Boiler or Pressure Vessel - A boiler or pressure vessel that does not bear the ASME stamp and National Board Number.

(38) Owner or User - Any person, firm, or corporation legally responsible for the safe installation, operation, and maintenance of any boiler or pressure vessel within the jurisdiction.

(39) Owner-User Inspector - An Inspector continuously employed by a company owning and operating pressure vessels in this State for the purpose of making inspections of pressure vessels used or to be used by such company, but not for resale, and providing such company complies with the requirements of the Official Code of Georgia Annotated, Section [25-15-10](#) of the Boiler and Pressure Vessel Law.

(40) Owner/User Inspection Agency - An owner or user of pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures shall meet the requirements of the boiler and pressure vessel Rules and are acceptable to the Office of Insurance and Safety Fire Commissioner.

(41) Portable Boiler - A boiler which is primarily intended for temporary location and the construction and usage permits it to be readily moved from one location to another.

(42) Power Boiler - Means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(43) PSIG - Pounds per square inch gauge.

(44) Reinstalled Boiler or Pressure Vessel - A boiler or pressure vessel removed from its original setting and reinstalled at the same location, or at a new location without change of ownership.

(45) Repair - The work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition provided there is no deviation from the original design.

(46) Secondhand Boiler or Pressure Vessel - A boiler or pressure vessel which has changed both location and ownership since last used.

(47) Steam Heating Boiler - A steam boiler for operation at pressures not exceeding 15 psig.

(48) Special Inspection - Any inspection performed by the State other than a regularly scheduled inspection, and includes instances where the original inspection was rescheduled due to the owner's or user's failure to prepare the boiler or pressure vessel after notification.

(49) Special Inspector - An Inspector holding a Georgia Commission, and who is regularly employed by an insurance company authorized to insure against loss of boilers or pressure vessels in this State.

(50) Standard Boiler or Pressure Vessel - A boiler or pressure vessel which bears the ASME stamp and National Board Number, except cast iron boilers which will not be registered with the National Board.

(51) Unfired Steam Boiler - An unfired pressure vessel or system of unfired pressure vessels intended for operation at a pressure in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy.

(52) Waste Heat Boiler - An unfired pressure vessel or system of unfired pressure vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.03

**AUTHORITY:** O.C.G.A. §§ [25-15-10](#), [25-15-13](#).

**HISTORY:** Original Rule entitled "Administration. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 1913.

**Repealed:** New Rule entitled "Administration" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Definition of Terms" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.04 Administration**

(1) The Safety Engineering Section of the Safety Fire Division of the Office of the Insurance and Safety Fire Commissioner administers the provisions of Chapter 15 of Title 25 of the Official Code of Georgia Annotated relating to boiler and pressure vessel safety. The Safety Engineering Section is located at 2 Martin Luther King Jr. Drive, Suite 920, West Tower, Atlanta, GA 30334.

(2) Address correspondence to:



Office of Insurance and Safety Fire Commissioner

Safety Engineering Section

2 Martin Luther King Jr. Drive, Suite 920, West Tower

Atlanta, GA 30334.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.04

**AUTHORITY:** O.C.G.A. § [25-15-13](#).

**HISTORY:** Original Rule entitled "Certificate of Competency and Examination. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 1913.

**Repealed:** New Rule entitled "Certificate of Competency and Examination" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Administration" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.05 Certificate of Competency and Examination**

(1) Applicants for a certificate of competency shall satisfy the requirements of this Section.

(2) In order to take the Georgia Board of Boiler and Pressure Vessel Rules' Examination, an applicant shall meet one of the following qualifications:

(a) A degree in engineering plus one year of experience in design, construction, operation, or inspection of high pressure boilers and pressure vessels;

(b) An associate degree in mechanical technology plus two years of experience in design, construction, operation, or inspection of high pressure boilers and pressure vessels;

(c) The equivalent of a high school education plus four years of experience in one of the following:

1. In high-pressure boiler and pressure vessel construction or repair,

2. As an operating engineer in charge of high-pressure boiler operations, or

3. As an Inspector of high-pressure boilers and pressure vessels.

(3) Applications for the examination are available from the Commissioner and shall contain an accurate education and employment history.

(4) The Examination for a Certificate of Competency is prepared and graded by the National Board; and

(a) covers the construction, installation, operation, maintenance, and repair of boilers and pressure vessels and their appurtenances;

(b) is given on the first Wednesday and one-half day Thursday in March, June, September, and December at a site selected by the Commissioner; and

(c) is administered upon payment of a fee of fifty dollars (\$50.00), which is also required when the examination is retaken by an unsuccessful applicant.

- (d) Successful applicants will be issued a Certificate of Competency by the Chief Inspector, when such applicant passes the examination.
- (5) When Commissioned by the National Board, and requested by the employer, Inspection Agency a Georgia Commission bearing the signature of the Chief Inspector, will be issued.
- (6) Request for Georgia Commissions, are processed upon proof of a Commission issued by the National Board and a twenty-five dollar (\$25.00) fee.
- (7) Georgia Commissions are valid through December 31, at which time each inspector or inspection agency shall submit a request to renew and a twenty-five dollar (\$25.00) filing fee.
- (8) The Georgia Commission shall be returned (by the employing company) to the Chief Inspector upon termination of employment of any Inspector.
- (9) A Georgia Commission may be suspended or revoked by the Board for incompetence, untrustworthiness, or willful falsification of any statement in an application or inspection report.
- (10) Owner/User Inspector for unfired pressure vessels.
- (a) Owner/User Inspectors must meet all of the above requirements (1) through (9).

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.05

**AUTHORITY:** O.C.G.A. § [25-15-13](#).

**HISTORY:** Original Rule entitled "State Inspection Fees. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 1913.

**Repealed:** New Rule entitled "State Inspection Fees" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Certificate of Competency and Examination" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.06 State Inspection Fees**

(1) All boilers and hot water heaters:

- (a) Up to and including 30 boiler horsepower ..... \$30.00
- (b) 31 boiler horsepower to 50 boiler horsepower ..... \$50.00
- (c) 51 boiler horsepower to 100 boiler horsepower ..... \$75.00
- (d) 101 boiler horsepower to 200 boiler horsepower ..... \$100.00
- (e) All boilers over 200 boiler horsepower ..... \$150.00

(f) Inspection fees will be charged for any trip made by the inspector for the purpose of certificate inspection, permit inspection, follow-up inspection, insurance cancellation inspection, internal and/or external inspection.

(2) In the event a special inspection or hydrostatic test is made, an additional fee of \$100.00 per hour and all traveling expenses incurred in connection with the inspection will be charged. The expenses shall be governed by the regulations for traveling expenses established for State officials. In cases where one trip is made to inspect two or more locations for two or more parties, the traveling expenses shall be prorated between the parties on the basis of the number of objects inspected and the time consumed for each inspection on both.

(3) Fees for joint reviews of ASME stamps and National Board Repair Stamp Holders.

(a) Fee for all reviews... \$1500.00. The fee will be paid prior to the review being scheduled. Fees include time and expenses up to a maximum of two days. Any review that is extended to more than two days, time and expenses will be charged as stated in (b) below.

(b) All services rendered other than as stated in (a) above, \$100.00 per hour. (The hourly rate with all expenses will be charged and billed after the service is rendered.)

(4) Permit fee for installation of new boilers and installation of second-hand boilers and pressure vessels: (For all boilers, hot water heaters, or used unfired pressure vessels found to have been installed without an installation permit, the installation permit fee will be doubled.) Once permits are processed by this office, no refunds will be issued.

(a) All pressure vessels and boilers up to and including 30 boiler Horsepower ..... \$100.00

(b) 31 boiler horsepower to 50 boiler horsepower ..... \$200.00

(c) 51 boiler horsepower to 100 boiler horsepower ..... \$300.00

(d) 101 boiler horsepower to 200 boiler horsepower ..... \$400.00

(e) All boilers over 200 boiler horsepower ..... \$500.00

(5) Georgia State Special Permits ..... \$500.00 This fee must accompany the request for a State Special permit. All inspections for a State Special Permit will be conducted by a Deputy Inspector.

(6) Operating Permit Fees:

(a) Power boilers and high pressure, high temperature water boilers, annual fee ..... \$50.00

(b) Low pressure steam or vapor heating boilers, biennial fee ..... \$50.00

(c) Hot water heating and hot water supply boilers biennial fee ..... \$50.00

(d) Pressure Vessel, triennial fee ..... \$30.00

(7) The owner, user, agent, or installer is responsible to ensure accessibility to the equipment for inspection, equipment is ready for inspection (as required), and necessary people are available when scheduled. Failure to meet any of the above requirements will cause owner, user, agent, or installer to be charged \$100.00 per hour including travel time. This fee must be paid prior to any rescheduled or completed inspections at that location.

(8) Payment of fees for inspections and operating permits.

(a) Inspection fees or operating permit fees shall be paid to validate the operating permit. Fees not paid within sixty (60) calendar days of completion of such inspection shall cause the suspension of the operating permit until such time that all fees are paid. When an operating permit is suspended for lack of payment, the Deputy Inspector shall reinspect the boiler, water heaters or pressure vessels. This inspection fee will be charged and collected prior to reinstating the operating permit.

(b) Inspection fees or operating permit fees shall be paid within or operating permit fees unpaid within sixty (60) calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until the Commissioner receives all amounts due, including interest.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.06

**AUTHORITY:** O.C.G.A §§ [25-15-17](#), [25-15-13](#), [25-15-25](#), [25-15-27](#).

**HISTORY:** Original Rule entitled "New Installation of Boilers and Installation of Secondhand Boilers or Pressure Vessels. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "New Installation of Boilers and Installation of Secondhand Boilers or Pressure Vessels" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "State Inspection Fees" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.07 State Inspection Fees New Installation of Boilers and Installation of Secondhand Boilers or Pressure Vessels**

(1) The company or person responsible for the installation of the boiler or secondhand pressure vessel is required to obtain an installation permit for the boiler or pressure vessel prior to any work being performed. A "Request to Install a Boiler or Pressure Vessel" along with the installation fee and any drawings, calculations, or ASME Code Data Reports as applicable will be forwarded to the Office of Insurance and Safety Fire Commissioner, Safety Engineering Section. Boilers or pressure vessels that are ASME Code stamped and National Board registered need only the ASME Data Report. A request for a Georgia State Special must be accompanied by all design documents. No boilers or pressure vessels shall be sold to be installed in the State unless the boiler or pressure vessel meets all adopted Codes, Standards, and/or these Rules.

(2) All boiler installations shall meet all requirements of ASME, the NBIC, and CSD-1. Boilers 12,500,000 BTU/hr and over shall meet any additional requirements of NFPA85. All fluid heaters shall meet the requirements of NFPA 87.

(3) A Deputy Inspector, prior to the vessel being used must inspect all completely new and secondhand packaged boilers and secondhand pressure vessels installed. The company or person performing the installation is responsible for notifying the Safety Engineering Section when the boiler or secondhand pressure vessel is ready for inspection.

(4) All Permits that have not had any action toward the installation shall expire 24 months after the issue date. The expiration date shall be shown on the permit. The monies for the expired permit shall be forfeited and the file closed out. The installer shall be required to resubmit for another permit in accordance with paragraph (1) above and Rule [120-3-26-.05\(4\)](#), when a file has been closed out.

(5) Water heaters must have a check valve installed in the cold water supply line at the heater.

(6) All low pressure steam heating, water heating or hot water supply boilers as described in Rule [120-3-26-.02](#) must have a type "B" vent. The vent must be double wall galvanized or other corrosion resistant material, or as specified by the boiler manufacturer.

(7) All high pressure power boilers for steam, water or oil as described in Rule 120-3-26-.02 must have a single wall welded stack at least .056 inches thick (16 gage), or double wall manufactured corrosion resistant stack, or as specified by the boiler manufacturer. The double wall must be UL listed for the temperature specified by the boiler manufacturer.

(8) All stack clearance from combustible material shall be as specified in NFPA Standard 31, 54, or 58 as applicable.

(9) All steam boilers over 15 psi and over 10 boiler horsepower must be in a 2 hr. fire rated room, (except for Group F Occupancy). All heating boilers installed in places of Assembly (Group A), or place of Hazardous Occupancy (Group H) must be in a 2 hr. fire rated room.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.07

**AUTHORITY:** O.C.G.A. §§ [25-15-13](#), [25-15-17](#), [25-15-18](#), [25-15-25](#), [25-15-27](#).

**HISTORY:** Original Rule entitled "Boiler and Pressure Vessel Inspection Requirements. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Amended:** F. Jan. 10, 2014; eff. Jan. 30, 2014.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Inspection Requirements" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "State Inspection Fees New Installation of Boilers and Installation of Secondhand Boilers or Pressure Vessels" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.08 Boiler and Pressure Vessel Inspection Requirements**

(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to be used within this State, except for boilers and pressure vessels exempted under O.C.G.A. Section [25-15-16](#), shall be thoroughly inspected as to their construction, installation, and condition as follows:

(a) Power boilers and high pressure, high temperature water boilers shall receive a permit (certificate) inspection annually. The inspection shall be an internal inspection where construction permits; otherwise, it shall be a complete an inspection as possible. These boilers will also receive an external inspection while under pressure, if possible.

(b) Low pressure steam or vapor boilers shall receive a permit inspection biennially.

(c) Hot water heating and hot water supply boilers shall receive a permit inspection biennially.

(d) Pressure vessels shall receive a permit inspection triennial with an internal inspection at the discretion of the Inspector.

(e) All certificate inspections under this section shall be done in accordance with the NBIC, Parts 1 & 2. The boiler owners and user shall be responsible for ensuring that the installation, maintenance, operation, and testing of controls and safety devices are in accordance with the manufacturer's requirements. The maintenance and testing of controls and safety devices shall be conducted by a contractor with a valid certificate of authority with the appropriate classification. The inspector will witness or review that all controls and safety devices have been tested to manufactures requirements. Appendix C in the current adopted edition of CSD-1 is an example of a report or checklist. If the boiler is governed by a different standard, it will be used as a guide to which controls and safety devices and systems need to be tested.

(f) The Commissioner, the Chief Inspector, or any Deputy Inspector shall have free access during reasonable hours to any premises in the State where boilers or pressure vessels are being constructed, installed, operated, maintained, or repaired for the purpose of performing any required safety inspections in accordance with the Boiler and Pressure Vessel Safety Act, Chapter 15 of Title 25 and these Rules and Regulations. Any owner, user or other person responsible for boilers or pressure vessels that denies access to Inspectors shall be in violation of the Act.

(g) An internal boiler inspection may be increased from an annual inspection frequency to eighteen (18) months for Black Liquor Boilers and a twenty-four (24) month inspection frequency for a Power Boiler by approval of the Office of Insurance and Safety Fire Commissioner. An employee delegated by the industrial facility shall apply for the extension. The following information shall be sent to the office for review:

(1) Operator training.

(2) Boiler maintenance records.

(3) Water chemistry.

(4) Letter of approval of extension from an authorized inspection agency. State inspector may be present with the in-service inspector during the internal inspection, these expenses will be the responsibility of the industrial plant. A copy of the in-service inspector's detailed summary report of this inspection will be supplied to this office within 30 days of inspection. If a Black Liquor Boiler, a copy of the ESP test (Emergency Shutdown Procedure) will also be supplied.

(2) Cessation orders on unsafe equipment or equipment operating in violation of these Rules.

(a) The Commissioner or his authorized representative may issue a written order for the temporary cessation of operation of a boiler or pressure vessel if it has been determined after inspection to be hazardous or unsafe. Operation shall not resume until such conditions are corrected to the satisfaction of the Commissioner or his authorized representative.

(b) If a boiler or pressure vessel is found to be operating after a cessation order has been issued, and/or prior to the required inspections, a penalty may be assessed as specified in Rules [120-3-26-.05](#) and/or [120-3-26-.18](#) as applicable.

(c) Any person aggrieved by an order or an act of the Commissioner or the Chief Inspector may appeal in accordance with O.C.G.A. Section [25-15-28](#).

(3) **Reserved.**

(4) All boilers or pressure vessels overdue for inspection as specified by Rule [120-3-26-.07](#), by more than 6 months, a State Deputy Inspector shall inspect such boilers or pressure vessels and may invoice the Owner/User for a special inspection as specified by Rule [120-3-26-.05\(2\)](#), in addition to the standard inspection fees.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.08

**AUTHORITY:** O.C.G.A. §§ [25-15-13](#), [25-15-19](#), [25-15-20](#).

**HISTORY:** Original Rule entitled "Notification of Inspection. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Notification of Inspection" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Inspection Requirements" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.09 Notification of Inspection**

(1) All insurance companies shall notify the Chief Inspector, within thirty days, of all boilers or pressure vessels on which Insurance is written or canceled, not renewed or suspended.

(2) Special inspectors to notify Chief Inspector of unsafe boilers and pressure vessels.

(a) If an inspector, upon first inspection, finds that a boiler or pressure vessel, or any appurtenance thereof, is in such condition that he would refuse to issue an inspection certificate, the Inspector shall immediately notify the Chief Inspector and submit a report on the defects.

(b) If, upon inspection, an Inspector finds a boiler or pressure vessel to be unsafe for further operation, he shall promptly notify the owner or user, stating what repairs or other corrective measures are needed. The Inspector shall immediately notify his supervisor or the Chief Inspector. Until such corrections have been made, no further operations of the boiler or pressure vessel involved shall be permitted. If an inspection certificate for the object is required and is in force, it shall be suspended by the Chief Inspector. When reinspection establishes that the necessary repairs have been made or corrective actions have been taken and that the boiler or pressure vessel is safe

to operate, the Chief Inspector shall be notified. At that time, an inspection certificate, where applicable, may be issued.

(c) If an Inspector, while making a required inspection, becomes aware of any other boilers or pressure vessels on the premises which are not registered in accordance with applicable law, he shall report this information to the owner or user of the boiler pressure vessel and to the Chief Inspector within thirty days.

(3) Owner-User: Each Owner-User inspection agency as required by the provision of the Act and these Rules and Regulations shall:

(a) conduct inspections of pressure vessels utilizing only qualified inspection personnel, as provided in this Chapter;

(b) retain on file, at the location where the equipment is inspected, a true copy of each of the latest inspection reports signed by the Inspector;

(c) execute and deliver to the Chief Inspector a true report of each inspection together with appropriate requirements or recommendations that result from such inspections;

(d) promptly notify the Chief Inspector of any pressure vessel which does not meet the applicable requirements;

(e) maintain inspection records which will include a list of each pressure vessel covered by the Act, showing a serial number and such abbreviated descriptions as may be necessary for identification, the date of last inspection of each unit and approximate date for the next inspection record is compiled. Such inspection record shall be readily available for examination by the Chief Inspector or his authorized representative during business hours.

(f) If upon an external inspection there is evidence of a leak or crack, sufficient covering of the pressure vessel shall be removed to permit the Inspector to satisfactorily determine the safety of the boiler or pressure vessel. If the covering cannot be removed at that time, he may order the operation of the pressure vessel stopped until such time as the covering can be removed and proper examination made. The Chief Inspector shall be notified immediately.

(4) All boiler or pressure vessels overdue for inspection as specified by Rule 120-3-26-.07, by more than 6 months, a State Deputy Inspector shall inspect such boilers or pressure vessels and may invoice the Owner/User for a special inspection as specified by Rule 120-3-26-.05(2), in addition to the standard fee.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.09

**AUTHORITY:** O.C.G.A. § [25-15-20](#).

**HISTORY:** Original Rule entitled "Notification of Accident. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Notification of Accident" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Notification of Inspection" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.10 Notification of Accident**

(1) When an incident occurs to a boiler or pressure vessel, the owner or user shall promptly notify the Chief Inspector by submitting a detailed report of the incident.

In the event of a personal injury or any explosion, notice shall be given immediately by telephone, followed by emailing a detailed report of the incident, and neither the boiler nor pressure vessel, nor any parts thereof, shall be removed or disturbed before permission has been given by the Chief Inspector, except for the purpose of saving human life and limiting consequential damage.

(2) If an inspection is made as a result of an incident, the inspector will inform the owner or user of the requirements set forth in paragraph (1).

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.10

**AUTHORITY:** O.C.G.A. § [25-15-21](#).

**HISTORY:** Original Rule entitled "Validity of Operating Permit. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Validity of Operating Permit" adopted. F. Mar. 1, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Notification of Accident" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.11 Validity of Operating Permit**

The Commissioner or his authorized representative may extend the expiration date of any operating permit. Requests for an extension must be in writing to the Office stating the reason for the extension.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.11

**AUTHORITY:** O.C.G.A. §§ [25-15-20](#), [25-15-23](#), [25-15-26](#).

**HISTORY:** Original Rule entitled "Georgia State Special Boilers and Pressure Vessels. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Non-Vaporizing Thermal Fluid Heaters" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Validity of Operating Permit" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.12 Non-Vaporizing Fluid Heaters**

- (1) A non-vaporizing fluid heater is a heater designed to not vaporizes a fluid in a closed system.
- (2) The owner shall insure that a non-vaporizing fluid heater is constructed in accordance with current adopted editions of the ASME Boiler and Pressure Vessel Code and is National Board registered.
- (3) The installation shall have stop valves located at an accessible point in the supply and return pipe connections as near to the heater as practicable.
- (4) The owner shall ensure that a non-vaporizing fluid heater has the following as a minimum:
  - (5) One operating temperature control and one high limit temperature control.
  - (6) An ASME relief device to be of sufficient capacity to relieve the excess fluid as a result of thermal expansion, verified by engineering calculations provided by the owner.
  - (7) A thermometer graduated to no less than 133% of the expected operating temperature.
  - (8) A pressure gauge graduated to no less than 150% of the expected operating pressure.
  - (9) A low level or flow sensing device suitable for operating conditions.



(10) The owner shall ensure that a fuel train meets the requirements of State laws and regulations and the current adopted edition of CSD-1 or NFPA 87.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.12

**AUTHORITY:** O.C.G.A. §§ [25-15-20](#), [25-15-23](#), [25-15-26](#).

**HISTORY:** Original Rule entitled "Non-Conforming or Non-Standard Boilers and Pressure Vessels. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Georgia State Special Boilers and Pressure Vessels" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Non-Vaporizing Fluid Heaters" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.13 Georgia State Special Boilers and Pressure Vessels**

If a boiler or pressure vessel is of special design and one that cannot be constructed to the ASME Code, the owner shall forward welding procedures and welder certifications details of the proposed construction, including shop drawing, material specifications, calculations, to the Chief Inspector for approval. All such boilers and pressure vessels must be inspected and hydrostatically tested and documented on forms provided by the Commissioner. The owner's application shall be certified by a registered professional engineer or an appropriate ASME stamps holder.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.13

**AUTHORITY:** O.C.G.A. §§ [25-15-24](#), [25-15-13](#).

**HISTORY:** Original Rule entitled "Boiler and Pressure Vessel Repair or Alteration. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Non-Conforming or Non-Standard Boilers and Pressure Vessels" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Georgia State Special Boilers and Pressure Vessels" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.14 Non-Conforming or Non-Standard Boilers and Pressure Vessels**

(1) Boilers or unfired pressure vessels that do not conform to the ASME code may be operated as a hobby or for educational or historical purposes only, provided an inspection in accordance with these Rules is made annually. Lapseam boilers under this section are limited to 100 psig.

(2) Boilers or unfired pressure vessels normally located outside this State may be, upon application to the Commissioner, permitted to operate for a period not exceeding 7 days provided the object has an operating certificate from the State in which it is normally operated.

(3) Non-standard boilers, or pressure vessels being installed or reinstalled in the State shall receive a State Special Permit and an operating permit prior to the operation of the boiler, or pressure vessel.

(4) No boiler, or unfired pressure vessel shall be installed in a system or operated in a service that the boiler or pressure vessel is not designed and manufactured to the intended service, (as specified on the data report or receive a State Special Permit for that intended service).

(5) A miniature hobby locomotive boiler is designed to be operated on a narrow gauge track of less than twenty-four (24) inches.

(6) At the initial inspection of a miniature hobby locomotive boiler, the owner shall provide the Chief Inspector with design specifications and calculations for review and acceptance.

(7) The owner shall ensure that a miniature hobby locomotive boiler has the following minimum equipment:

(a) A pressure gauge graduated to approximately 1.5 times the operating pressure, but no more than 4 times the operating pressure.

(b) A means to extinguish the fire in the fire box, if a low water condition exists.

(c) Two means of feeding water to the boiler, one of which shall be operable while the locomotive is stationary.

(d) A water level gauge glass located so that the top of the bottom nut of the gauge glass is approximately 10% of the distance between the crown sheet and the shell, but not less than ½ inch above the crown sheet.

(e) Two safety valves set no more than 10% above the operating pressure for boiler fabricated after the effective date of the rules. The capacity of the safety valves shall be equal to or greater than the calculated steam generating capacity of the boiler.

(8) Triennially, during the certificate inspection, the owner shall hydrostatically test the Boiler per the NBIC, in the presence of the inspector. All certificate inspections, both internal and external, will be conducted to the current adopted edition of the NBIC, Part 2, and all boiler laws and regulations with the exception of Ultrasonic thickness reading, which will not be done, unless noted on the inspection report, when visually evidenced during the internal inspection.

(9) All repairs will be conducted by an "R" stamp holder in accordance to the current adopted edition of the NBIC, Part 3.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.14

**AUTHORITY:** O.C.G.A. § [25-15-28](#).

**HISTORY:** Original Rule entitled "Reinstallation of Certain Boilers and Pressure Vessels. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Repair or Alteration" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Non-Conforming or Non-Standard Boilers and Pressure Vessels" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.15 Boiler and Pressure Vessel Repair or Alteration**

(1) Repairs and alterations to Boilers and Pressure Vessels shall be performed in accordance with the National Board Inspection Code or as otherwise specified by the jurisdiction. All repair facilities must have a valid contract with an approved inspection agency.

(2) When repairs or alterations are to be made, permission shall be obtained from an inspector and shall be done in accordance with the latest edition of the National Board inspection code by an authorized repair facility holding a valid National Board "R" stamp or jurisdictional approval for owner/users repairing their own boilers or pressure vessels. Welded repairs to cast iron boilers, pressure vessels or parts thereof shall not be allowed.

(3) A request for permission to restamp the boiler or pressure vessel shall be made to the Chief Inspector and proof of the original stamping shall accompany the request.

The Chief Inspector may grant such authorization. Restamping, authorized by the Chief Inspector, shall be done only in the presence of an Inspector and shall be identical to the original stamping except for the ASME Code symbol stamp.

(4) The repair facility shall provide the Chief Inspector with a copy of a completed R-1 repair form with the inspector's signature when a welded repair has been done within 30 days of the repair. An electronic or paper copy is acceptable.

(a) The repair stamp holder shall complete a repair form on all welded repairs. The distribution shall be to the owner/user and jurisdiction and others as required by the National Board Inspection Code within 30 days of the repair. An electronic or paper copy is acceptable.

(b) An R-2 report for alternation shall be completed on all alterations and distributed in accordance with the National Board Inspection Code. The Chief inspector will receive a copy within 30 days. An electronic or paper copy is acceptable.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.15

**AUTHORITY:** O.C.G.A. § [25-15-28](#).

**HISTORY:** Original Rule entitled "Boiler and Pressure Vessel Construction. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Reinstallation of Certain Boilers and Pressure Vessels" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Repair or Alteration" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.16 Reinstallation of Certain Boilers and Pressure Vessels**

(1) A Boiler or Pressure Vessel that is not constructed pursuant to the ASME Code or is not registered with the National Board shall not be reinstalled at any location in this State, when the reinstallation is accompanied by a change of ownership of the boiler or pressure vessel unless the Owner, User receives a State Special Permit.

(2) Secondhand boilers or pressure vessels cannot be installed unless an application for "Permit to Install" has been approved by the Chief Inspector followed by a certificate inspection by a Deputy Inspector.

(3) When a standard boiler or pressure vessel located in this jurisdiction has been removed outside the jurisdiction for temporary use or repair, application shall be made for a permit to install by the owner or user to the Chief Inspector for permission to reinstall the boiler or pressure vessel in the jurisdiction.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.16

**AUTHORITY:** O.C.G.A. § [25-15-23](#).

**HISTORY:** Original Rule entitled "Certificate of Authority to Install, Maintain and/or Service Boilers. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Amended:** F. Jan. 10, 2014; eff. Jan. 30, 2014.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Construction" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Reinstallation of Certain Boilers and Pressure Vessels" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.17 Boiler and Pressure Vessel Construction**

(1) All boilers and pressure vessels must be manufactured in accordance with Sections I, IV, VIII and X of the ASME Code. Shop inspection of boilers and pressure vessels (except cast iron boilers and unfired UM pressure vessels) is mandatory and must be made by Inspectors holding National Board Commissions.

(2) Rules for construction and stamping must comply with the Code and with National Board stamping and registration. In addition to the above requirements, electric boilers shall have the underwriter's laboratories' label.

(3) Cast Iron/Cast Aluminum Boilers are not required to be registered with the National Board.

(4) The code stamping shall not be concealed by lagging or paint and shall be exposed at all times unless a suitable record is kept of the location of the stamping so that it may be readily uncovered when required, or there has been a duplicate name plate attached on the outside cover.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.17

**AUTHORITY:** O.C.G.A. §§ [25-15-13](#), [25-15-14](#), [25-15-15](#), [25-15-16](#).

**HISTORY:** Original Rule entitled "Preparation for Certificate Inspection. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Certificate of Authority to Install, Maintain and/or Service Boilers" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Boiler and Pressure Vessel Construction" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.18 Certificate of Authority to Install, Maintain and/or Service Boilers**

(1) All companies as contractors or individuals as owner/users, who install, maintain or service boilers shall have a certificate of authority for the activity performed. Certificate of Authority must be renewed every two years, on or before January 1st. The activity performed shall be Class I for power, high pressure hot water boilers, high temperature fluid heaters, Class II shall be for hot water or steam heating boilers, and Class III shall be for hot water supply boilers or lined potable water heaters. A -1 after the class number shall indicate owner/user location only. An asterisk (\*\*) after the class number shall indicate a restriction, the restriction will be specified on the certificate

(2) All companies as contractors or individuals as owner/users who perform one or more of the above activities on power boilers, high pressure high temperature water boilers, high temperature fluid heaters, hot water or steam heating boilers, hot water supply boilers, electric boilers, heat recovery boilers, lined potable water heaters, miniature boilers, unfired steam boilers, or waste heat boilers as defined by O.C.G.A. Chapter 15 of Title 25 shall be required to show their competency by examination given by Safety Engineering for the scope of work being performed.

(3) Each Applicant will provide documentation which shows experience and training in the area where certification is requested. The documentation will be evaluated by Safety Engineering for competency prior to administering the exam.

(4) Installing equipment is the act of connecting piping and/or electrical circuits to the equipment and set the equipment up for use. Electrical circuits may be connected, by the installer, from the electrical disconnect to the equipment. All piping that is not connected to a water supply system, sanitary drainage system or storm drainage systems, may be connected by the installer.

(5) Maintenance and Servicing is defined as keeping the equipment in good working order: Any person or company who performs maintenance and service to equipment, shall be responsible for the following: cleaning, replacement of component parts with like parts, testing, blowing down, checking for proper operation, testing equipment after maintenance and service has been performed and starting or stopping of equipment or any other boiler related activity.

(a) Owner/users who perform only the daily operation of the equipment by starting and stopping, blowing down, testing of safety devices or other related equipment operation practices shall be exempt.

(6) It shall be the responsibility of the owners/users or lessees to ensure the company, contractor and/or persons performing the work has the proper certificate of authority.

(7) It shall be the responsibility of all owners/users or lessees who are not exempted under paragraph (2) to have persons within their organization qualified and have a certificate of authority to perform installations, maintenance or service on their own boilers, or they may contract companies who have a certificate of authority to perform the scope of work requested.

(8) All installations shall meet the applicable ASME Code, CSD-1 and state adopted standards (see [300-6-1-.01](#)).

(9) All maintenance and servicing shall meet the applicable requirements of ASME CSD-1, State adopted Standards, Manufacturer requirements and good Engineering Practice. Also may meet the requirements of ASME Sections VI and VII.

(10) The fee for the certificate of authority shall be \$50.00 for the original issue and for each renewal.

(11) All procedures to implement the rules in this section shall be approved by the advisory committee.

(12) This section shall be effective January 1, 2021 and required to be fully implemented by January 1, 2022.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.18

**AUTHORITY:** O.C.G.A. §§ [25-15-26](#), [25-15-13](#), [25-15-22](#).

**HISTORY:** Original Rule entitled "General Requirements. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Preparation for Certificate Inspection" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Certificate of Authority to Install, Maintain and/or Service Boilers" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.19 Preparation for Certificate Inspection**

(1) The owner or user shall prepare each boiler or pressure vessel for inspection, and shall prepare for and apply a hydrostatic or pressure test, whenever necessary, on the date arranged by the Inspector.

(2) Boilers - The owner or user shall prepare a boiler for internal inspection in the following manner:

(a) Water shall be drained off and the boiler washed thoroughly;

(b) Manhole and handhole plates, washout plugs, and inspection plugs in water column connections shall be removed as required by the Inspector, and the furnace and combustion chambers shall be cooled and thoroughly cleaned;

(c) All grates of internally fired boilers shall be removed;

(d) Insulation or brickwork shall be removed as required by the Inspector in order to determine the condition of the boiler, headers, furnace, supports, or other parts;

(e) The pressure gauge shall be removed for testing, as required by the Inspector;

(f) Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve at the most convenient point or any appropriate means approved by the Inspector, and

(g) Before opening the manhole or handhole covers and entering any parts of the steam generating unit connected to a common header with other boilers, the nonreturn and steam stop valves shall be closed, tagged, and preferably padlocked, and drain valves or cocks between the two valves opened. The feed valves shall be closed, tagged, and preferably padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blowoff valves shall be closed, tagged, and preferably padlocked. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened.

(3) Pressure Vessels. Pressure vessels shall be prepared for inspections to the extent deemed necessary by the Inspector and the applicable procedures outlined in Rule [120-3-26-17\(2\)](#).

(4) No employer or owner/user shall permit entry to nor shall an employee or inspector enter a boiler furnace, drum, or header or pressure vessel until all requirements of the Occupational Safety and Health Administration, Office of Insurance and Safety Fire Commissioner, [29 CFR 1910.146](#), Permit-Required Confined Space Standard, requirements have been met, and until the plant inspector or supervisor and the person entering the boiler or pressure vessel have confirmed all stop valves on inlet and outlet piping (not vented to the atmosphere have been closed and tagged. Where not valved off and tagged, the piping shall be disconnected or blanked. In addition, plant personnel shall make appropriate test to assure there is no oxygen deficiency or hazardous or toxic gases in the boiler drums or pressure vessels to be entered by the inspector. Prior to and during entry an approved person must be outside the boiler or pressure vessel to ensure confined space procedures are complied with.

(5) Boilers and pressure vessels improperly prepared for inspection. If a boiler or pressure vessel has not been properly prepared for an internal inspection, or if the owner or user failed to comply with the requirements for a pressure test as set forth in these Rules, the Inspector may decline to make the inspection or test and the inspection certificate shall be withheld or suspended until the owner or user complies with the requirements.

(6) Removal of covering to permit inspection. If the boiler or pressure vessel is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler or pressure vessel provided such information cannot be determined by other means.

(7) Lap Seam Cracks. The shell or drum of a boiler or pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately discontinued from use. Patching shall be prohibited. (A "Lap seam crack" is defined as a crack found in a lap seam, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.)

(8) Pressure Tests.

(a) A hydrostatic pressure test, when applied to boilers, shall not exceed one and one-half times the maximum allowable working pressure. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than six percent.

(b) A hydrostatic pressure test, when applied to pressure vessels, shall be a minimum of one and one-half times the maximum allowable working pressure except as permitted by ASME Code Section VIII, Division 1.

(c) During a hydrostatic test, the safety valve or valves shall be removed or gagged; if gagged, each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. A Plug device designed for this purpose may be used.

(d) The minimum temperature of the water used to apply a hydrostatic test shall be not less than 70 degrees Fahrenheit and the maximum metal temperature during inspection shall not exceed 120 degrees Fahrenheit.

(e) When a hydrostatic test is applied to determine tightness, the pressure shall be equal to the normal operating pressure but not exceed the release pressure of the safety valve having the lowest release setting.

(f) When the contents of the vessel prohibit contamination by any other medium or when a hydrostatic test is not possible, other testing media may be used providing the precautionary requirements of the applicable section of the ASME Code are followed.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.19

**AUTHORITY:** O.C.G.A. §§ [25-15-13](#), [25-15-26](#).

**HISTORY:** Original Rule entitled "Safety/Safety Relief Valves" adopted. F. Sep. 4, 2013; eff. Sep. 24,

**Repealed:** New Rule entitled "General Requirements" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Preparation for Certificate Inspection" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

## **120-3-26-.20 Notice of Hearing and Penalties**

(1) Cessation Order.

(a) The Office may issue a written order for the cessation of operation of a boiler or pressure vessel when it has been determined to be hazardous, unsafe, or the failure to comply with any of the provisions of these rules or the safety act. Operation shall not resume until such violations are corrected to the satisfaction of the Commissioner or the Commissioner's authorized representative.

(b) In the event a person knowingly commits a violation or allows a violation to be committed after being issued a cessation order, or warning the Commissioner or the Commissioner's authorized representative may initiate a Citation as stated below.

(2) Issuance of Citation or Notice of Administrative Proceeding:

(a) If upon inspection by an inspector or deputy inspector;

1. A boiler or pressure vessel is deemed to be in an unsafe condition,

2. The owner, operator, user, contractor, or installer has not complied with the Boiler & Pressure Vessel Laws or Rules, or

3. When a written warning citation has been issued and the violation continues, then the deputy inspector shall issue the violator a citation stating the date, time and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(b) If upon receiving information from any source, the Chief Inspector determines that there is a reasonable belief that:

1. A boiler or pressure vessel may be in an unsafe condition,

2. The owner, operator, user, contractor, or installer has not complied with the Boiler and Pressure Vessel Law or these Rules, or

3. When a warning has been issued, and the violation is a continuing violation, the Chief Inspector or the Director, Safety Engineering, on behalf of the Office, may issue Notice of Administrative Proceeding stating the date, time, and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(c) The Director, Safety Engineering, upon review of a citation issued under subsection (a) above, may, in his sole discretion, dismiss the citation and substitute therefore a Notice of Administrative Proceeding pursuant to subsection (b) above on the same, similar, or different violation, as required by the evidence.

(d) The Commissioner, upon review of a Citation or Notice of Administrative Proceeding, in his sole discretion, may refer the matter to the appropriate prosecuting official for criminal or injunctive relief as permitted under law. In such event, the Commissioner may, in his sole discretion, elect to dismiss, suspend, or continue with the civil penalty proceeding.

(3) Hearing Procedure:

(a) If request for a hearing is not received from the respondent within the allotted time, the Director, of Safety Engineering, on behalf of the Commissioner, may without further process impose a civil penalty not greater than the total of civil penalties set forth on the citation or in the Notice of Administrative Proceeding. An administrative order under the authority of the Commissioner may be issued to collect the civil penalty assessed.

(b) Upon receipt of a request for a hearing pursuant to any Citation or Notice of Administrative Proceeding, further actions or proceedings shall be governed by the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13, O.C.G.A. § [25-2-29](#), O.C.G.A. § [25-15-28](#), and applicable Rules and Regulations of the Commissioner.

(c) All hearings, whether before the Commissioner or an appointed adjudicator, shall be conducted in accordance with the statutes and regulations cited in the preceding subparagraph.

(d) The decision of an appointed adjudicator made after a hearing shall be an initial agency decision as set forth in O.C.G.A. § [50-13-41\(d\)\(2\)](#) and shall be subject to review by the Commissioner, as set forth in O.C.G.A. § [50-13-41\(d\)\(3\)](#).

(e) A decision made after a hearing before the Commissioner shall be the final agency decision in the matter and shall be subject to judicial review as set forth in O.C.G.A. § [50-13-19](#).

(4) Guidelines for Imposition of Civil Penalties:

(a) Any person, firm, partnership, corporation or other business entity, which violates this part, shall be subject to the imposition of civil penalties. Each day on which a violation occurs shall constitute a separate offense. Repeat offenses, when a violation occurs, shall constitute a separate offense. Repeat offenders, including those who refuse to adhere to orders of the inspectors, exceed the limitations of operating permits, or refuse to adhere to the requirements of these rules and regulations, may be referred to the appropriate prosecuting official for criminal (misdemeanor) or injunction relief as permitted under law. Serious violations, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may also be referred to the appropriate prosecuting official for criminal (misdemeanor) or injunctive relief as permitted under law.

(b) Notwithstanding the recommended minimum penalties set forth below, a serious violation, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may receive the maximum penalty of \$5,000.00 for each violation including a first offense. The imposition of a penalty for a violation of this part shall not excuse the violation or permit it to continue.

(c) The deputy inspector issuing a Citation shall, at the time of issuance, specify a recommended civil penalty amount for each specific violation in accordance with these Rules and Regulations. The Director is charged with the responsibility to insure that recommended penalties for violations are graduated with the more serious violations receiving the heavier penalty and with assuring uniformity of recommended penalties such that offenders in similar circumstances with similar violations receive similar penalty recommendation. In this regard, the Director may



dismiss a Citation and issue a Notice of Administrative Proceeding solely for the purpose of making an appropriate penalty recommendation.

(d) The recommended civil penalty set forth in the Citation or Notice of Administrative Proceeding shall be given great deference by the appointed adjudicator. The minimum recommended penalties set forth below is normally for the first offense with only one violation being cited. The appointed adjudicator shall, after hearing the case, consider factors in mitigation of the violation as well as those in aggravation. The appointed adjudicator shall impose a penalty less than the recommended minimum penalty only upon finding unusually significant mitigating factors, and shall set forth those factors in the order. The appointed adjudicator may impose a penalty substantially greater than the Office recommended penalty upon finding significant aggravating factors associated with violations, and shall set forth those factors in the order. The appointed adjudicator shall consider the provision of these Rules and Regulations guiding the assessment of penalties. In particular, the appointed adjudicator shall, in cases involving structural damage, bodily injury, or death; or continued operation after an unsafe condition is detected or after the equipment is taken out of service by an inspector or deputy inspector, consider the imposition of separate penalties for each day of violation. The appointed adjudicator shall not assess a penalty exceeding \$5,000.00 for each violation and each day of violation.

(e) The appointed adjudicator may, in addition to a civil penalty, recommend in the order that the Commissioner suspend for a period of time or indefinitely, operating certificate, permits to install, or certificates for contractors.

(4) Minimum recommended penalties.

(a) Specific Violations:

1. Operating equipment without an operating certificate. (O.C.G.A. Section [25-15-26](#) & Rule [120-3-26-.09](#))

First offense ..... \$250.00

Second offense ..... \$500.00

2. Operating equipment in an unsafe condition. (O.C.G.A. Section [25-15-22](#) & Rule [120-3-26-.09](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

3. Failure to permit access for the purpose of inspecting or investigating equipment. (O.C.G.A. Section [25-15-23](#) & Rule [120-3-26-.07](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

4. Failing to notify the Chief Inspector of any violation involving structural damage or injury. (O.C.G.A. Section [25-15-10](#) & Rule [120-3-26-.08](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

Offense involved in death ..... \$5,000.00

5. Placing unit back in service, which has been "Red Tagged" and placed out of service by a deputy inspector without first having the unit inspected. (O.C.G.A. 25-15-10 & Rule 120-26-18)

First offense ..... \$1,000.00

Second offense ..... \$2,500.00

6. Placing unit back in service, which has been involved in an accident prior to first having the unit inspected. (O.C.G.A. Section [25-15-10](#) & Rule 120-3-26-.10)

First offense ..... \$1,000.00

Second offense ..... \$2,500.00

7. Turning equipment over for use without a final acceptance inspection. (O.C.G.A. Section [25-15-14](#) & Rule [120-3-26-.07](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

8. Installing equipment without a permit. (O.C.G.A. Section [25-15-14](#) & Rule [120-3-26-.07](#))

First offense ..... Double Permit Fee

Second offense..... Triple Permit Fee

9. Inspecting without qualifications. (Rule [120-3-26-.10](#))

First offense ..... \$500.00

Second offense ..... \$1,000.00

(b) General Violations:

1. Violating adopted Codes, Standards, Rules, Regulations or Orders. (O.C.G.A. Section 25-15-14 & Rule [120-3-26-.01](#))

First offense ..... \$250.00

Second offense ..... \$500.00

2. Certified company performing an activity which violates the law or regulations: (O.C.G.A. Section [25-15-14](#) & Rule [120-3-26-.16](#))

Any Offense ..... \$2,500.00 and Suspension of Certificate 3.

Any third repeated offense might subject the violator to the maximum civil penalty permitted under the Act (\$5,000.00).

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.20

**AUTHORITY:** O.C.G.A. §§ [25-15-26](#), [25-15-13](#), [25-15-31](#).

**HISTORY:** Original Rule entitled "Exceptions. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

**Repealed:** New Rule entitled "Safety/Safety Relief Valves" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Notice of Hearing and Penalties" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

## 120-3-26-.21 Safety/Safety Relief Valves

(1) Minimum Relieving Capacity, Safety Valve, and/or Safety Relief Valves.

TABLE 1

### MINIMUM POUNDS OF STEAM PER HOUR PER SQUARE FOOT OF SURFACE

	Firetube Boilers	Watertube Boilers
Boiler Heating Surface		
Hand Fired	5	6
Stoker Fired	7	8
Oil, Gas, or Pulverized Fuel Fired	8	10
Waterwall Heating Surface		
Hand Fired	8	8
Stoker Fired	10	12
Oil, Gas, or Pulverized Fuel Fired	14	16

(a) These numbers may not be adequate for boilers installed after 1976 or for boilers with updated fuel burning equipment. If in doubt, an accumulation test is recommended.

(b) When a boiler is fired only by a gas giving a heat value not in excess of 200 BTU per cu. ft., the minimum safety valve or safety relief valve relieving capacity may be based in the value given for hand-fired boilers above.

(2) The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler vessel, or the minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table 1. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these Rules.

Example:  $\text{BTU/hr} = \text{lbs/hr} \times 1000 = \text{BTU/hr} \times 1000$

(3) The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3-1/2 pounds per hour per kilowatt input.

(4) No person shall attempt to remove or do any work on any safety appliance prescribed by these Rules and Regulations while the appliance is subject to pressure, excluding setting or resetting of safety valves or safety relief valves.

(5) Should any of those appliances be removed for repair during an outage of a boiler or pressure vessel, they shall be reinstalled and in proper working order before the object is again placed in service.

(6) No person shall alter any safety or safety relief devices in any manner to maintain a working pressure in excess of that stated on the boiler or pressure vessel inspection certificate.

(7) Alterations to, resetting, recalibration of, or repairs to safety or safety relief valves shall be made only by an organization which holds a valid certificate of authorization for use of the National Board "VR" stamp or by an owner user's maintenance organization, approved by the Chief Inspector which is limited to repairing of only those valves for its own use.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.21

**AUTHORITY:** O.C.G.A. § [25-15-13](#).

**HISTORY:** Original Rule entitled "Exceptions. Amended" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

**Repealed:** New Rule entitled "Safety/Safety Relief Valves" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

### **120-3-26-.22 Exceptions**

(1) Boilers and pressure vessels exempted from the requirements of the Safety Act. The following is in addition to the exceptions listed in O.C.G.A. Section [25-15-16](#).

(2) Espresso coffee and similar machine boilers, providing these boilers meet the following requirements:

(a) The boilers shall be manufactured and tested to a National Standard, and

(b) shall not be more than (3) three U.S. gallons in size, and

(c) shall not operate more than 15 pounds per square inch, (PSI) and have a safety relief valve set to relieve at or below 15 psig.

(d) The boiler shall not be repaired by welding.

(3) Boilers with outlets open to the atmosphere when there are no valves or restriction in the outlet system and pressure cannot rise to above 0 psig at maximum operating condition and temperature cannot rise above 212 degrees Fahrenheit.

(4) Hot water supply heaters with storage capacity of six gallons or less and 400,000 BTU/hr. or less used for spas or swimming pools with open systems (unrestricted flow) shall meet all requirements of an adopted standard and ASME CSD-1 as applicable for construction, installation, repairs, or alterations.

**Cite as** Ga. Comp. R. & Regs. R. 120-3-26-.22

**AUTHORITY:** O.C.G.A. § [25-15-13](#).

**HISTORY:** Original Rule entitled "Exceptions" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

# Department 159. DEPARTMENT OF ECONOMIC DEVELOPMENT

## Chapter 159-1. FILM, MUSIC & DIGITAL ENTERTAINMENT DIVISION

### Subject 159-1-1. FILM TAX CREDIT

#### 159-1-1-.01 Available Tax Credits for Film, Video or Interactive Entertainment Production

(1) Purpose. This rule provides guidance concerning the application and qualification guidelines contained within the Georgia Entertainment Industry Investment Act (hereinafter "Act") under O.C.G.A. § [48-7-40.26](#). There are two separate credits made available under the Act: the 20% "Base Tax Credit" and the 10% "Georgia Entertainment Promotion ("GEP") Tax Credit." Each of the two available tax credits requires an independent application and certification.

(2) Coordination of Agencies. The Georgia Department of Economic Development, (hereinafter "GDEcD"), will determine which projects qualify for the base tax credits authorized under the Act; will evaluate and certify marketing opportunities for the GEP Tax Credit; and will certify tax credit applications. The Georgia Department of Revenue (hereinafter "GDOR") is the state agency responsible for implementing the proper application of the Film Tax Credits.

(3) Cross-Reference. This rule shall be construed in harmony with the Rules of the Georgia Department of Revenue, Income Tax Division, Chapter 560-7-8, Returns and Collections, Rule [560-7-8-.45](#), entitled Film Tax Credit, which governs, among other things, the application of financial thresholds and calculations of the tax credits to be allowed.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.01

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Available Tax Credits for Film, Videotape or Digital Media" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** New title "Available Tax Credits For Film, Video or Interactive Entertainment Production." F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

#### 159-1-1-.02 Definitions

(1) 'Alternative Marketing Opportunities' means GDEcD approved promotions for the state in lieu of the inclusion of the legislated GEP Logo placement in order to receive the 10% uplift.

(2) 'Base Certification Letter' means a letter from GDEcD indicating that the initial requirements to earn the "Base Tax Credit" have been met for the specific project named. The Base Certification Letter shall include a unique credit certificate number.

(3) 'Commercial Advertisements' means televised announcements sponsoring or promoting ideas, goods, entertainment projects, or services that have been commercially aired, broadcast, or streamed and distributed in multiple markets outside the state of Georgia.

(4) 'Development' means any activity or expenses incurred in order to prepare the project for the preproduction phase of the project or production.

(5) 'Feature Film' means, but is not limited to, a dramatic, comedic, animated, or documentary film, or high definition digital production with no commercial interruption, and intended for Multimarket Commercial Distribution to motion picture theaters, directly to the home video and/or DVD markets, cable television, premium cable, broadcast television, video on demand or streaming services, or advertiser supported sites.

(6) 'Film Tax Credit' means the tax credits allowed pursuant to the 2008 Georgia Entertainment Industry Investment Act, O.C.G.A. § [48-7-40.26](#).

(a) The 'Base Tax Credit' means the 20% tax credit for productions that meet the minimum investment threshold in a qualified production, as certified by GDEcD and:

(b) The 'Georgia Entertainment Promotion Tax Credit' ("GEP Tax Credit" or "GEP Uplift") means the additional 10% tax credit which may be obtained for projects as outlined in Rule [159-1-1-.07](#).

(7) 'Fully Funded' means that the applicant seeking certification can demonstrate that it has assets that equal or exceed the budgeted cost of the project. These assets can be owned by the applicant, be provided by a third-party pursuant to a financing or funding agreement, or a combination of the two. GDEcD will require proof that the project is Fully Funded at the time the applicant applies for certification. Such proof may include, but is not limited to, completion or SAG or IATSE bonds, payroll statements, bank statements, and financing or funding agreements, including in-studio financing letters or agreements.

(8) 'Game Engine' means the software system or code used to create and develop an interactive game with core functionality that typically includes rendering 2D or 3D graphics, sound, scripting, animation, artificial intelligence, physics, and input.

(9) 'Game Platform' means the electronic delivery system used to launch or play the interactive game and includes mobile applications.

(10) 'Interactive Entertainment' means products and services produced in Georgia and as defined and approved by GDEcD means those that meet all of the following requirements:

(a) Employs electronics including Game Platforms and Game Engines to create an interactive system with which a user can play;

(b) Contains or creates a computer-controlled virtual universe or simulated environment within which an individual using the program may interact to generate visual feedback and achieve a goal within that universe or environment as determined by the player's skill and or luck;

(c) Contains at least three of the following six elements: animated graphical images, static graphic images, sound, text, 2D or 3D geometry, scoring/leaderboard/badges/trophies system;

(d) Are not products developed by the Qualified Interactive Entertainment Production Company or developer for internal use;

(e) Meets the requirement of Multimarket Commercial Distribution via digital platforms, including advertiser supported websites, designed for the distribution of interactive games.

(i) Projects eligible for certification include: game types/categories traditionally found in videogame or retail stores or Internet-based social, casual, serious, and social networking games on mobile, console, computer, smart device and television platforms.

(ii) Projects not eligible for certification include, but are not limited to the following: Internet sites that do not meet all of the defined requirements of Interactive Entertainment; streamed linear media such as podcasts or audio; interpersonal communications services such as video conferencing, wireless telecommunications, text-based

channels, chat rooms, broadcast/streamed viewing enhancements; small-scale games embedded and used exclusively in advertising; and marketing and promotional websites or microsites.

(11) 'Life of the Project' means from any public screening or release date through all ancillary uses, markets, and distribution channels worldwide, unless an exemption is agreed upon by GDEcD.

(12) 'Multimarket Commercial Distribution' means paid commercial distribution with media buys which extend to multiple markets outside the State of Georgia.

(13) 'Music Video' means a filmed or digitally recorded song, often portraying musicians performing the song or including visual images interpreting the lyrics.

(14) 'Pilot' means the initial episode produced for a proposed Series.

(15) 'Preproduction' means the process of preparation for actual physical production and is considered to begin with the establishment of a dedicated commercial production office, the hiring of key crew members including a Unit Production Manager and/or Line Producer, and includes, but is not limited to, activities such as location scouting, hiring of crew, construction of sets, etc. Preproduction does not include the process of 'Development'. (See paragraph (3) of this rule)

(16) 'Presentation' means the entire Feature Film, Television Pilot, Television Series, Television Film, Single Television episode or episodes, Television Specials, Music Video(s), or Interactive Entertainment Product. This is not the same as a "pre-pilot" demo presentation.

(17) 'Principal Photography Start Date' means the first date of principal ongoing filming of significant portions of a qualified film that involves the main lead actor(s) and the director and which is intended to be incorporated into the final product.

(18) 'Production Company' is defined as a company that is primarily engaged in qualified production activities which have been approved by GDEcD.

(19) 'Qualified Interactive Entertainment Production Company' means a company that satisfies the requirements of O.C.G.A. § [48-7-40.26\(b\)\(10\)](#) and which is primarily engaged in qualified production activities related to interactive entertainment which has been approved by GDEcD. "Primarily engaged" means a company whose gross income from qualified production activities related to interactive entertainment which has been approved by GDEcD exceeds 50% of their total gross income for their taxable year or whose expenses from qualified production activities related to interactive entertainment which has been approved by GDEcD exceeds 50% of their total expenses for their taxable year.

(20) 'Series,' which may also be known as episodic programming, means a production intended in its initial run for broadcast on television or streaming.

(21) 'Streamed' or 'Streaming' is video content sent in compressed form over the Internet and displayed by the viewer in real time.

(22) 'Television Film,' which may also be known as a 'Movie of-the-Week,' 'MOW,' 'Television Special,' 'Made for Television Movie,' 'TV Movie,' or 'TV Miniseries,' means a production intended for broadcast on television or streaming.

(23) 'Uplift Certification Letter' means a letter from GDEcD electronically certifying that a project has met the requirements to earn the "GEP Tax Credit" including that the project has been commercially distributed in multiple markets within five years of the date that the first Base Certification Letter was issued, and that the applicant has provided proof of the same. The Uplift Certification Letter shall include a unique credit certificate number.

(24) 'Work for Hire' means an arrangement whereby one Production Company contracts with another Production Company to engage in qualified production activities pursuant to a production services agreement. Merely financing

or providing funding to a Production Company does not make the financing/funding company the "hiring" company for purposes of the entertainment tax credit statute. In the instance of co-productions, both companies must provide a written agreement to GDEcD as to which party will be entitled to earn and claim the tax credit. In the instance of a work-for-hire, the hired company will not be eligible for the Entertainment Tax Credit.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.02

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.03 Film Tax Credit Certification**

#### **(1) State Certified Production.**

(a) Project Certification Requirement. Prior to claiming any Film Tax Credit, each new film, video, television or Interactive Entertainment project must be certified as meeting the guidelines and the intent of the Act. Projects are certified by GDEcD on a project-by-project basis. The type of projects eligible to receive the Base Tax Credits are Feature Films, Television Films, Series or Episodes, Pilots or Pre-series Demo presentations, Commercial Advertisements, Music Videos, and Interactive Entertainment Projects as defined and approved by GDEcD. Producers may be asked to provide budget information, funding sources, distribution agreements, production schedules, personnel information, and any other documentation required by GDEcD. Only one Production Company may claim the tax credit, per project. Beginning on or after January 1, 2018, the maximum total tax credits allowed for Interactive Entertainment companies is \$1.5 million per year for a single company and the maximum total tax credits allowed among all Interactive Entertainment companies is \$12.5 million. The Commissioner of Revenue shall preapprove applications for interactive entertainment tax credits based on a first come, first serve basis. Therefore, certification of interactive entertainment projects does not guarantee that credits will be available. Each project must be applied for and certified individually once the project is Fully Funded. Certification shall not be used to secure funding. Certification applications for live action film and television projects shall be sent to the Georgia Film office. Certification applications for Interactive Entertainment projects and animation projects should be sent to the Interactive Entertainment and Digital Entertainment Office. Both offices are located at 75 Fifth Street NW, Suite 1200, Atlanta, GA 30308.

(b) Projects Not Eligible for Certification. Certain categories of projects do not qualify for the Film Tax Credit or the Georgia Entertainment Promotion including, but not limited to, the following:

1. Live or prerecorded broadcast of athletic events;
2. Live or prerecorded news or current affairs programming covering news that has recently occurred or is ongoing at the time of the broadcast;
3. Local interview or talk shows or other local interest programming not intended for Commercial Multimarket Distribution;
4. Projects and content consisting solely of footage not shot recorded, or originally created in Georgia;
5. Website development;



6. Corporate marketing, industrial, or training productions;
7. Any productions in violation of Title 16 Chapter 12 of the state's Obscenity Statute;
8. Sole platform arcade video games;
9. Small scale games embedded and used exclusively in advertising, marketing and promotional websites or microsities;
10. Infomercials, Infotainment, or Solicitation-based productions;
11. Certain instructional or how-to-video based content and programming, as determined by GDEcD;
12. Political or Editorial-based content programming;
13. Any expenditure made or incurred outside the state of Georgia, and projects that do not meet the requisite base investment requirement;
14. Marketing or political campaigns;
15. Internet sites and digital media projects that do not meet all of the defined requirements of Interactive Entertainment; interpersonal communications services such as video conferencing, wireless telecommunications, text-based channels, chat rooms, or broadcast/streamed viewing enhancements.
16. Live concerts or events that are not filmed for purposes of multimarket commercial distribution and rebroadcast;
17. Film or television Projects created for a limited audience, including, but not limited to museum presentations;
18. Film or program intended primarily for industrial, corporate or institutional end-users;
19. Any Project that falls outside of industry standards;
20. Any Project where filming is merely incidental or ancillary to the primary purpose of the Project; and
21. The creation of phone, tablet or desktop apps that do not meet the defined requirements of Interactive Entertainment.

(c) Base Certification Letters. Projects that meet the certification requirements will be sent a Base Certification Letter with a project certification number. GDEcD shall use reasonable efforts to make a certification decision and, if appropriate, provide the Base Certification Letter to the Production Company within sixty (60) days of the submission of the application; provided however, that if such Base Certification Letter is not sent within this sixty (60) day period, the Production Company may, in its sole discretion, deem its application to be denied, and begin the appeals process outlined in Rule [159-1-1-.08](#).

Applicants that voluntarily withdraw Base Credit applications prior to a decision by GDEcD may reapply in the future. Projects that are denied and fail to appeal within the thirty (30) day timeframe cannot reapply. In the instance of co-productions, both companies must provide an agreement as to which party will earn the tax credits. In the instance of a work-for-hire, the work-for-hire company will not be eligible for the Film Tax Credit. If a film or television project is certified, but does not begin filming within thirty (30) days of the submitted schedule, a retraction of the Base Certification Letter may be issued. Amendments to the application must be made in writing to GDEcD.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.03

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Film Tax Credit Certification" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.04 Base Tax Credit Certification Application Process**

(1) For all feature films and television projects to be considered for approval, film and television production companies or studios must submit a completed certification application with a shooting script not earlier than ninety (90) days prior to the Principal Photography Start Date but before the completion of principal photography.

Producers of Interactive Entertainment products and services must submit a synopsis of each project along with a certification application not earlier than ninety (90) days before the beginning of Interactive Entertainment production. Music video producers must submit a basic outline of the storyline elements, script if applicable, and story board along with a completed certification application not earlier than thirty (30) days prior to the scheduled Principal Photography Start Date and before the completion of principal photography.

Production companies submitting applications for Commercial Advertisements must submit a listing of the television commercial(s) being produced, script if applicable, and story board along with a completed certification application(s) not earlier than (30) days prior to the Principal Photography Start Date and before the completion of principal photography. Production companies submitting applications for Commercial Advertisements must also submit proof that the commercial was televised.

(2) Projects should strive to be completed within a single tax year. However, for a project that is not completed within the applicant's tax year (fiscal year or calendar year), a new project certification must be applied for each successive tax year. A Base Certification Letter must be obtained for each project for each year that tax credits are claimed. A single project cannot span more than two tax years, unless given prior written approval by GDecD. A Production Company seeking a Base Certification Letter for a second tax year must provide proof that qualified production expenditures have occurred in the second year. Such letter shall not be issued for deferred or delinquent payments that carried over from the first tax year. This two tax year limitation on a single project shall not apply to projects for animation or interactive entertainment. This rule applies to all multi-year entertainment productions that qualify for the Tax Credits including, but not limited to, Feature Films, Series, other television productions, and Interactive Entertainment Products. Projects must also supply documentation verifying that principal photography occurred within Georgia. Such documentation must be supplied no later than ninety (90) days after the completion of principal photography.

(1) All projects applying for the Base Tax Credit must be Fully Funded and have recorded content, in whole or part, within Georgia.

(2) Projects that do not finish or are postponed for an extended period of time, or projects that fail to provide documentation verifying that principal photography occurred within Georgia within ninety (90) days from the completion of principal photography may have their Base Certification Letter retracted at GDecD's sole discretion.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.04

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Film Tax Credit Certification Application Process" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** New title "Base Tax Credit Certification Application Process." F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.05 Qualified Productions & Production Activities**

(1) The Base Tax Credit applies to all qualified and certified entertainment productions, as determined solely by GDEcD, including Feature Films, Pilots or Pre-Series Demo Presentations, Series, Television Films, Specials, Episodes, Commercial Advertisements; Music Videos and Interactive Entertainment products which have been approved and certified by GDEcD.

(2) Production Companies must create, produce, and record original content made in the State of Georgia in whole or in part to qualify for the Film Tax Credit. Production Companies that act as a conduit to enable other production companies' projects to qualify for the Film Tax Credit that would not otherwise be eligible on their own will not be certified for Film Tax Credits. Work-for-hire service companies, including postproduction houses, catering companies, equipment rental houses, and motion picture laboratories are not eligible to receive the Film Tax Credit, but the Production Companies employing them may include these expenditures as part of their project expenses.

(3) Studios designing platforms for outside game developers are not eligible for the Film Tax Credit; however, the studio that buys these platforms from a Georgia vendor may claim them as an expense toward the production of a video game project.

(4) Expenditures incurred in Georgia for postproduction are qualified only on the portion of the project that was shot, recorded, or originally created in whole or in part in the state. Postproduction of footage shot outside the state is not a qualified production expenditure under O.C.G.A. § [48-7-40.26](#). However, post-production companies may pursue tax credits subject to the requirements of O.C.G.A. § [48-7-40.26A](#) so long as the postproduction expenditure was not claimed as a tax credit by a Production Company under this code section.

(5) Expenditures for the development phase of projects do not qualify for the Film Tax Credit. Projects must have entered 'Preproduction' in order for expenditures to qualify for the Film Tax Credit.

(6) Qualified Commercial Advertisements are eligible for the base Film Tax Credit; however, such commercial advertisements are not eligible for the GEP Tax Credit.

(7) Any misrepresentation or material change of project information without written notification to GDEcD or GDOR or the submission of project documentation that does not adhere to industry standards may result in denial or revocation of certification.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.05

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Qualified Productions & Production Activities" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

## **159-1-1-.06 Georgia Entertainment Promotion Tax Credit**

(1) The GEP Tax Credit is available only for projects specified in Rule [159-1-1-.07](#) below, which also comply with the requirements of Rule 159-1-1-.06, have been approved and certified by GDEcD, and are commercially distributed in multiple markets within five (5) years from the date that the first Base Certification Letter was issued.

(2) GEP Tax Credit certification applications must be submitted to GDEcD. In order to be eligible, projects must include the GEP Logo and a link to <http://www.exploregeorgia.org/film> on the promotional website as outlined in O.C.G.A. § [48-7-40.26](#) from any point of initial public screening, and submit proof of the same to GDEcD, or they may offer Alternative Marketing Opportunities of equal or greater marketing value to the State. The decision whether to include the GEP Logo or pursue the Alternative Marketing Opportunity must be made at the time the project submits an application to pursue the GEP Tax Credit. Applications will be reviewed and signed agreements will be executed. The GEP Logo and link may not be used in a project without GDEcD's prior written approval. Projects that are not eligible or approved for the GEP Tax Credit may still be eligible for the Base Film Tax Credit. Once all agreed upon obligations have been met, and Applicant has provided documentation establishing the same, GDEcD will issue the Uplift Certification Letter. If an applicant seeking the GEP Tax Credit fails to fulfill all of the obligations of the GEP Logo and link, or the Alternative marketing agreement, or for any Projects other than Interactive Entertainment Projects, fails to provide proof of completion to GDEcD within five (5) years from the date that the first Base Certification Letter was issued, the project will not be eligible for the GEP Tax Credit. In the case of projects that have Base Certification Letters issued for multiple tax years, the five (5) year period shall begin from the date of the first Base Certification Letter for the project.

(3) If the producers of movie content, television content, music video content or interactive game content opt to include the GEP Logo in their project and a link to <http://www.exploregeorgia.org/film> in the promotional website as outlined in O.C.G.A. § [48-7-40.26](#), GDEcD will make available various versions of the GEP Logo and the link to each qualified GEP Tax Credit applicant at no charge. The GEP Logo will only be provided to applicants that GDEcD has certified as being eligible to receive the GEP Tax Credit. The GEP Logo may not be used in a project without prior written GDEcD approval. Furthermore, it is required that each qualified GEP tax credit applicant utilizing the logo to fulfill the GEP Tax Credit requirements submit the required placement of the GEP Logo in the completed film, television production, music video or Interactive Entertainment Production to GDEcD. In the instance of any project using Streaming to satisfy the commercial multimarket distribution requirement, the GEP logo shall automatically appear in the end credits in accordance with the requirements outlined in O.C.G.A. § [48-7-40.26](#) and these rules, and shall not require the viewer to take any action to view the GEP logo as a result of the streaming platform automatically proceeding to the next episode, preview, or production. In the event that the GEP logo is only viewable if the viewer has to take action to stop the automatic proceeding to the next episode, preview or production, such logo placement shall not serve to meet the eligibility requirements for the GEP Tax Credit.

If the inclusion of the GEP Logo is prohibited by the Children's Television Act, or any other local, state or federal government policy, or if the Production Company cannot, for any reason, fulfill the placement requirements, GDEcD, under the Alternative Marketing Opportunities, will offer acceptable alternatives to allow the GEP tax credit to the applicant and the greatest level of promotion for the state of Georgia. The GEP Logo or agreed upon alternative marketing must be utilized for the life of the project, beginning with any public screening.

(4) If the GEP Logo or agreed upon alternative marketing promotion has not been fulfilled within five (5) years from the date that the first Base Certification Letter was issued, the project will not be eligible for the GEP Tax Credit. Both logo requirements and Alternative Marketing Opportunities must be for the life of the project, beginning with any public screening. However, GDEcD's ability to retract certification is limited by the applicable statute of limitations for assessing income tax for any claiming or carryover year, or in the instance of audited productions, by the prohibition on recapturing credits from transferees or purchasers.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.06

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Georgia Entertainment Promotion Tax Credit" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.07 Qualified Productions for GEP Tax Credit**

(1) 'Qualified Movie Production' means a Feature Film that has been granted certification by GDEcD. Feature Films must include a shooting script for review along with their Base Tax Credit certification application and GEP application (if applicable). After completion of the project, a digital copy of the project containing the five (5) second long GEP Logo before the below the line crew crawl and the address of the promotional website must be sent to GDEcD for review. Proof of fulfillment for the GEP Logo or agreed upon alternative marketing promotion must be provided to GDEcD no later than five (5) years from the date that the first Base Certification Letter was issued, or the project will not be eligible for the GEP Tax Credit.

(2) 'Qualified TV Production' means Pilot or Pre-Series Demo Presentation, Series (in whole or in part), Television Films, and specials that have been given certification by GDEcD. Television productions must include a shooting script for review with the GEP application. After completion of the project, a digital copy of the project containing the required GEP Logo with the address of the promotional website must be sent to GDEcD for review. To qualify for the GEP Tax Credit, the production must include a five (5) second Georgia promotional logo in the body of the program; to be placed in the opening title sequence; as a bumper into or out of a commercial break; or in a prominent position in each single project's end credits with no less than a half screen exposure and not over content.

(3) 'Qualified Music Video' means music video projects certified by GDEcD. To qualify for the GEP Tax Credit, a minimum of a five (5) second Georgia logo exposure must occur at the end of the finished product, as well as in all units sold, and included in all online promotions. After completion of the project, a digital copy of the project containing the required GEP Logo and link must be sent to GDEcD for review. Music video producers must provide a song lyric sheet and general outline of the storyboard of the music video in advance of production or prior to approval of the GEP Tax Credit certification. Demonstrated Multimarket Commercial Distribution outside the state of Georgia is required.

(4) 'Qualified Interactive Game' means Interactive Entertainment products and services that meet the requirements of this chapter, but does not include Prereleased Games.

(5) To qualify for the GEP Tax Credit, interactive entertainment products and services must include a total of fifteen (15) seconds of Georgia promotional logo exposure in units sold, and up to a three (3) second GEP Logo adjacency in all online promotions. The fifteen (15) second requirement may be aggregated and met through up to three (3) separate and distinct displays of the GEP Logo throughout the interactive entertainment product totaling fifteen (15) seconds. Prereleased Games do not qualify for the GEP Tax Credit. Placement of the GEP Logo within an Interactive Entertainment Products & Services must be discussed in advance with GDEcD. Interactive Entertainment developers must provide a synopsis of the game or Interactive product including architecture, navigation and story plotlines before the project can be certified.

(6) For any project seeking the GEP Tax Credit, proof of fulfillment for the GEP Logo or agreed upon alternative marketing promotion must be provided to GDEcD no later than five (5) years from the date that the first Base Certification Letter was issued, or the project will not be eligible for the GEP Tax Credit. GDEcD will have sole authority for the certification of any project; the denial of certification for any project; the denial of certification of the GEP Tax Credit; the agreed upon type, style, length and placement of the GEP Logo, and the settlement of all disputes regarding the GEP Tax Credit.

(7) Every effort will be made to negotiate in good faith with applicants at all times in order to provide the greatest level of promotion, economic impact, and jobs creation for the state of Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.07

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Qualified Productions" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** New title "Qualified Productions for GEP Tax Credit." F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Mar. 5, 2018; eff. Mar. 25, 2018.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.08 Appeals Process**

(1) If the authorized applicant's completed Base Tax Credit application is denied by GDEcD, the Base Certification Letter is retracted by GDEcD, or if GDEcD fails to provide the applicant with a certification decision within the sixty (60) day period, the applicant shall have the right to appeal the denial or failure of certification of the Base Tax Credit. Incomplete Base Tax Credit applications or Base Tax Credit applications that have been voluntarily withdrawn by the applicant prior to a decision from GDEcD are not eligible to appeal. An appeal may be made by sending a letter along with supporting documentation outlining applicant's argument as to why the denial, retraction, or failure to certify was improper, to the General Counsel, Georgia Department of Economic Development, 75 Fifth Street, NW, Suite 1200, Atlanta, Georgia 30308, within thirty (30) days from the date of issuance of the Base Tax Credit certification denial or retraction letter by GDEcD or within ninety (90) days from the submission of a Base Tax Credit Application from which no certification decision was issued. Failure to request an appeal within thirty (30) days or ninety (90) days as applicable will finalize the denial decision on the Base Tax Credit, and applicant may not reapply for the same project.

(2) Upon receipt of a timely letter of appeal, the General Counsel will address the merits of the Base Tax Credit appeal and the nature of the dispute with the Commissioner of GDEcD, who will make the final decision. GDEcD shall issue a final opinion and order on the appeal within sixty (60) days of receipt of a timely appeal.

(3) Any further appeals of the Base Tax Credit must be made before the Office of State Administrative Hearings. In the event an applicant pursues further appeal of the Base Tax Credit to the Office of State Administrative Hearings, and such appeal finds in favor of GDEcD, then applicant may be responsible for the payment of any fees and costs charged by the Office of State Administrative Hearings in connection with the appeal.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.08

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Appeals Process" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

### **159-1-1-.09 Effective Date**

This regulation as amended shall become effective on January 1, 2021, and shall apply to projects certified on or after such date.

**Cite as** Ga. Comp. R. & Regs. R. 159-1-1-.09

**AUTHORITY:** O.C.G.A. § [48-7-40.26](#).

**HISTORY:** Original Rule entitled "Effective Date" adopted. F. Mar. 4, 2010; eff. Mar. 24, 2010.

**Amended:** F. May 6, 2013; eff. May 26, 2013.

**Amended:** F. Dec. 4, 2017; eff. Dec. 24, 2017.

**Amended:** F. Dec. 29, 2020; eff. Jan. 18, 2021.

# Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

## Chapter 160-4.

### Subject 160-4-2. DIVISION OF GENERAL INSTRUCTION

#### 160-4-2-.13 Statewide Passing Score

##### (1) DEFINITION.

(a) **Minimum passing score** - the lowest possible score that a student can earn and still meet the requirements for completion of a subject or grade.

(b) **Georgia Milestones End-of-Course (EOC)** - assessments administered at the completion of core high school courses specified by the State Board of Education, in accordance with O.C.G.A. § [20-2-281\(f\)](#), to measure student achievement in the four content areas of English/Language Arts, Mathematics, Science, and Social Studies.

##### (2) REQUIREMENTS.

(a) Each local board of education shall establish 70 as the minimum passing score for all subjects/courses taught in grades 4-12 in the public schools of the state.

(b) Each school containing any grade 9-12 shall record and maintain numerical grades of students in all courses for which credit is given in those courses.

(c) If letter grades instead of numerical grades are given in grades 4-8, the local board of education shall determine the relationship of letter grades to the numerical passing score of 70.

(d) The Georgia Milestones EOC shall be used as the final exam in the courses assessed by a Georgia Milestones EOC. Georgia Milestones EOC reports shall provide students, parents, and educators with individual scores on each EOC taken; student scores must be recorded on, in, or with the individual student report card.

(e) For students who entered ninth grade for the first time before July 1, 2011, the numeric score on the Georgia Milestones EOC shall count for 15% of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.

(f) For students who enter ninth grade on or after July 1, 2011, the numeric score on the Georgia Milestones EOC shall count for 20% of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.

1. For the 2020-2021 school year only, the numeric score on the Georgia Milestones EOC shall count for 0.01%, at a minimum, of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.

**Cite as** Ga. Comp. R. & Regs. R. 160-4-2-.13

**AUTHORITY:** O.C.G.A. §§ [20-2-240](#); [20-2-281](#).

**HISTORY:** Original Rule entitled "Statewide Passing Score" adopted. F. Nov. 30, 1990; eff. Dec. 20, 1990.

**Amended:** F Aug. 8, 2002; eff. Aug. 28, 2002.

**Amended:** F. Jan. 9, 2004; eff. Jan. 29, 2004.



**Amended:** F. July 12, 2004; eff. Aug. 1, 2004.

**Amended:** Apr. 13, 2011; eff. May 3, 2011.

**Amended:** F. Nov. 7, 2014; eff. Nov. 27, 2014.

**Amended:** F. Dec. 21, 2020; eff. Jan. 10, 2021.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-1. ADMINISTRATION

### Subject 290-1-3. [Repealed]

#### 290-1-3-.10 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.10

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Documentary Evidence - Acceptability" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-3-.17 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.17

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Existing Certificate to be Placed in a Special File" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.

**Repealed:** New Rule entitled "New Certificate" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-3-.21 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.21

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Removal of Body" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.

**Repealed:** New Rule entitled "Disposition of Reports of Induced Terminations of Pregnancy" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-3-.22 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.22

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Authorization for Disinterment and Reinterment" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.

**Repealed:** New Rule entitled "Removal of Body" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-1-3-.28 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.28

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Medical Items" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-1. ADMINISTRATION

### Subject 290-1-7. [Repealed]

#### 290-1-7-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-7-.01

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Legal Authority" was adopted as ER. 290-1-7-0.15-.01. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-7-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-7-.02

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Title and Purpose" was adopted as ER 290-1-7- 0.15-.02. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Rule is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-7-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-7-.03

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was adopted as ER. 290-1-7-0.15-.03. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-1-7-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-1-7-.04

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Year 2000 Readiness" was adopted as ER. 290-1-7-0.15-.04. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-1-7-.05 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-1-7-.05

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Contingency Plans" was adopted as ER. 290-1-7-0.15-.05. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-1-7-.06 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-1-7-.06

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Penalties" was adopted as ER. 290-1-7-0.15-.06. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended:** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-1-7-.07 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-1-7-.07

**AUTHORITY:** Ga. L. 1999, p. 161; Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Severability" was adopted as ER. 290-1-7-0.15-.07. F. and eff. Apr. 22, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

**Amended.** Permanent Rule of the same title adopted. F. Jul. 23, 1999; eff. Aug. 12, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-1. ADMINISTRATION

### Subject 290-1-9. SAFE PLACE FOR NEWBORNS ACT SIGNAGE

#### 290-1-9-.01 Standards for Size and Types of Signs

(1) A medical facility, fire station, or police station that accepts newborn children pursuant to the Safe Place for Newborns Act shall inform the public that such facility is an authorized location to leave a newborn child by posting a sign within or outside of such facility.

(2) The size of such sign must be at least 11 x 17 inches. The sign must have a white background displaying the Safe Place for Newborns logo approved by the Department of Human Services and the following message in black letters:

*SAFE HAVEN SITE*

*THIS IS A SAFE PLACE FOR NEWBORNS LOCATION*

*If you are in crisis and feel you need to leave your newborn in the care and custody of the state, please find a staff member to assist you. The Georgia Safe Place for Newborns Act allows a child's mother to leave her baby, up to 30 days old, with an employee of this facility.*

*You may remain anonymous.*

(3) A sign posted outside of a facility must be weather-resistant and placed in a visible location near the entrance of the facility, such as near a door, window, or walkway to the entrance. A sign posted inside a facility must be placed in an area used by the public, such as a waiting room or restroom.

(4) Standard templates of signs and the Safe Place for Newborns logo for use by facilities are available from the Department of Human Services' website at <http://dhs.georgia.gov>.

(5) Safe Place for Newborns signs that comply with previous versions of this rule may continue to be used by facilities.

**Cite as** Ga. Comp. R. & Regs. R. 290-1-9-.01

**AUTHORITY:** O.C.G.A. § [19-10A-8](#).

**HISTORY:** Original Rule entitled "Standards for Size and Types of Signs" adopted. F. Oct. 12, 2018; eff. Nov. 1, 2018.

**Amended:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-2. FAMILY AND CHILDREN SERVICES

### Subject 290-2-5. RULES AND REGULATIONS FOR CHILD CARING INSTITUTIONS

#### 290-2-5-.02 Title and Purpose

These rules shall be known as the Rules and Regulations for Child Caring Institutions. The purpose of these rules is to provide for the licensing and inspection of child caring institutions within the state of Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.02

**AUTHORITY:** O.C.G.A. §§ [49-5-3](#), [49-5-8](#).

**HISTORY:** Original Rule entitled "Purpose" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.

**Repealed:** New Rule entitled "Organization and Administration" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.

**Repealed:** New Rule entitled "Title and Purposes" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

#### 290-2-5-.03 Definitions

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

(a) "Adult" means a person eighteen (18) years of age or older.

(b) "Applicant" means the following:

1. When the institution is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

2. When the institution is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

3. When the institution is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and

4. When the institution is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.

(c) "Behavior management" means those principles and techniques used by a facility to assist a resident in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual

service plan, written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

(d) "Chemical restraint" means drugs that are administered to manage a resident's behavior in a way that reduces the safety risk to the resident or others; that have the temporary effect of restricting the resident's freedom of movement; and that are not being used as part of a standard regimen, as specified in the child's service plan, to treat current symptoms of a medical or psychiatric condition.

(e) "Child caring institution" means a child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Services. This full-time care is referred to as room, board and watchful oversight. For purposes of these rules, a child caring institution means any institution, society, agency, or facility that provides such care to six or more children.

(f) "Child-placing agency" means a child welfare agency that is any institution, society, agency, or facility, whether incorporated or not, that places children in foster homes for temporary care or in prospective adoptive homes for adoption. For purposes of this definition, agencies that engage in placement activities are required to be licensed as Child-Placing Agencies. This term does not apply to a licensed professional providing only home study preparation services as an evaluator.

(g) "Criminal history background check" means a search as required by law of the criminal records maintained by law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules.

(h) "Commissioner" means the Commissioner of the Department of Human Services.

(i) "Criminal record" means:

1. Conviction of a crime; or

2. Arrest, charge, and sentencing for a crime where:

(i) A plea of nolo contendere was entered to the charge; or

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

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or

(iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. [17-3-1](#) *et seq.*

(j) "Department" means the Georgia Department of Human Services.

(k) "Director" means the chief administrative or executive officer of the institution.

(l) "Emergency safety interventions" mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff in an urgent situation to prevent a child from doing immediate harm to self or others.

(m) "Emergency safety intervention plan" means the plan developed by the facility utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions staff may utilize and those that may never be used.

(n) "Employee" means any person, other than a director, employed by an institution to perform any duties at any of the institution's facilities which involve personal contact between that person and any child being cared for at the institution and also includes any adult person who resides at the institution or who, with or without compensation,



performs duties for the institution which involve personal contact between that person and any child cared for by the institution.

For purposes of these rules, an employee does not mean a child that resides at the facility and performs duties for the institution.

(o) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.

(p) "Foster Care" means supervised care in a substitute home on a 24 hour full-time basis for a temporary period of time.

(q) "Foster Home" or "foster care home" means a private home where the foster parent(s) live which has been approved by a child-placing agency to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19.

(r) "Foster Parent" means an adult person approved by a child-placing agency who has a satisfactory criminal history background check determination and provides care, lodging, supervision, and maintenance on a 24 hour basis for a child who must receive care out of his own home.

(s) "Human Services Professional" means the person(s) employed by the facility who is (are) responsible for providing oversight of services to children and their families in the home setting. The HSP is responsible for monitoring the residents' needs and ensuring that appropriate services are being provided and arranged for in order to meet those needs. Duties include, but are not limited to: the coordination of the facility's admission evaluation; the development of the service and Room, Board, Watchful Oversight plans; case work services as provided in the resident's service plans; and monitoring of the resident's educational and/or vocational needs.

(t) "Living unit" means the physical location where residents live within the institution.

(u) "Manual hold" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child's body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living.

(v) "Mechanical restraint" means a device attached or adjacent to the child's body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does not include devices used to assist a child with appropriate positioning or posture secondary to physical impairments or disabilities.

(w) "Medicaid Rehabilitation Option Provider (MRO)" means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level.

(x) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as a child caring institution and who:

1. Purports to or exercises authority of the owner in a caring institution;
2. Applies to operate or operates a child caring institution;
3. Enters into a contract to acquire ownership of a child caring institution.

(y) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.

(z) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.

(aa) "Records check application" means two sets of classifiable fingerprints, a records search fee to be established by the department by rule and regulation, payable in such form as the department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require.

(bb) "Room, Board and Watchful Oversight" means providing a safe, comfortable room, adequately nutritious meals and oversight to ensure a child's basic safety needs are met.

(cc) "Satisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed was found to have no criminal record.

(dd) "Seclusion" means the involuntary confinement of a child away from other children, due to imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving.

(ee) "Supervision" means the continued responsibility of the licensee to take reasonable action to provide for the health, safety, and well-being of a resident while under the supervision of the licensee or the agent or employee of the licensee, including protection from physical, emotional, social, moral, financial harm and personal exploitation while in care. The licensee is responsible for providing the degree of supervision indicated by a child's age, developmental level, physical, emotional, and social needs.

(ff) "Time-out" means a behavior management technique that involves the brief separation of a child from the group, not to exceed twenty (20) minutes, designed to de-escalate the child. During "time-out" a child's freedom of movement is not physically restricted.

(gg) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(hh) "Variance" means a decision by the department to grant a modification to all or part of the literal requirements of a rule.

(ii) "Waiver" means a decision by the department not to apply all or part of a rule.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.03

**AUTHORITY:** O.C.G.A. §§ [49-5-3](#), [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Need" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.

**Repealed:** New Rule entitled "Social Services" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.

**Repealed:** New Rule entitled "Definitions" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.05 Criminal History Background Checks, Licenses and Exemptions**

(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new child caring institution and periodically as established by the department by rule and regulation, the department shall require an owner to submit a records check application so as to permit the department to obtain criminal history background information on the owner.

(a) An owner may not be required to submit a records check application if it is determined that the owner does not do at least one of the following:

1. Maintains an office at the location where services are provided to children;
2. Resides at a location where services are provided to children;
3. Has direct access to residents receiving care; or
4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided to children.

(b) In lieu of a records check application, an owner may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the owner has received a satisfactory criminal history background check determination.

(2) A child caring institution license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record involving any of the following covered crimes, as outlined in O.C.G.A. Sec. [49-2-14.1](#) *et seq.*:

- (a) A violation of Code Section [16-5-1](#), relating to murder and felony murder;
- (b) A violation of Code Section [16-5-21](#), relating to aggravated assault;
- (c) A violation of Code Section [16-5-24](#), relating to aggravated battery;
- (d) A violation of Code Section [16-5-70](#), relating to cruelty to children;
- (e) A violation of Article 8 of Chapter 5 of Title 16, relating to crimes against elderly persons;
- (f) A violation of Code Section [16-6-1](#), relating to rape;
- (g) A violation of Code Section [16-6-2](#), relating to aggravated sodomy;
- (h) A violation of Code Section [16-6-4](#), relating to child molestation;
- (i) A violation of Code Section [16-6-5](#), relating to enticing a child for indecent purposes;
- (j) A violation of Code Section [16-6-5.1](#), relating to improper sexual contact by employee or agent and improper sexual contact by a foster parent;
- (k) A violation of Code Section [16-6-22.2](#), relating to aggravated sexual battery;
- (l) A violation of Code Section [16-8-41](#), relating to armed robbery; or
- (m) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.

(3) An owner with a valid child caring institution license issued on or before June 30, 2007 shall be required to obtain a criminal records check determination no later than December 31, 2008.

(a) An owner with a valid child caring institution license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .05(2)(a)-(m) above, shall not have the license revoked prior to a hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(b) An owner with a valid child caring institution license who acquires a criminal record as defined in Rule .05(2)(a)-(m) above subsequent to the effective date of these rules shall disclose the criminal record to the department.

(4) If at any time the department has reason to believe an owner holding a valid license has a criminal record for any of the crimes listed in Rule .05(2)(a)-(m) above, the department shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary. Prior to the revocation of the license becoming final, the owner is entitled to an administrative hearing unless the owner has not begun providing services under the license. Where services are not currently being provided under the license, the decision of the administrative hearing officer must precede the initiation of services.

(5) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed institution, a person shall submit a records check application and receive a satisfactory determination.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed child caring institution if it is determined that such person has a criminal record involving any of the following covered crimes:

1. Any felony under Georgia law;
2. A violation of Code Section O.C.G.A. Sec. [16-4-1](#), relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph;
3. A violation of Code Section O.C.G.A. Sec. [16-5-23](#), relating to simple battery; where the victim is a minor;
4. A violation of Code Section O.C.G.A. Sec. [16-6-1](#) *et seq.*, relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist;
5. A violation of Code Section O.C.G.A. Sec. [16-12-1](#), relating to contributing to the delinquency of a minor; or
6. Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.

(b) Prior to serving as an employee other than a director of a licensed institution, a person must submit a preliminary record check application and receive a satisfactory determination. Provided however, should there be an unsatisfactory determination, the person must submit to a fingerprint record check and get a satisfactory determination or be determined eligible to be employed by the institution as a result of an administrative hearing.

(c) A person with an unsatisfactory background check determination may not serve as an employee of a licensed child caring institution if it is determined that such person has a criminal record involving any of the covered crimes outlined in Rule .05(5)(a)1.-6. above.

(d) In lieu of a records check application, a director or employee may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the above personnel have received a satisfactory records check determination or a satisfactory preliminary records check determination.

(6) **Licenses.** No person, partnership, association, corporation or entity shall operate a child caring institution in the state without first obtaining a license to operate the institution by demonstrating compliance with the necessary

requirements set forth in these rules. No licensed child-caring institution first licensed after the effective date of these rules shall provide room, board and watchful oversight to more than 16 children on its premises.

(a) Institutions with a valid child caring institution license issued on or before December 31, 2019, that includes authorization to place children in private foster homes where foster parents live, shall be required to obtain a child-placing agency license no later than June 30, 2021 if the entity would like to continue placing children in foster care in private foster homes.

(b) Institutions operated as a part of a local church ministry or religious nonprofit school or a nonprofit religious charitable organization may request to be commissioned in lieu of licensed. All provisions of these rules shall apply to institutions that request to be commissioned, and for the purposes of these rules, the term license shall have the same meaning as commission.

(c) A license may be issued, upon presentation of evidence satisfactory to the department, that the facility is in compliance with applicable statutes and these rules. The license is valid for the period of time specified by the department, unless voluntarily surrendered by the holder, reduced to a restricted or temporary license or suspended or revoked by the department.

(7) **Temporary License.** The department may in its discretion issue a temporary license if the health and safety of the children to be served by the institution will not be endangered. A temporary license will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:

(a) If an institution complies with these rules but has not yet enrolled children; or

(b) If an institution is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable plan of correction.

(c) If the department finds that any child caring institution applicant does not meet rules and regulations prescribed by the department but is attempting to meet such rules and regulations, the department may, in its discretion, issue a temporary license or commission to such child caring institution, but such temporary license or commission shall not be issued for more than a one-year period.

1. Upon presentation of satisfactory evidence that such institution is making progress toward meeting prescribed rules and regulations of the department, the department may, in its discretion, reissue such temporary license or commission for one additional period not to exceed one year.

2. As an alternative to a temporary license or commission, the department, in its discretion, may issue a restricted license or commission which states the restrictions on its face.

(8) **Restricted License.** The department may in its discretion issue a restricted license in lieu of a temporary or regular license. The restricted license may be granted either in connection with the initial application process for a license or as a result of a subsequent determination made by the department concerning compliance with these rules. The restriction shall appear on the face of the license and shall restrict an institution from providing care or services which are beyond the capability of the licensee to provide. The restriction may include but is not limited to the number and/or age of the children served by the institution.

(9) **Qualifications Requirement.** In order to obtain or retain a license, the director of the institution and its employees must be qualified, as defined in these rules, to administer or work in a institution. The department may presume that the director and employees are qualified, subject to satisfactory determinations on the criminal history background checks. However, the department may require additional reasonable verification of the qualifications of the director and employees either at the time of application for a license or at any time during the license period whenever the department has reason to believe that a director or employee is not qualified under these rules to administer or work in an institution.

(10) **License is Nontransferable.** A license to operate an institution is not transferable in any way. Each license shall be returned to the department immediately upon the suspension, revocation, restriction of the license or termination of the operation.

(11) **Renewal of License.** A license will be renewed upon a determination by the department that the institution presents satisfactory evidence of meeting the requirements set forth in these rules.

(12) **Exemptions.** Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the department for exemption. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal or local fire prevention officials to inspect facilities. These rules shall not apply to the following kinds of programs providing care to children:

(a) Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department or agency of state, county, or municipal government.

(b) Any bona fide boarding school whose primary purpose of admission is education, provided that such facility in order to claim exemption shall operate under a published academic educational curriculum which meets the requirements of the State Department of Education, shall have classroom facilities which are not used for residential living and shall not have been granted nor have assumed legal custody of children attending the facility.

(c) Facilities or programs both owned and operated by any department or agency of federal, state, county, or municipal government. For purposes of this rule, facilities or programs are not exempt from licensure as a child caring institution if facility or program premises are leased, rather than owned, by federal, state, county, or municipal government. In addition, facilities or programs are not exempt from licensure if the government entity assumes or exercises no authority nor control over daily program services, functions or operations.

(d) Temporary recreational facilities and programs which limit residency to no more than three months, such as summer camps.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.05

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#), [49-2-14.1](#), [49-5-60](#) *et seq.*

**HISTORY:** Original Rule entitled "Governing Body" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.

**Repealed:** New Rule entitled "Building, Grounds and Equipment" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.

**Repealed:** New Rule entitled "Licenses and Exemptions" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule entitled "Criminal Background Checks, Licenses and Exemptions" adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.06 Applications**

(1) An application for a license to operate an institution shall be submitted to the department on the forms provided by the department.

(a) Time for Filing. An application for a license shall be submitted at least thirty (30) days prior to the proposed opening date of the new institution.

(b) Records Check and Preliminary Records Check Applications. Accompanying any application for a new license for an institution, the applicant shall furnish to the department a records check application for the owner and director and a preliminary records check application for each employee, if applicable as defined in these rules.

(c) Separate Licenses or Commissions. A separate license or commission application is required for each geographical location which an institution is proposed to operate even when all of the proposed institutions are owned by the same person or entity.

(d) Amended License. If there is to be a change in the name of the institution, change in ownership, changes in the ages of children to be served, or additions or changes in the uses of the buildings that will affect the facility's licensed capacity, an application for an amended license shall be submitted at least thirty (30) days prior to the changes or additions, except in cases of emergencies. In such cases of emergencies, which make it impossible to submit an application within thirty (30) days, the governing body or director shall notify the department by telephone and shall submit an application for the amended license as soon as the governing body or the director becomes aware of the change or addition.

(e) Notice of Denial. If the department determines that the applicant does not comply with these rules and determines that the issuance of a temporary or restricted license is not appropriate, the department will provide a written notice of the denial of licensure and the opportunity for a hearing to the applicant.

(f) False or Misleading Information. The application for a license including the application for a criminal history background check must be truthfully and fully completed. In the event that the department has reason to believe that any required application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license where false statements have been made in connection with the application or any other documents required by the department.

(g) The department may deny a license or otherwise restrict a license for any applicant who has had a license denied, revoked, or suspended within one year of the date of the application or who has transferred ownership or governing authority of an agency, facility, institution, or entity subject to regulations by the department within one year of the date of a new application when such transfer was made in order to avert denial, revocation, or suspension of a license.

(h) An institution shall not begin operation without departmental approval.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.06

**AUTHORITY:** O.C.G.A. §§ [49-5-12](#), [49-5-60](#).

**HISTORY:** Original Rule entitled "Finances" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.

**Repealed:** New Rule entitled "Reports to the Division for Children and Youth" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.

**Repealed:** New Rule entitled "Applications" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.07 Inspections and Investigations**

The department is authorized and empowered to conduct investigations and inspections of any institution required by these rules to be licensed. The proposed and current licensee and staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.

(a) Initial Inspection. Following receipt and review of a complete application package, the department may conduct an inspection of the institution to assess compliance with these rules.

(b) Consent to Access. An application for a license or commission to operate an institution or the issuance of a license by the department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for the department's representative, after displaying picture identification to any institution staff, to enter the premises at any time during operating hours for the purpose of inspecting the facility. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises, all children present, and all records required by these rules.

(c) Other Inspections. The department may conduct scheduled and unscheduled inspections of an institution in the following instances:

1. Annually or at other regular intervals as the department may determine or at the expiration of the current license; or
2. Upon receiving a report, including a report submitted by the institution, alleging child abuse, neglect, or sexual exploitation as defined in O.C.G.A. § [15-11-2](#) which occurred while the child was in the care of the institution director or employees; or
3. Upon receiving information of alleged violations of these rules, including information provided by the institution, which, if true, could endanger the health, safety or welfare of the children in care; or
4. Upon receipt and review of a request for an amended license, where the department determines that an inspection is advisable; or
5. Upon the department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the department's inspection or at any other time. The department shall immediately investigate such matters and may conduct an inspection so as to take such actions as conditions may require; or
6. Subsequent to the receipt of a plan of correction, as determined necessary by the department, to monitor whether the plan of correction is being complied with by the institution's personnel.

(d) Failure to Allow Access. Failure to allow access of the department's representative to the institution, its staff, or the children receiving care at the institution or the books, records, papers, or other information related to initial or continued licensing, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license, or other penalty as provided by law.

(e) False or Misleading Statements. No licensee shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation or inspection being conducted by the department.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.07

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Staff" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.

**Repealed:** New Rule entitled "Additional Requirements for Institutions Providing Group Care for the Exceptional Children" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.



**Repealed:** New Rule entitled "Inspections and Investigations" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.08 Administration and Organization**

(1) Program Purpose. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that specify its philosophy, purpose, and program orientation. Such policies and procedures shall identify the characteristics and ages of the children it serves, including the referral sources.

(2) Program Description and Implementation. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that describe the range of services including room, board and watchful oversight and the manner in which such services will be provided by the facility. Such policies and procedures shall describe how identified services will be provided, the specific emergency safety intervention plan, including the emergency safety interventions, that will be used, and how such services will be assessed and evaluated. A program description must show what services are provided directly by the facility and how it will coordinate its services with those provided by any Medicaid rehabilitation option provider or other available community or contract resources.

(3) Director. The governing body of the institution shall designate a director who shall be authorized to manage the institution.

(a) Any director employed on or after the effective date of these rules shall possess at least one of the following qualifications:

1. A master's degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus two years of experience in the field of child care;
2. A bachelor's degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus four years of experience in the field of child care;
3. A licensed registered nurse, doctor or other health care professional where the child-caring institution chooses to serve primarily children with special medical needs.

(b) Any director employed on or after the effective date of these rules must meet the following additional minimum qualifications.

1. Never have been shown by credible evidence (e.g. a court or jury, a department investigation, or other reliable evidence) to have abused, neglected, or sexually exploited a child as those terms are defined in O.C.G.A. § [15-11-2](#) or to have abused, neglected, or sexually exploited an adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application and evidence of having made efforts to obtain and evaluate references from previous employers;
2. Participate in the orientation and training required by these rules; and
3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.

(c) When the director is absent from the institution at any time, there shall be an officially designated person to assume responsibility for the operation of the institution.

(4) Finances. The governing body shall provide for the preparation of an annual budget and approve such budget. Copies of the current year's budget and expenditure records shall be maintained for examination and review by the department.

(a) The director and all persons authorized to receive or disburse operating funds shall be bonded or insured.

(b) A schedule of fees shall be established and implemented and made available to a parent(s) or guardian(s), or representative(s) of children considered for admission to the institution. The schedule shall detail the basic cost of services and any additional costs for other services.

(5) Recordkeeping.

(a) Case Records. An institution shall maintain a written record for each child which shall include the following:

1. Identifying information including name, sex, and birth date or age;
2. Date of admission and source of referral including all documents related to the referral and admission of the child to the institution;
3. Name, address, and telephone numbers of the parent(s) or guardian(s) or representative(s);
4. Name and telephone number of placing agency and agency's contact, if applicable;
5. Documentation of current custody if not placed by natural or adoptive parents;
6. A copy of the child's birth certificate, or an appropriate record of birth;
7. Assessment plans;
8. Service plans and review and progress notes and collateral communications with MRO and/or other service providers;
9. Records of behavior management, emergency safety interventions, and written grievances, as described in Rule .14 and Rule .15;
10. Documentation of health history; as required at admission;
11. Medical records, including documentation of visits to physicians and dentists, records of prescriptions and administration of medicines, immunization records, and orders for modified diets;
12. Educational and vocational information such as report cards, progress reports, and related materials received during a child's residency in the institution; and
13. Discharge plans required by Rule .11, if applicable,

(b) Retention of Case Records. Case records shall be retained in the institution for at least one year following discharge of residents.

(c) Confidentiality of Case Records.

1. Written policies and procedures shall be established and implemented for the maintenance and security of case records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released and for what purposes.

2. An institution shall maintain the confidentiality of all children's case records. Employees of the institution shall not disclose or knowingly permit the disclosure of any information in a case record except to appropriate direct care staff, the parent(s) or guardian(s), their respective legal counsel, a court of legal jurisdiction, licensing staff, and other authorized public officials in the performance of their mandated duties, or the child's placing agency.

(d) Personnel Records. An institution shall maintain written records for each employee and the director. Such records shall include the following:

1. Identifying information such as name, address, telephone number, and emergency contact person(s);
2. A 10-year employment history or a complete employment history if the person has not worked 10 years;
3. Records of educational qualifications;
4. Documentation of at least two professional, educational, or personal references that attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with or around children;
5. Satisfactory preliminary criminal history background check determination and a satisfactory fingerprint records check determination as required by law for the director, and a satisfactory determination on a preliminary records check and fingerprint records check for employees as required by law;
6. Documentation from a licensed physician or other licensed healthcare professional of a health screening examination within thirty (30) days of hiring sufficient in scope to identify conditions that may place the children at risk of infection, injury or improper care;
7. Date of employment;
8. The person's job description or statements of the person's duties and responsibilities;
9. Documentation of orientation and training, including dates of all such training, as required by Rule .08(6)(d) of these rules; and
10. Any documentation of the individual's performance, including all records of employee discipline arising from the inappropriate use of behavior management techniques and emergency safety interventions and grievance reports described in Rule .14 and Rule .15 related to children in care and the employee.

(6) Staffing. The institution shall have sufficient numbers of qualified and trained staff as required by these rules to provide for the needs, care, protection, supervision and room, board and watchful oversight of children. All staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the children in care.

(a) All staff employed on or after the effective date of these rules must meet the following minimum qualifications:

1. Never have been shown by credible evidence (such as a decision of a court or jury, or a department investigation or other reliable evidence) to have abused, neglected, or sexually exploited a child as those terms are defined in O.C.G.A. Section [15-11-2](#) or to have abused, neglected, or sexually exploited an adult or to have subjected any person to serious injury as a result of intentional or grossly serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application;
2. Participate in the orientation and training as stated in subparagraph (d) of this Rule; and

3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.

(b) Human Services Professionals. The institution shall have designated human service professionals to provide oversight of services to children and their families in the home setting. Within six months of the effective date of these rules, there shall be one human services professional employed for every 16 children in care or fraction thereof for those institutions first licensed after the effective date of these rules. For those institutions licensed prior to the effective date of these rules, there shall be one human service professional employed for every 30 children in care or fraction thereof. However, a human services professional assigned referral and intake duties and responsibilities shall provide oversight of services to not more than 16 children. The institution's director, if qualified by education, may perform the duties of a human services professional.

1. Any human services professional employed on or after the effective date of these rules shall either:

(i) Possess a bachelor's degree from an accredited college or university in social work, psychology, childhood education, education counseling and psychology, or a related field and either have two years experience in the field of child care or be supervised by another human service professional with a master's degree in one of the above disciplines; or

(ii) Possess a master's degree from an accredited college or university in one of the above disciplines.

(c) Child Care Workers. The institution shall have designated child care workers to supervise children and be responsible for living units where the children reside.

1. No institution shall admit or retain children whose needs for room, board and watchful oversight cannot be met. The institution shall have sufficient numbers of qualified and trained staff to provide for the room, board and watchful oversight of children pursuant to Rule .08(6).

2. Any child care worker shall be at least 21 years of age and possess a high school diploma or general education diploma (GED) and have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by certified or licensed health care professionals. Such training programs shall be completed within the first year of employment.

(d) Staff Training. Prior to working with children, all staff, including the director, who work with children and are hired after the effective date of these rules shall be oriented in accordance with these rules and shall thereafter periodically receive additional training in accordance with these rules.

1. Orientation shall include instruction in:

(i) The institution's purpose and description of services and its policies and procedures;

(ii) The employee's assigned duties and responsibilities;

(iii) Grievance policies and procedures;

(iv) Child abuse policies and procedures;

(v) Reporting requirements for suspected cases of child abuse and sexual exploitation and notifiable diseases and serious injuries;

(vi) The institution's policies and procedures for handling medical emergencies (life-threatening, limb-threatening, or function-threatening conditions), and managing use of medications by children in care; and

(vii) The institution's policies and procedures regarding appropriate behavior management and emergency safety interventions.

2. Additional training shall include twenty-four (24) clock hours of formal, annual training or instruction in child care issues related to the employee's job assignment and to the types of services provided by the institution.

(e) All direct care staff shall have at least one full day (24 hours) off each week and shall have at least two consecutive days off each month.

(7) Reporting. Detailed written summary reports shall be made to the Department of Human Services Residential Child Care Licensing Unit electronically or by fax on the required incident intake information form (IIIF) within 24 hours of a serious occurrence involving children in care, including but not limited to:

(a) Accidents or injuries requiring medical treatment and/or hospitalization;

(b) Death;

(c) Suicide attempts;

(d) Closure of the living unit due to disaster or emergency situations such as fires or severe weather;

(e) Emergency safety interventions resulting in any injury;

(f) Any incident which results in any federal, state or private legal action by or against the institution which affects any child or the conduct of the institution. However, legal action involving the juvenile justice system is not required to be reported.

(g) Any illness of children or illness of facility staff having personal contact with children in care known to have resulted from an identified pandemic or infectious disease outbreak.

(8) Child Abuse Reports. Whenever the child caring institution has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to the child welfare agency of the county of occurrence providing protective services as designated by the Department of Human Services (Division of Family and Children Services) or in the absence of such an agency to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. Sec. [19-7-5](#). A copy of such report shall also be filed with the Department of Human Services Residential child care Licensing Unit.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.08

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Administration and Organization" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.12 Child Care Services**

(1) Casework Services. All children in care and families of children in care shall receive case work services as provided in their service plan from their assigned Human Services Professional or other appropriate professionals (internal and external of facility) who shall meet with and counsel with the children. The results of such counseling shall be recorded in the children's case records. The purposes of such services are to identify and monitor the

children's and families' progress relative to the needs, goals and objectives identified in child care assessments and service plans and to discuss any problems being encountered by or with the children in care.

(2) Educational and Vocational Services. An institution shall not admit a child unless an educational program commensurate with the specific educational and vocational needs of the child can be provided.

(a) Provisions shall be made for mandatory education of all children in care in accordance with O.C.G.A. [20-2-690 et seq.](#) or its successor statute. For purposes of these rules, an on-campus school is defined as a private school, and must be in compliance with the above law.

(b) A child's assigned Human Services Professional shall monitor the child's educational or vocational progress in the course of providing case work services and planning. Progress reports, such as report cards, and other records or documentation of a child's educational or vocational performance while residing in the institution shall be maintained in the child's case record.

(c) Children attending public schools who wish to participate in extracurricular activities shall be provided such reasonable opportunities by the institution in accordance with the child's service plan.

(d) Children's daily activities as stated in their service plans shall provide for study time during the periods the children are attending school.

(3) Health Services. The facility shall provide for a comprehensive program of preventive, routine, and emergency medical and dental care for all children.

(a) Within thirty days of admission, an assessment of the children's medical and dental health shall be completed by the designated intake Human Services Professional.

1. A general physical examination of the child shall be provided within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within one year prior to admission.

(i) Such examination shall be done by a medical doctor, physician's assistant, nurse practitioner or public health department and shall include immunizations, vision and hearing tests, and basic diagnostic laboratory work, such as a Complete Blood Count (CBC) and basic urinalysis when recommended by a physician.

(ii) Required Immunization. All children shall have current immunizations as outlined in Rules and Regulations of the Department of Public Health, Immunization of School Children, Chapter 511-2-2.

2. A general dental examination of the child shall be provided for unless such an examination has been completed within six months prior to admission. Such examinations shall be done by either a dentist or a dental hygienist that is employed by the department and County Boards of Health to screen school pupils.

(b) An institution shall ensure that children receive timely, qualified medical and dental care when they are ill or injured and that they continue to receive necessary follow-up medical care. The child-caring institution shall take appropriate safety and sanitary precautions to ensure that underlying medical conditions are not exacerbated or infections not transmitted to others where required by the medical condition of the child. Arrangements shall be made with at least one physician and one dentist or a health care agency that provides physician and dental services for the medical care of the children. Children shall receive annual medical check-ups and semiannual dental check-ups.

(c) An institution shall ensure that children receive timely, qualified medical care in cases of medical emergencies (life-threatening, limb-threatening, or function-threatening conditions). Policies shall be in place for the emergency medical care of children with a local hospital or other health care facility that provides emergency services or with a local physician.

(d) Medications. The institutions shall develop and implement policies and procedures for the use and management of all types of medications. All direct care staff shall receive orientation on the policies and procedures. Such policies and procedures shall include the following:

1. Non-prescription medications. No child shall be given a non-prescription medication by staff members of the institution unless the child exhibits symptoms that the medication is designed to relieve.

2. Prescription medications. No child shall be given a prescription medication unless the medication is prescribed for the child by an authorized health care professional.

(i) Prescription medications shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to any other child.

(ii) A child's attending physician shall be notified in cases of dosage errors, drug reactions, or if the prescription medication does not appear to be effective.

3. Psychotropic medications. No child shall be given psychotropic medications unless use is in accordance with the goals and objectives of the child's service plan developed by an external physician and/or MRO provider.

(i) Psychotropic medications must be prescribed by an external physician or MRO provider who has responsibility for the diagnosis and treatment of the child's conditions that necessitate such medication. Continued use of psychotropic medications shall be reviewed by the external prescribing Physician and/or MRO provider every sixty days.

(ii) Psychotropic medication shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to another child.

(iii) The external prescribing physician and/or MRO provider shall be notified in cases of dosage errors, drug reactions, or if the psychotropic medication does not appear to be effective.

4. An institution shall designate and authorize classes of staff, such as Child Care Workers, to hand out medications and supervise the taking of medications. Only designated and authorized staff shall hand out and supervise the taking of medication.

5. An institution shall maintain a record of all medications administered by staff to include: name of child taking medication; name of prescribing physician and date of prescription (if the medication is prescription or psychotropic); required dosage; date and time taken, refused, or missed; dosage taken; and name and signature of staff member responsible for administering the medication.

6. All prescription and non-prescription medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals and supplies or poisons. The keys to the locked cabinets or containers shall not be accessible to residents.

7. All expired medications shall be discarded and not handed out for use.

(e) First Aid Supplies. Each living unit shall have a first aid kit and instruction manual; such kit shall contain scissors, tweezers, gauze pads, adhesive tape, thermometer, assorted band-aids, antiseptic cleaning solution, and bandages.

(4) Recreation and Leisure. The institution shall provide for a program of indoor and outdoor recreational and leisure activities. When providing these activities, it shall utilize the community's cultural, social, and recreational resources whenever possible and appropriate. Children's activities as stated in their service plans shall provide for leisure and recreational time. An institution shall procure and maintain a variety of recreational and leisure equipment and supplies such as games, sporting equipment, reading materials, and art supplies.

(5) Other Services.

(a) The institution shall ensure that all children have adequate, properly fitting, seasonable clothing as required for health, comfort and physical well-being. Clothes shall be appropriate to age, gender, and individual needs.

(b) Daily routines of children shall provide for appropriate personal care, hygiene, and grooming commensurate with age, gender, and cultural heritage. All necessary toiletry items and supplies, such as soap, shampoo, hair brushes, tooth brushes and paste, deodorant, and bath towels, shall be provided.

(c) Children shall not be held solely responsible for the accomplishments of any work activity of the institution such as food preparation, laundering, housekeeping, or facility maintenance. Children shall not be considered substitutes for employed staff.

(d) Children shall not be used for the purposes of soliciting funds for the institution, nor shall children be used in connection with any advertisement or publicity without the consent of the child and the parent(s) or guardian(s).

(e) Children shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.12

**AUTHORITY:** O.C.G.A. §§ [20-2-690.1](#), [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Child Care Services" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.13 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.13

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Foster Home Care" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Repealed:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.14 Behavior Management and Emergency Safety Interventions**

(1) Behavior Management.

(a) Every institution shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served and room, board and watchful oversight capacities in



accordance with its program purpose, the anticipated behavioral problems of the children, and acceptable methods of managing such problems.

(b) Such Behavior management policies and procedures shall incorporate the following minimum requirements:

1. Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

2. Behavior management shall be limited to the least restrictive appropriate method, as described in the child's service plan pursuant to Rule .10(b)6. and in accordance with the prohibitions as specified in these rules and regulations.

(c) The following forms of behavior management shall not be used:

1. Assignment of excessive or unreasonable work tasks;

2. Denial of meals and hydration;

3. Denial of sleep;

4. Denial of shelter, clothing, or essential personal needs;

5. Denial of essential program services;

6. Verbal abuse, ridicule, or humiliation;

7. Chemical restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

8. Denial of communication and visits unless restricted in accordance with Rule .10(b)7.;

9. Corporal punishment; and

10. Seclusion not used appropriately as an emergency safety intervention.

(d) Residents shall not be permitted to participate in the behavior management of other residents or to discipline other residents, except as part of an organized therapeutic self-governing program in accordance with accepted standards of practice that is conducted in accordance with written policy and is supervised directly by designated staff.

(e) Institutions shall submit to the Department electronically or by facsimile a report within 24 hours whenever an unusual incident occurs regarding behavior management, including any injury requiring medical treatment that is received by a child as a result of any behavior management.

(f) All forms of behavior management used by direct care staff shall also be documented in case records in order to ensure that such records reflect behavior management problems.

(2) Emergency Safety Interventions.

(a) Emergency safety interventions may be used only by staff trained in the proper use of such interventions when a child exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the child or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the child or others to greater risk of injury.

(b) Emergency safety interventions shall not include the use of any physical or chemical restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.

(c) The institution shall have and comply with written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each child and the child's parents and/or legal guardians prior to or at the time of admission. Emergency safety interventions policies and procedures shall include:

1. Provisions for the documentation of assessments (which will include social, emotional, behavioral and room, board and watchful oversight needs) at admission and at each annual exam by the child's physician, a physician's assistant, a nurse practitioner or a registered nurse with advanced training working under the direction of a physician, or a public health clinic that states there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that child. Such assessments and documentation must be re-evaluated following any significant change in the child's medical condition; and

2. Provisions for the documentation of each use of an emergency safety intervention including:

(i) Date and description of the precipitating incident;

(ii) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable;

(iii) Environmental considerations;

(iv) Names of staff participating in the emergency safety intervention;

(v) Any witnesses to the precipitating incident and subsequent intervention;

(vi) Exact emergency safety intervention used;

(vii) Documentation of the 15 minute interval visual monitoring of a child in seclusion;

(viii) Beginning and ending time of the intervention;

(ix) Outcome of the intervention;

(x) Detailed description of any injury arising from the incident or intervention; and

(xi) Summary of any medical care provided.

3. Provisions for prohibiting manual hold use by any employee not trained in prevention and use of emergency safety interventions.

(d) Emergency safety interventions or the use of physical or chemical restraints may be used to prevent runaways only when the child presents an imminent threat of physical harm to self or others, or as specified in the individual service and room, board and watchful oversight plan.

(e) Facility staff shall be aware of each child's medical and behavioral conditions, as evidenced by written acknowledgement of such awareness, to ensure that the emergency safety intervention that is utilized does not pose any undue danger to the health and well-being of the child.

(f) Residents shall not be allowed to participate in the emergency safety intervention of another resident.

(g) Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the child is with a staff member, the child's behavior will be assessed, monitored, and documented to ensure that the child does not appear to be exhibiting symptoms that would be associated with an injury.

(h) At a minimum, the emergency safety intervention program that is utilized shall include the following:

1. Techniques for de-escalating problem behavior including child and staff debriefings;
2. Appropriate use of emergency safety interventions;
3. Recognizing aggressive behavior that may be related to a medical condition;
4. Awareness of physiological impact of a restraint on the child;
5. Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;
6. Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a child who is the subject of an emergency safety intervention;
7. Appropriate self-protection techniques;
8. Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a child's ability to breathe;
9. Agency policies and reporting requirements;
10. Alternatives to restraint;
11. Avoiding power struggles;
12. Escape and evasion techniques;
13. Time limits for the use of restraint and seclusion;
14. Process for obtaining approval for continual restraints and seclusion;
15. Procedures to address problematic restraints;
16. Documentation;
17. Investigation of injuries and complaints;
18. Monitoring physical signs of distress and obtaining medical assistance; and
19. Legal issues.

(i) Emergency safety intervention training shall be in addition to the annual training required in Rule .08(6)(d)2. and shall be documented in the staff member's personnel record.

(j) All actions taken that involve utilizing an emergency safety intervention shall be recorded in the child's case record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the director, the staff member in charge of casework services, and the external physician and/or MRO provider who has responsibility for the diagnosis and treatment of the child's behavior.

(k) Institutions shall submit to the Department electronically or by facsimile a report, in a format acceptable to the Department, within 24 hours whenever an unusual incident occurs regarding emergency safety interventions, including:

1. Any injury requiring medical treatment that is received by a child as a result of any emergency safety intervention;

2. Whenever an institution utilizes emergency safety interventions three or more times in one month with the same child and/or whenever the institution utilizes more than 10 emergency safety interventions for all children in care within a 30-day period.

(l) Institutions shall submit a written report to the program's director on the use of any emergency safety intervention immediately after the conclusion of the intervention and shall further notify the child's parents or legal guardians regarding the use of the intervention. A copy of such report shall be maintained in the child's file.

(m) At least once per quarter, the institution, utilizing a master agency restraint log and the child's case record, shall review the use of all emergency safety interventions for each child and staff member, including the type of intervention used and the length of time of each use, to determine whether there was an appropriate basis for the intervention, whether the use of the emergency safety intervention was warranted, whether any alternatives were considered or employed, the effectiveness of the intervention or alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the institution identifies opportunities for improvement as a result of such reviews or otherwise, the institution shall implement these changes through an effective quality improvement plan.

(n) No later than January 1, 2007 and ongoing thereafter, all direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect residents and others from injury, which has been approved by the department and taught by an appropriately certified trainer in such program.

(o) Manual Holds.

1. Emergency safety interventions utilizing manual holds require at least one trained staff member to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members to carry out the hold.

2. Emergency safety interventions shall not include the use of any chemical or physical restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.

3. When a manual hold is used upon any child whose primary mode of communication is sign language, the child shall be permitted to have his or her hands free from restraint for brief periods during the intervention, except when such freedom may result in physical harm to the child or others.

4. If the use of a manual hold exceeds 15 consecutive minutes, the facility director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the facility's emergency safety intervention plan, shall be contacted by a two-way communications device or in person and determine that the continuation of the manual hold is appropriate under the circumstances. Documentation of any consultations and outcomes shall be maintained for each application of a manual hold that exceeds 15 minutes. Manual holds shall not be permitted to continue if the restraint is determined to pose an undue risk to the child's health given the child's physical or mental condition.

5. A manual hold may not continue for more than 30 minutes at any one time without the consultation as specified in subparagraph (2) of this subparagraph, and under no circumstances may a manual hold be used for more than one hour total within a 24-hour period.

6. If the use of a manual hold on a child reaches a total of one hour within a 24-hour period, the staff shall reconsider alternative strategies, document same, and consider notifying the authorities or transporting the child to a hospital or other appropriate facility for evaluation.

7. The child's breathing, verbal responsiveness, and motor control shall be continuously monitored during any manual hold. Written summaries of the monitoring by a trained staff member not currently directly involved in the manual hold shall be recorded every 15 minutes during the duration of the restraint. If only one trained staff member is involved in the restraint and no other staff member is available, written summaries of the monitoring of the manual hold shall be recorded as soon as is practicable, but no later than one hour after the conclusion of the restraint.

(p) Seclusion.

1. If used, seclusion procedures in excess of thirty (30) minutes must be approved by the director or designee. No child shall be placed in a seclusion room in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's external physician and/or MRO provider and documenting such authorization in the child's record.

2. A seclusion room shall only be used if a child is in danger of harming himself or herself or others.

3. A child placed in a seclusion room shall be visually monitored at least every fifteen (15) minutes.

4. A room used for the purposes of seclusion must meet the following criteria:

(i) The room shall be constructed and used in such ways that the risk of harm to the child is minimized;

(ii) The room shall be equipped with a viewing window on the door so that staff can monitor the child;

(iii) The room shall be lighted and well-ventilated;

(iv) The room shall be a minimum fifty (50) square feet in area; and

(v) The room must be free of any item that may be used by the child to cause physical harm to himself/herself or others.

5. No more than one child shall be placed in the seclusion room at a time.

6. A seclusion room monitoring log shall be maintained and used to record the following information:

(i) Name of the secluded child;

(ii) Reason for child's seclusion;

(iii) Time of child's placement in the seclusion room;

(iv) Name and signature of the staff member that conducted visual monitoring;

(v) Signed observation notes; and

(vi) Time of the child's removal from the seclusion room.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.14

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Discipline and Behavior Management" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

## **290-2-5-.17 Food Service**

(1) An institution shall provide each child with meals and snacks of serving sizes dependent upon the age of the child based upon nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.

(a) Meals and snacks shall be varied daily.

(b) Additional serving of food shall be offered to children over and above the required daily minimum if not contraindicated by modified diets.

(c) Modified diets based on medical or religious reasons shall be served to children as needed. Modifications due to medical reasons shall be based on the written order of a physician and the order shall be placed in the child's case record.

(2) An institution licensed to care for thirteen or more children must obtain a valid food service permit and remain in compliance with Department of Public Health food service requirements. Institutions licensed to care for twelve or less children are not required to obtain a food service permit but shall meet the following requirements:

(a) Food shall be stored, prepared, and served in a safe and sanitary manner commensurate with generally accepted and recognized food service standards.

(b) Each institution shall have designated space for food preparation and storage areas separate from rooms used by children.

(c) All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty-five (45) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

(d) Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption.

(e) All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination.

(f) Containers for food storage other than the original containers or packages in which the food was obtained shall be impervious and nonabsorbent and have tight fitting lids or covers.

(g) Eggs, pork, pork products, poultry, and fish, shall be thoroughly cooked.

(h) Meats, poultry, fish, dairy products, bakery products and processed foods shall have been inspected under an official regulatory program.

(i) Food service equipment and preparation areas shall be kept clean and free of accumulations of dust, dirt, food particles and grease deposits.

(j) Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing and scraping, washing, sanitizing and drying.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.17

**AUTHORITY:** O.C.G.A. §§ [26-2-370](#) *et seq.*, [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Food Service" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.20 Emergency Orders**

(1) In accordance with O.C.G.A. [49-5-90](#) *et seq.*, notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his/her designee may issue emergency orders. Such orders may include the following:

(a) Emergency relocation of residents when it is determined that the residents are subject to an imminent and substantial danger.

(b) Emergency placement of a monitor or monitors in an institution upon a finding that the department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

1. The institution is operating without a license; or
2. The department has denied the application for the license or has initiated action to revoke the existing license; or
3. Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

(c) Emergency prohibition of admissions to an institution when residents are in imminent and substantial danger and the institution has failed to correct a violation of rules and regulations within a reasonable time, as specified by the department. Such violation giving rise to the prohibition could jeopardize the health and safety of the residents if allowed to remain uncorrected or is a repeat violation over a twelve month period.

(2) An emergency order shall contain the following:

- (a) The scope of the order;
- (b) The reasons for the issuance of the order;
- (c) The effective date of the order if other than the date the order is issued;
- (d) The person to whom questions regarding the order are to be addressed; and
- (e) Notice of the right to a preliminary hearing.

(3) Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the institution at the time of the service of the order.

(4) Prior to issuing an emergency order, the commissioner or his/her designee may consult with persons knowledgeable in the field of child care and a representative of the institution to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.20

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Enforcement and Penalties" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.

**Repealed:** New Rule entitled "Child Caring Institutions Serving Medically Fragile Children" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.

**Repealed:** New Rule entitled "Emergency Orders" adopted. F. June 5, 2007; eff. June 25, 2007.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.21 Disaster Preparedness**

The facility shall prepare for potential emergency situations that may affect the care of children by developing and complying with an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed annually and revised, as appropriate, including any related written agreements.

(a) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:

1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;
2. Manmade disasters such as acts of terrorism and hazardous materials spills;
3. Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the facility or within a local or widespread area;
4. Loss of heat or air conditioning;
5. Fire, explosion, or other physical damage to the facility; and
6. Pandemics, infectious disease outbreaks and illnesses or other situations where the community's need for services may exceed the availability of beds and services regularly offered by the facility.

(b) There shall be plans to ensure sufficient staffing and supplies to provide room, board and watchful oversight during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all the facility children, should it be necessary, in vehicles appropriate to the children's needs. Additionally there shall be written agreements with any facilities which have agreed to receive the facility's children in these situations.

(d) The facility shall document participation of all areas of the facility in quarterly fire drills.

(e) In addition to fire drills, the facility shall have its staff rehearse portions of the disaster preparedness plan, with a minimum of two rehearsals each calendar year either in response to an emergency or through planned drills, with coordination of the drills with the local Emergency Management Agency (EMA) whenever possible.



(f) The plan shall include the notification to the department of the emergency situation as required by these rules and notification of the lawful custodians of the children's whereabouts and condition.

(g) The facility shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the facility's plan for the management of external disasters.

(h) The facility's disaster preparedness plan shall also include the following additional items in efforts to limit and contain health hazards to children, staff, and the general public due to pandemic or infectious disease outbreaks:

1. Contact information for sources of public health information and guidance (e.g. Centers for Disease Control (CDC), state/local public health authorities),
2. Name and contact information of facility staff designated to provide updates to the Department, upon request, regarding the status of the outbreak or illness,
3. Process in place for providing notice of the outbreak or illness and any other necessary updates to parents/guardians,
4. Plan for immediate isolation of affected children and staff from unexposed children and staff,
5. Plan for minimizing the risk of exposure to unexposed children or staff, and
6. Plan for addressing business continuity and programmatic issues relevant to pandemic or infectious disease outbreaks.

(i) The facility's disaster preparedness plan shall be made available to the department for inspection upon request.

(j) The department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.21

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#), [49-5-90](#).

**HISTORY:** Original Rule entitled "Emergency Orders" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule entitled "Enforcement and Penalties" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.

**Repealed:** New Rule entitled "Disaster Preparedness" adopted. F. June 5, 2007; eff. June 25, 2007.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.22 Waivers and Variances**

(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by an institution.

(2) The department may grant a variance or waiver to a rule when an institution demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means and that strict application of the rule would create a substantial hardship. For purposes of this rule, a substantial hardship means a significant, unique, and demonstrable economic, technological, legal, or other type hardship which impairs the ability to continue to function as a child caring institution.

(3) Variance and waiver applications submitted to the department shall include, but are not limited to the following:

- (a) The rule from which a variance or waiver is requested;
  - (b) The type of action requested (i.e. granting of waiver or variance);
  - (c) Specific facts detailing substantial hardship which would justify the variance or waiver;
  - (d) Alternative standards which the requestor agrees to meet with a showing that alternative standards will provide adequate protection for health, safety, and welfare; and
  - (e) The reason why a variance or waiver would serve the purpose of any underlying law.
- (4) The institution must implement and comply with any terms and conditions established by the department in order to operate under any waiver or variance granted.
- (5) Variances or waivers shall not be sought or authorized when the granting of a waiver or variance would be harmful to public health, safety, or welfare or contrary to state law provisions.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.22

**AUTHORITY:** O.C.G.A. §§ [50-13-9.1](#), [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Waivers and Variances" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule entitled "Emergency Orders" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.

**Repealed:** New Rule entitled "Waivers and Variances" adopted. F. June 5, 2007; eff. June 25, 2007.

**Repealed:** New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

### **290-2-5-.23 Severability**

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

**Cite as** Ga. Comp. R. & Regs. R. 290-2-5-.23

**AUTHORITY:** O.C.G.A. §§ [49-5-8](#), [49-5-12](#).

**HISTORY:** Original Rule entitled "Severability" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

**Repealed:** New Rule entitled "Waivers and Variances" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.

**Repealed:** New Rule entitled "Severability" adopted. F. June 5, 2007; eff. June 25, 2007.

**Amended:** F. Dec. 7, 2020; eff. Jan. 1, 2021, as specified by the Agency.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-2. FAMILY AND CHILDREN SERVICES

### Subject 290-2-30. [Repealed]

#### 290-2-30-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-2-30-.01

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Legal Authority" adopted. F. May 26, 2017; eff. June 15, 2017.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-2-30-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-2-30-.02

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. May 26, 2017; eff. June 15, 2017.

**Amended:** F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-2-30-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-2-30-.03

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Inclusion of Name on Child Abuse Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Amended:** New title "Child Abuse Registry and Notice of Substantiated Case." F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-2-30-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-2-30-.04

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Right to Appeal Inclusion of Name on Child Abuse Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Amended:** New title "Right to Appeal Prior to Inclusion of Name on Child Abuse Registry." F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.05 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.05

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Expungement of Name from Registry When the Individual Who Requests Expungement is Not the Individual Who had the Substantiated Case" adopted. F. May 26, 2017; eff. June 15, 2017.

**Amended:** New title "Stay of Child Abuse Registry Appeal." F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.06 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.06

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Removal of the Name of an Individual Who Committed Substantiated Child Abuse While a Minor from the Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Amended:** New title "Expungement of the Name of an Individual Who Committed Substantiated Child Abuse from the Registry." F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.07 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.07

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Appeal of Decision to Deny Removal of Name from the Child Abuse Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Repealed:** F. Dec. 10, 2019; eff. Dec. 30, 2019.

**Note:** "Repealed and Reserved" changed to "Repealed," as specified by Agency. F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.08 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.08

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Access to Information in the Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.09 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.09

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Confidentiality of Information in the Child Abuse Registry" adopted. F. May 26, 2017; eff. June 15, 2017.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-2-30-.10 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-2-30-.10

**AUTHORITY:** Ga. L. 2020, p. 181, § 7; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#); [49-5-8](#).

**HISTORY:** Original Rule entitled "Child Abuse Registry Governed by Article 8 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated" adopted. F. May 26, 2017; eff. June 15, 2017.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-1. [Repealed]

#### 290-4-1-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-1-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-1-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Amended:** Title changed to "Emergency Receiving Facility". F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-1-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Amended:** Title changed to "Evaluating Facility". F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-1-.05 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-1-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-1-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed on October 15, 1975; effective November 4, 1975.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-2. [Repealed]

#### 290-4-2-.20 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.20

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Residential Intensive Treatment Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.



# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-3. [Repealed]

#### 290-4-3-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-3-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed and effective as Emergency Rule on September 19, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule.

**Amended:** Permanent Rule adopted. Filed December 10, 1975; effective December 30, 1975.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-3-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-3-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule was filed and effective as Emergency Rule on September 19, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule.

**Amended:** Permanent Rule adopted. Filed December 10, 1975; effective December 30, 1975.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-5. [Repealed]

#### 290-4-5-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-5-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Legal Authority" was filed on August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-5-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-5-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Organization and Purpose" was filed on August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-5-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-5-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-5-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-5-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Delegation of Authority" was filed August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-5-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-5-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Standards for Assessments" was filed on August 17, 1979; effective September 6, 1979.

**Amended:** Filed March 25, 1980; effective April 18, 1980, as specified by the Agency.

**Amended:** Filed April 29, 1982; effective May 19, 1982.

**Amended:** Filed July 24, 1984; effective August 23, 1984, as specified by the Agency.

**Repealed:** New Rule of the same title adopted. F. Sept. 22, 1992; eff. Oct. 12, 1992.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-5-.06 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-5-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Reassessments/Redeterminations" was filed on August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-5-.07 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-5-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Administrative Hearing Procedures" was filed on August 17, 1979; effective September 6, 1979.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-6. [Repealed]

#### 290-4-6-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-6-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Purpose, Implementation, and Definitions" was filed on April 22, 1982; effective May 12, 1982.

**Amended:** Emergency Rule 290-4-6-0.3-.01 was filed on June 16, 1983; effective June 15, 1983, the date of adoption, as specified by the Agency. Said Emergency Rule renumbered subparagraphs (4)(o) through (4)(q) through (4)(r), respectively, and repealed subparagraph (n) and adopted new subparagraphs (4)(n) and (4)(o).

**Amended:** Emergency Rule repealed and subparagraphs (4)(o) through (4)(q) renumbered as (4)(p) through (4)(r), respectively, and subparagraph (4)(n) repealed and new subparagraphs (4)(n) and (4)(o) adopted. Filed September 22, 1983; effective October 12, 1983.

**Amended:** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-6-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-6-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Treatment" was filed on April 22, 1982; effective May 12, 1982.

**Amended:** Emergency Rule 290-4-6-0.3-.02 was filed on June 16, 1983; effective June 15, 1983, the date of adoption, as specified by the Agency. Said Emergency Rule adopted subparagraph (1)(c)3. (iii).

**Amended:** Emergency Rule repealed and permanent subparagraph (1)(c)3. (iii) adopted. Filed September 22, 1983; effective October 12, 1983.

**Amended:** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-6-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-6-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Treatment Environment" was filed on April 22, 1982; effective May 12, 1982.

**Amended:** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-6-.04 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-6-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Personal Affairs" was filed on April 22, 1982; effective May 12, 1982.

**Amended:** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-6-.05 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-6-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Patient Records" was filed on April 22, 1982; effective May 12, 1982.

**Amended.** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-6-.06 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-6-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Notice; Representatives and Guardians Ad Litem" was filed on April 22, 1982; effective May 12, 1982.

**Amended.** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-6-.07 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-6-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Remedies for Violations" was filed on April 22, 1982; effective May 12, 1982.

**Amended:** F. Aug. 22, 1991; eff. Sept. 11, 1991.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-7. [Repealed]

#### 290-4-7-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-7-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Voluntary Admission - General" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-7-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Voluntary Admission - Guidelines" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-7-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Local Area Mental Health Program Procedures" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-7-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Hospital Procedures" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-7-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Involuntary Admissions" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-7-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Admission by Order of a Juvenile Court" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-7-.08 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.08

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Review Procedure for Continued Hospitalization" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-7-.09 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-7-.09

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Discharge Procedure" was filed on August 18, 1983; effective September 7, 1983.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-8. [Repealed]

#### 290-4-8-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-8-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-8-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-8-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Purpose" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-8-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-8-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Application" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** Title changed to "Applicability". F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-8-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-8-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Implementation" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.



**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-8-.05 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-8-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Procedure for Evaluation" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-8-.06 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-8-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Procedures for Hospitalization" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-8-.07 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-8-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Transfer to Corrections" was filed on September 19, 1985; effective October 19, 1985, as specified by the Agency.

**Amended:** Title changed to "Transfer to the Department of Corrections". F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-9. [Repealed]

#### 290-4-9-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Purpose, Implementation and Definitions" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-9-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Treatment of Habilitation" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-9-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Treatment of Habilitation Environment" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-9-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Remedies for Violations" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-9-.05 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Confidentiality" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-9-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-9-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Notification of Rights" was filed on January 9, 1987; effective January 29, 1987.

**Repealed:** New Rule of same title adopted. F. Aug. 18, 1994; eff. Sept. 16, 1994, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-10. [Repealed]

#### 290-4-10-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Organization" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Legal Authority" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-10-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Amended:** F. Jun. 21, 1991; eff. Jul. 11, 1991.

**Repealed:** New Rule entitled "Title and Purpose" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-10-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Exclusions and Exemptions" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Definitions" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. July 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-10-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Qualification of Program Owners" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Exclusions" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. July 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.05 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Program Application, Certification and Recertification Requirements" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Amended:** F. Jun. 21, 1991; eff. Jul. 11, 1991.

**Repealed:** New Rule entitled "Qualifications of Program Owners and Directors" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Name of Program" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Qualifications of Program Instructors" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Name of Program" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Qualifications of Program Instructors" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule same title adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.08 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.08

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Office Requirements" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Instructor Application, Certification, and Recertification Requirements" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Temporary Suspension and Program Closure" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.09 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.09

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Display of Certificate" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "General Program Responsibilities" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Instructor Application, Certification, and Recertification Requirements" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.10 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.10

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Changes In Officers or Address" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "General Instructor Responsibilities" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Employees" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.11 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.11

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Nontransferability" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Assessment Component" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "General Program Responsibilities" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.12 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.12

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Records and Contracts" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Education/Intervention Intensive Intervention Components" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "General Instructor Responsibilities" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.13 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.13

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Confidentiality of Records" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Program Curriculum" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Assessment Component" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.14 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.14

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Contents of Contracts" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Program Records" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Intervention Component" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.15 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.15

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Program Advertising" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Program Name" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Curriculum" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.16 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.16

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Responsibility of Employees" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Program Location and Facilities" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Records" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.17 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.17

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Qualifications of Instructors" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Student Contracts" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Name" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.18 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.18

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Instructor Application Requirements" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Amended:** F. Jun. 21, 1991; eff. Jul. 11, 1991.

**Repealed:** New Rule entitled "Certificates of Completion" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Location and Facilities" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.19 [Repealed]**



Cite as Ga. Comp. R. & Regs. R. 290-4-10-.19

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Assessment Component" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Confidentiality of Records" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Student Contracts" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.20 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.20

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Education/Intervention, Intensive Intervention Components" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Program Advertising and Solicitation" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Certificates of Completion" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.21 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.21

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Certificates of Completion" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Fees" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Confidentiality of Records" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.22 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.22

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Suspension or Revocation of Program Certification" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Rebates to the State of Georgia" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Program Advertising and Solicitation" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.23 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.23

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Suspension or Revocation of Instructor Certification" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Inspections, Investigations, and Program Monitoring," adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Fees" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.24 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.24

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Complaints" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Repealed:** New Rule entitled "Enforcement of Program Requirements" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Rebates to the State of Georgia" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.25 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.25

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Fees" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Amended:** F. Jun. 21, 1991; eff. Jul. 11, 1991.

**Repealed:** New Rule entitled "Applicability of Administrative Procedure Act" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Inspections, Investigations, and Monitoring" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.26 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-10-.26

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Rebates to the State of Georgia" adopted. F. Jul. 19, 1990; eff. Aug. 8, 1990.

**Amended:** F. Jun. 21, 1991; eff. Jul. 11, 1991.

**Repealed:** New Rule entitled "Severability" adopted. F. Nov. 29, 1993; eff. Dec. 19, 1993.

**Repealed:** New Rule entitled "Enforcement of Program Requirements" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.27 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-10-.27

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Applicability of Administrative Procedure Act" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-10-.28 [Repealed]**

**Cite as** Ga. Comp. R. & Regs. R. 290-4-10-.28

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Severability" adopted. F. Jul. 28, 1999; eff. Aug. 17, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-12. [Repealed]

#### 290-4-12-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Legal Authority" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-12-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Title and Purposes" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-12-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-12-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Governing Body" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.05 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Licenses" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Applications" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Inspections and Plans of Corrections" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.08 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.08

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Administration" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.09 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.09

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Staffing" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.10 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.10

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Physical Plant and Safety" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.11 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.11

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Screening, Admission, and Orientation of Patients" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.12 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.12

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Individual Treatment Planning" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.13 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.13

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Discharge and Aftercare Plans" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.14 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.14

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Narcotic Drugs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.15 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.15

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Urine Drug Screens" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule entitled "Drug Screens" adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.16 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.16

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Quality Assurance" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule entitled "Quality Improvement" adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.17 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.17

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Patient's Rights, Responsibilities, and Complaints" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.18 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.18

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Central Registry" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.19 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.19

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Enforcement and Penalties" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-12-.20 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-12-.20

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Severability" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule, same title, adopted. F. May 21, 1999; eff. Jun. 10, 1999.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.



# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-4. [Repealed]

### Subject 290-4-13. [Repealed]

#### 290-4-13-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Legal Authority" adopted as ER. 290-4-13-0.12-.01. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-13-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Title and Purposes" adopted as ER. 290-4-13-0.12-.02. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-13-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" adopted as ER. 290-4-13-0.12-.03. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-4-13-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Registry of Clinical Evaluators" adopted as ER. 290-4-13-0.12-.04. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Amended:** F. Jan. 21, 1999; eff. Feb. 10, 1999.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.05 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Clinical Evaluation Process" adopted as ER. 290-4-13-0.12-.05. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Amended:** F. Jan. 21, 1999; eff. Feb. 10, 1999.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Registry of Treatment Providers" adopted as ER. 290-4-13-0.12-.06. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Treatment Requirements" adopted as ER. 290-4-13-0.12-.07. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.08 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.08

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Records" adopted as ER. 290-4-13-0.12-.08. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Amended:** F. Jan. 21, 1999. eff. Feb. 10, 1999.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.09 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.09

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Client Contracts" adopted as ER. 290-4-13-0.12-.09. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.10 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.10

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Referral/Enrollment Forms" adopted as ER. 290-4-13-0.12-.10. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Amended:** F. Jan. 21, 1999; eff. Feb. 10, 1999.

**Repealed:** New Rule entitled "Treatment/Enrollment Forms for Multiple or Habitual Offenders" adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.11 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.11

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Certificates of Treatment Completion" adopted as ER. 290-4-13-0.12-.11. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.12 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.12

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Inspections and Investigations" adopted as ER. 290-4-13-0.12-.12. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.13 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.13

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Enforcement of Program Requirements" adopted as ER. 290-4-13-0.12-.13. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.14 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.14

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Applicability of Georgia Administrative Procedure Act" adopted as ER. 290-4-13-0.12-.14. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-4-13-.15 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-4-13-.15

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Severability" adopted as ER. 290-4-13-0.12-.15. F. and eff. June 2, 1997, as specified by the Agency.

**Amended:** Permanent Rule of same title adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 21, 2009; eff. May 11, 2009.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-5. PUBLIC HEALTH

### Subject 290-5-12. [Repealed]

#### 290-5-12-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-12-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed and effective on July 19, 1965 as 270-5-4-.01.

**Amended:** Rule renumbered as 290-5-12-.01. Filed June 10, 1980; effective June 30, 1980.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-12-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-12-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Prohibiting Use of Mercurial Carrot" was filed and effective on July 19, 1965 as 270-5-4-.02.

**Amended:** Rule renumbered as 290-5-12-.02. Filed June 10, 1980; effective June 30, 1980.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-5. PUBLIC HEALTH

### Subject 290-5-44. [Repealed]

#### 290-5-44-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.01

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-44-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.02

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Emergency Orders" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-44-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.03

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Prohibition of Admissions" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-44-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.04

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Placement of Monitors" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-44-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.05

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Emergency Relocation of Patients or Residents" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-44-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.06

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Preliminary Hearings" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-44-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-44-.07

**AUTHORITY:** Ga. L. 2009, p. 453; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Severability" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.



# Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

## Chapter 290-5. PUBLIC HEALTH

### Subject 290-5-46. [Repealed]

#### 290-5-46-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.01

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-46-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.02

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Governing Body" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-46-.03 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.03

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Administration" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-46-.04 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.04

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Admissions" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

#### 290-5-46-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.05

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Resident Files" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.06 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.06

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Resident's Rights" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.07 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.07

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Personnel" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.08 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.08

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Bedding, Linen and Miscellaneous" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.09 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.09

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Physical Plant" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.10 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.10

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Safety" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.11 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.11

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Water and Sanitation" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.12 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.12

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Food Service" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.13 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.13

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Services for Children" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.14 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.14

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Application for a Permit" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.15 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.15

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Permits" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.16 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.16

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Provisional Permits" was filed on November 8, 1984; effective December 10, 1984, was specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.17 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.17

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Inspections" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.18 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.18

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Variances, Waivers and Exemptions" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

### **290-5-46-.19 [Repealed]**

Cite as Ga. Comp. R. & Regs. R. 290-5-46-.19

**AUTHORITY:** Ga. L. 2015, p. 890; O.C.G.A. §§ [49-2-2](#), [49-2-2.1](#).

**HISTORY:** Original Rule entitled "Enforcement" was filed on November 8, 1984; effective December 10, 1984, as specified by the Agency.

**Repealed:** F. Dec. 7, 2020; eff. Dec. 27, 2020.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

## Chapter 360-39. GENETIC COUNSELORS

### 360-39-.01 Definitions

- (1) 'ABGC' means the American Board of Genetic Counseling or its successor or equivalent.
- (2) 'ABMG' means the American Board of Medical Genetics and Genomics or its successor or equivalent.
- (3) 'ACGC' means the Accreditation Council for Genetic Counseling or its successor or equivalent.
- (4) 'Board' means the Georgia Composite Medical Board.
- (5) 'Examination for licensure' means the ABGC or ABMG certification examination or the examination provided by a successor entity to the ABGC or ABMG to fairly test the competence and qualifications of applicants to practice genetic counseling.
- (6) 'Genetic counseling' means the provision of services by a genetic counselor to
  - (a) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other family members;
  - (b) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;
  - (c) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment consistent with practice based competencies provided by the ACGC;
  - (d) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;
  - (e) Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;
  - (f) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client centered counseling and anticipatory guidance;
  - (g) Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy; or
  - (h) Provide written documentation of medical, genetic, and counseling information for families and health care professionals.
- (7) 'Genetic counseling intern' means a student enrolled in a genetic counseling program accredited by the ACGC or ABMG.
- (8) 'Genetic counselor' means an individual licensed by the board pursuant to this article 104 to engage in the competent practice of genetic counseling.
- (9) 'Genetic testing' and 'genetic test' mean a test or analysis of human genes, gene products, DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, chromosomal changes, abnormalities, or deficiencies, including carrier status, that (A) are linked to physical or mental disorders or impairments, (B) indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or (C) demonstrate

genetic or chromosomal damage due to environmental factors. The terms do not include routine physical measurements; chemical, blood, and urine analyses that are widely accepted and in use in clinical practice; tests for use of drugs; tests for the presence of the human immunodeficiency virus; analyses of proteins or metabolites that do not detect genotypes, mutations, chromosomal changes, abnormalities, or deficiencies; or analyses of proteins or metabolites that are directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(10) 'NSGC' means the National Society of Genetic Counselors or its successor or equivalent.

(11) 'Qualified supervisor' means any person that is board certified as a genetic counselor under this article or any licensed physician.

(12) 'Supervision' means the overall responsibility of a qualified supervisor to assess the work of the genetic counselor with a temporary license, including regular meetings and chart review, if an annual supervision contract signed by the supervisor and the temporarily licensed genetic counselor is on file with both parties. The supervisor's presence shall not be required during the performance of the service.

Cite as Ga. Comp. R. & Regs. R. 360-39-.01

**AUTHORITY:** O.C.G.A. § [43-34-311](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.02 Qualifications for Licensure**

(1) Applications for licensure as a genetic counselor must submit an application on a form approved by the Board, submit an application fee, and submit an affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the **DHS-USCIS SAVE** (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) An applicant for licensure as a genetic counselor must be at least 21 years of age.

(3) Has not engaged in conduct or activities which would constitute grounds for discipline under this article;

(4) Has successfully completed:

(A) A master's degree in genetic counseling from an ACGC, ABGC, or ABMG accredited training program or an equivalent program approved by the ACGC, ABGC, or ABMG.

(B) A doctoral degree and successful completion of an ABMG/ACGME accredited medical genetics training program or an equivalent program approved by the ABMG/ACGME; these individuals would also be required to pass the ABGC examination.

(5) Has successfully completed the ABGC or ABMG certification examination or the examination provided by a successor entity to the ABGC or ABMG;

(6) Has met the requirements for certification set forth by the ABGC or the ABMG, if required by the board pursuant to rule; and

(7) Has met any other requirements established by rule.

Cite as Ga. Comp. R. & Regs. R. 360-39-.02

**AUTHORITY:** O.C.G.A. § [43-34-312](#).

**HISTORY:** Original Rule entitled "Qualifications for Licensure" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.03 Temporary License**

A temporary license may be issued to an individual who has made application to the board, has submitted evidence to the board of admission to examination for licensure, has met all of the requirements for licensure in accordance with this Code section, except for the examination requirement, and has met any other condition established by rule. The holder of a temporary license shall practice only under the supervision of a qualified supervisor and may not have the authority to order genetic tests. Nothing in this subsection shall prohibit an applicant from reapplying for a temporary license if he or she meets the qualifications of this subsection. The Temporary license is only valid for 18 months.

Cite as Ga. Comp. R. & Regs. R. 360-39-.03

**AUTHORITY:** O.C.G.A. § [43-34-312](#).

**HISTORY:** Original Rule entitled "Temporary License" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.04 Renewal Requirements**

- (1) All licenses shall expire biennially unless renewed. Genetic Counselors who are applying for their first renewal in Georgia shall be exempt from the continuing education requirement.
- (2) Each licensee shall notify the Board within thirty (30) days, in writing, of all changes of address. Any mailing or notice from the Board shall be considered to be served on the licensee when sent to the licensee's last address on file with the Board.
- (3) All active licenses must be renewed every two years. This may be done via the internet or through mail. A licensee may not practice after the expiration date of the license. A license must be renewed biennially by the last day of the month in which the applicant's birthday falls, and the licensee must establish satisfaction of Board-approved continuing education requirements to be eligible for renewal.
- (4) Licensees have the right to obtain a late renewal of their licenses during the three (3) month period immediately following the expiration date. During this period, the penalty for late renewal applies. A licensee may not practice after the expiration date of his or her license.
- (5) The Board shall administratively revoke any license not renewed prior to the expiration of the late renewal period. In order to obtain a license after revocation for failure to renew, an applicant must reapply for reinstatement/restoration and meet the requirements in effect at the time of the application.
- (6) Notwithstanding the provisions of paragraph (4) of this rule, any service member as defined in O.C.G.A. § [43-1-31](#) whose license to practice as a genetic counselor expired while on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.
- (7) The fee for renewals and late renewals shall be designated in the fee schedule.

(8) A person who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by:

(a) Making application to the board;

(b) Filing proof acceptable to the board of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the board; and

(c) Paying the required restoration fee.

(9) In the event of licensure retirement or inactivity in excess of two (2) years or if derogatory information or communication is received during the reactivation process, the applicant should be prepared to appear before the Board and Committee, for an interview regarding continued competence to ensure the public is protected. If competence is not demonstrated to the Board's satisfaction, additional continuing education and/or supervision may be required for a period of time at the Board's discretion.

(10) If licensure retirement was in excess of five (5) Years, in addition to the above, the applicant would be requirement to successfully complete up to 250 hours of continuing education.

(11) All applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. [50-36-1\(f\)](#). If the applicant has previously provided a secure and verifiable document and affidavit of United States citizenship, no additional documentation of citizenship is required for renewal. If the applicant for renewal is not a United States citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for purpose of verifying citizenship and immigration status information of non-U.S. citizens. If the applicant for renewal is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal agency.

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.04

**AUTHORITY:** O.C.G.A. §§ [43-1-31](#), [50-36-1](#).

**HISTORY:** Original Rule entitled "Renewal Requirements" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.05 Continuing Education Requirements**

(1) Licenses shall be renewable biennially on the renewal date established by the board.

(2) The board shall be authorized to require persons seeking renewal of licensure under this article to complete board approved continuing education.

(3) Thirty (30) contact hours of continuing education (3 CEUs) are required for license renewal, except for the first renewal in which no continuing education is required. Please note that these contact hours need to be approved by the National Society of Genetic Counselors (NSGC). Professional activity credits (PACs) do not count towards these 30 contact hours. Please note that NSGC counts one contact hour as 0.1 CEU.

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.05

**AUTHORITY:** O.C.G.A. §§ [43-34-11](#), [43-34-313](#).

**HISTORY:** Original Rule entitled "Continuing Education Requirements" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.06 Inactive Status**



(1) A person who notifies the board on forms prescribed thereby may elect to place his or her license on an inactive status and shall, subject to rules of the board, be excused from payment of restoration fees until he or she notifies the board of his or her desire to resume active status

(2) A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in O.C.G.A. § [43-34-313\(c\)](#).

(3) A genetic counselor whose license is on inactive status shall not practice genetic counseling in this state.

(4) A person whose license expired while he or she was:

(a) In federal service on active duty within the armed forces of the United States or with the state militia and called into service or training; or

(b) In training or education under the supervision of the United States preliminary to induction into military service may have his or her license renewed or restored without paying a lapsed renewal fee if, within two years after termination from the service, training, or education except under conditions other than honorable, he or she furnishes the board with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.06

**AUTHORITY:** O.C.G.A. § [43-34-313](#).

**HISTORY:** Original Rule entitled "Inactive Status" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.07 Composition and Responsibilities of the Genetic Counselors Advisory Committee**

(1) The composition of the Genetic Counselor Advisory Committee ("Advisory Committee") shall be comprised as follows:

(a) Board members of the Georgia Composite Medical Board.

(b) At least four (4) appointees, who will be licensed within six months of licensure and representative of the genetic counselors profession, and such other individuals as the Board, in its discretion, may determine.

(2) Shall serve a three year term and may be reappointed for an additional three year term by a majority vote of the Board, but may not serve more than two consecutive terms.

(3) Requirements for Genetic Counselors Advisory Members:

1. All appointees to the Advisory Committee with the exception of medical board members shall have on file with the Executive Director of the Board, or his/her designee, a resume and three (3) letters of recommendation, (one of which may be from a physician familiar with the appointee's practice).

2. In order to preserve continuity on the Advisory Committee, two appointees shall serve a three year-term and two appointees shall serve a two-year term which will be considered a partial term. At the time of the appointment, each appointee will be notified in writing by the Executive Director of the Board as to the beginning and ending dates of their respective appointment terms. Each may reapply to the full Board to serve an additional term, but may not serve more than two consecutive two-year terms.

3. In the event an Advisory Committee member is replaced during a term, the replacement member will serve the remaining time of that term as a partial term. An Advisory Committee member who serves a partial term will, after the completion of the partial term, be eligible to serve two consecutive two-year terms.

4. Appointees shall serve without compensation from the State of Georgia for their time and expenses.

(4) The Advisory Committee shall advise the Board on matters pertaining to the appointment of the Advisory Committee members and on all matters within the purview of the Genetic Counselors Licensure Act. The Board, in consultation with the Advisory Committee, shall:

(a) Determine the qualifications and fitness of applicants for licensure and renewal of licensure;

(b) Adopt and revise rules consistent with the laws of the State of Georgia that are necessary to conduct its duties and administer the Act; and

(c) Examine for, approve, issue, deny revoke, suspend and renew the license of applicants and certificate holders and conduct hearings in connection with all duties to be performed pursuant to the Act;

(5) The appointed Advisory Committee members, who are not members of the Board, must be available to meet on as an needed basis and may not miss more than three (3) consecutive meetings of the Advisory Committee, or four (4) meetings in a calendar year, without an excused absence from either the Executive Director of the Board or the Board Chairperson.

(a) The Advisory committee may recommend to the Board the removal of a member for violation of the attendance rule. Such a recommendation shall be by majority vote of the Advisory Committee.

(b) Upon receipt of a recommendation for removal, the Board may remove a member of the Advisory Committee by a majority vote.

(6) Advisory Committee members serve at the discretion of the Board. Advisory Committee vacancies may be filled by the Board. The Advisory Committee may make a recommendation on who shall be appointed to the Advisory Committee. All applicants must meet any deadline set by the Board and shall have on file with the Executive Director of the Board, or with his/her designee, a resume and three (3) letters of recommendation, (one of which may be from a physician familiar with the applicant's practice of genetic counselors).

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.07

**AUTHORITY:** O.C.G.A. § [43-34-315](#).

**HISTORY:** Original Rule entitled "Composition and Responsibilities of the Genetic Counselors Advisory Committee" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.08 Unlicensed Practice**

(a) On and after January 1, 2020, a person shall not engage in the practice of genetic counseling in this state without a valid license issued by the board pursuant to this article.

(b) A person shall not hold himself or herself out as a genetic counselor unless he or she holds a license issued by the board in accordance with this article. A person not licensed by the board pursuant to this article shall not use in connection with his or her name or place of business the terms 'genetic counselor,' 'licensed genetic counselor,' 'gene counselor,' 'genetic consultant,' 'genetic associate,' or any words, letters, abbreviations, or insignia indicating or implying the person holds a genetic counseling license.

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.08

**AUTHORITY:** O.C.G.A. § [43-34-314](#).

**HISTORY:** Original Rule entitled "Unlicensed Practice" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

### **360-39-.09 Exceptions**

The provisions of this article shall not apply to:

- (1) Any person licensed by the state to practice in a profession other than that of a genetic counselor, such as a physician, when acting within the scope of the person's profession and doing work of a nature consistent with the person's training; provided, however, that such person shall not hold himself or herself out to the public as a genetic counselor;
- (2) Any person employed as a genetic counselor by the federal government or an agency thereof if the person provides genetic counseling services solely under the direction and control of the organization by which he or she is employed;
- (3) A student or intern enrolled in an ACGC accredited genetic counseling educational program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct instruction of a licensed genetic counselor or physician assigned to the student and who is on duty and available in the assigned patient care area and if the person is designated with the title of 'genetic counseling intern';
- (4) Any company providing services available directly to consumers without such consumers seeing a physician or genetic counselor, that are approved by the United States Food and Drug Administration to assess risks for certain genetic diseases or conditions, but that do not diagnose such diseases or conditions; or
- (5) Any person using genetic data for purposes of nutritional counseling who is licensed as a dietitian under Chapter 11A of this title or exempt from such licensure pursuant to paragraph (10) of Code Section [43-11A-18](#).

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.09

**AUTHORITY:** O.C.G.A. § [43-34-315](#).

**HISTORY:** Original Rule entitled "Exceptions" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

# Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

## Chapter 391-3. ENVIRONMENTAL PROTECTION

### Subject 391-3-21. GRANT PROGRAMS

#### 391-3-21-16 Georgia High Hazard Potential Dams Grant

(1) Statutory Basis: National Dam Safety Program Act (Pub. L. 92-367), as amended, [33 U.S.C. 467f-2](#), and the Georgia Safe Dams Act of 1978, O.C.G.A. Sec. [12-5-370](#) et seq.

(2) General Scope and Purpose. Grants are available under the Georgia High Hazard Potential Dams (HHPD) Grant for the rehabilitation of eligible high hazard potential dams located in the State of Georgia. The funding source for these grants is provided to the Environmental Protection Division (the "Division") by the U.S. Department of Homeland Security, Federal Emergency Management Agency ("FEMA"). The types of activities that may be funded by this grant include technical, planning, design, pre-construction and construction activities related to the rehabilitation of eligible high hazard dams.

(a) The term "eligible high hazard potential dam" is defined under [33 U.S.C. § 467\(4\)\(A\)](#). The Division has published a list of such dams on its webpage and will update this list periodically. This list will include high hazard potential dams that the Division has determined fail to meet minimum dam safety standards and pose an unacceptable risk to the public, as defined by FEMA.

(b) Rehabilitation may include the repair, replacement, reconstruction, or removal of a dam; rehabilitation does not include routine operation and maintenance activities.

(3) General Terms and Conditions of the Grant.

(a) Projects submitted for funding under this Grant must clearly identify the eligible high hazard dam proposed for rehabilitation.

(b) Submitted projects must conform to all applicable programmatic and administrative conditions of the grant program, including but not limited to the following:

1. An applicant must coordinate early and often with EPD personnel.
2. An applicant must act in accordance with the Georgia Safe Dams Act and Georgia's Rules for Dam Safety, Chapter 391-3-8.
3. An applicant must participate in, and comply with, all applicable federal flood insurance programs.
4. An applicant must commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam) and provide assurance that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam. For projects that do not involve construction, and are limited to planning and/or design, the applicant may meet this requirement through a commitment letter to provide operation and maintenance once the dam rehabilitation moves into construction. If the rehabilitation involves removal of the dam, then this requirement does not apply.
5. An applicant must have a floodplain management plan in place to reduce the impacts of future flood events in the area protected by the project, or the applicant must commit to developing a floodplain management plan not later than one year after the date of execution of the project agreement and implementing the plan not later than one year after the date of completion of the project.

6. An applicant must have in place (by the application deadline and at the time of obligation of grant funds) a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. Nonprofit organizations that are applicants must be located in a local jurisdiction with a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. If an applicant does not have a local mitigation plan that includes all dam risks, the applicant may request an extension to meet this requirement where certain extraordinary circumstances defined by FEMA may apply.

7. An applicant must submit quarterly progress reports throughout the duration of the project pursuant to a schedule provided by the Division.

8. An applicant must comply with applicable Federal procurement and subgrant procedures. This may include compliance with federal requirements regarding contractor and subcontractor wages ([42 U.S.C. § 5196\(j\)\(9\)](#)) and selection of architects and engineers (40 U.S.C. §§ 1101-1104).

#### (4) Eligible Recipients and Dams for the Grant.

(a) An eligible applicant shall be a state or local governmental organization or nonprofit organization. Private dam owners that do not qualify as nonprofit organizations will need to enlist the support of a local government or nonprofit sponsor who can serve as the applicant for the project and can meet the grant conditions of paragraph (3)(b).

(b) The dam proposed for rehabilitation must have an emergency action plan approved by the Division.

(c) The dam proposed for rehabilitation shall not be a licensed hydroelectric dam, or a dam built under the authority of the Secretary of Agriculture.

(d) Match Requirements. Funding is available for up to 65 percent of the eligible activity costs. Project applicants shall be required to match a minimum of 35% of the project cost through non-federal sources, which may be in-kind. Requirements for cash and third-party in-kind contributions can be found in [2 C.F.R. § 200.306](#).

#### (5) Criteria for the Award.

(a) Award of the Georgia High Hazard Potential Dams (HHPD) Grant is subject to federal funding provided to the Division and funding is limited. Therefore, a prioritization process will be used to ensure that the most appropriate projects are selected for funding from among the applications received. The Division may fund individual projects at less than the requested amounts, if necessary, to distribute funds among selected projects.

(b) In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will prioritize projects for selection using the following criteria:

1. Category I dams that are unpermitted, provided that the application commits to bringing the dam into full compliance with the Georgia Safe Dams Act.

2. The Population at Risk (PAR) associated with each dam.

3. The anticipated losses avoided due to rehabilitation of the dam.

#### (6) Directions and deadlines for applications.

(a) Applicants interested in applying for the Georgia High Hazard Potential Dams Grant should contact the Division's Safe Dams Unit or visit the Division's website for specific application assistance. Any project proposal that does not satisfy all grant criteria or does not follow the Division's application requirements may not be reviewed or considered for funding. Applications should be submitted to:

Georgia Environmental Protection Division

Regulatory Support Program

ATTN: Safe Dams Unit

2 Martin Luther King Jr. Drive, SE

Suite 1152 East

Atlanta, Georgia 30354

(b) Deadline for submitted applications: The Division will announce the availability of this grant and provide instructions and the deadline for submittal of applications within 4 months of publication of this program description. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-21-.16

**AUTHORITY:** National Dam Safety Program Act ( Pub. L. 92-367 ), as amended, [33 U.S.C. 467f-2](#); O.C.G.A. § [12-5-370](#) et seq.

**HISTORY:** Original grant description entitled "Georgia High Hazard Potential Dams Grant" submitted Dec. 29, 2020.

# Department 560. RULES OF DEPARTMENT OF REVENUE

## Chapter 560-3. FISCAL OPERATIONS DIVISION

### Subject 560-3-2. SUBSTANTIVE REGULATIONS

#### 560-3-2-.26 Electronic Funds Transfer, Credit Card Payments, and Electronic Filing

(1) **Purpose.** The purpose of this rule is to provide guidance concerning the administration of O.C.G.A. § [48-2-32\(f\)](#), which authorizes the Georgia Department of Revenue to require certain taxpayers to file returns electronically and to remit taxes to the Department by the electronic transfer of funds. This rule also provides guidance in regard to submitting payment by either credit or debit card. Additionally, it provides guidance regarding O.C.G.A. §§ [48-2-35](#), [48-2-44.1](#) and [48-7-54](#) and provides other circumstances when electronic filing is required.

(2) **Definitions.**

(a) "ACH" means automated clearing house, which is a central clearing facility operated by the Federal Reserve Bank or an organization established by agreement with the National Automated Clearing House Association (NACHA) that operates as a clearing house for transmitting or receiving entries between banks or bank accounts and authorizes electronic transfers of funds between banks or bank accounts.

(b) "ACH debit" means a transaction by which the Department or its designated agent originates, with the taxpayer's approval, an ACH transaction debiting a taxpayer's bank account and crediting the Department's bank account for the amount of the payment due.

(c) "ACH credit" means a transaction by which a taxpayer originates an ACH transaction debiting the taxpayer's bank account and crediting the Department's bank account for the amount of the payment due.

(d) "Business day" means every day except Saturday, Sunday, or any holiday observed by the Federal Reserve Bank or the State of Georgia.

(e) "Credit card" means any credit card as defined in section 103(k) of the Truth in Lending Act ([15 U.S.C. 1602\(k\)](#)), including any credit card, charge card, or other credit device issued for the purpose of obtaining money, property, labor, or services on credit.

(f) "Debit card" means any accepted card or other means of access as defined in section 903(1) of the Electronic Fund Transfer Act ([15 U.S.C. 1693a\(1\)](#)), including any debit card or similar device or means of access to an account issued for the purpose of initiating electronic fund transfers to obtain money, property, labor, or services.

(g) "Department" means the Georgia Department of Revenue.

(h) "Department's designated agent" is any such agent the Department deems to be qualified and equipped to undertake and safeguard the electronic filing of returns, reports, or other documents filed by taxpayers or the receipt of payments.

(i) "Electronic" means, but is not limited to, electronic data interchange; electronic funds transfer; or use of the Internet, telephone, or other technology specified by the Department and the filing of a return by computer technology.

(j) "Electronic Funds Transfer (EFT)" means a method of making financial payments, from one party to another, through a series of instructions and messages communicated electronically, via computer, among financial institutions. It also means any transfer of funds (other than a transaction originated by check, draft or similar paper instrument) that is initiated through an electronic terminal, telephonic instrument, and computer to authorize a financial institution to debit or credit an account.

(k) "Immediately available funds" means tax payments transmitted to the Department by electronic funds transfer such that the State of Georgia receives all collectible funds on the date such tax payment is statutorily required to be paid. A payment of tax by credit card or debit card shall be deemed to be immediately available to the State when the issuer of the credit card or debit card properly authorizes the transaction, provided that payment is actually received by the Department in the ordinary course of business and is not returned. A payment of tax by ACH debit shall be deemed to be immediately available to the State when the taxpayer initiates the transaction by providing the essential information to the Department or the Department's designated agent, provided that payment is actually received by the Department in the ordinary course of business and is not returned.

(l) "Nonindividual" means any firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public, and any other legal entity.

(m) "Return Preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return imposed under Title 48, or any claim for refund. The preparation of a substantial portion of a return or claim for refund shall be treated as if it were the preparation of such return or claim for refund. A person shall not be considered a return preparer merely because the person does any of the following:

1. Furnishes typing, reproducing, or other mechanical assistance;
2. Prepares a return or claim for refund of the employer, or an officer or employee of the employer, by whom the person is regularly and continuously employed;
3. Prepares as a fiduciary a return or claim for refund for any person; or
4. Prepares a claim for refund for a taxpayer in response to a notice of proposed assessment issued to the taxpayer.

(n) "Tax" means tax, interest, penalty, and fees.

(o) "Taxpayer" means any person as defined in O.C.G.A. § [48-1-2](#), and their agents, who is required to pay a tax or file any return, report, or other document.

(p) "Wire transfer" means a transaction via the taxpayer's bank by which a taxpayer originates an entry crediting the Department's bank account and debiting the taxpayer's bank account on the same day that the transaction is initiated.

(q) "Fedwire" means Federal Reserve Wire Transfer, a transaction utilizing the federal electronic payment system to transfer funds through Federal Reserve Banks.

### **(3) Requirements for Payment by Electronic Funds Transfer and by Credit or Debit Card.**

(a) General requirements.

1. Any taxpayer, person, or business owing more than \$10,000.00 in connection with any return, report, or other document required to be filed with the Department on or after July 1, 1992, pertaining to corporate estimated income tax or individual estimated tax, shall be required to make application and remit all future payments of any such corporate estimated income tax or individual estimated income tax liability to the Department by electronic funds transfer using the ACH debit or credit method regardless of whether any payments for those tax types subsequently fall below \$10,000.00.

2. Effective for tax periods beginning on or after January 1, 2007 and prior to January 1, 2010, any taxpayer, person, or business owing more than \$5,000.00 in connection with any return, report, or other document pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax required to be filed with the Department, shall pay any such sales tax, use tax, withholding tax, or motor fuel distributor tax liability and all future payments to the state by



electronic funds transfer using the ACH debit or credit method even if some payments for those tax types subsequently fall below \$5,000.00.

3. Effective for tax periods beginning on or after January 1, 2010 and prior to January 1, 2011, any taxpayer, person, or business owing more than \$1,000.00 in connection with any return, report, or other document pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax required to be filed with the Department, shall pay any such sales tax, use tax, withholding tax, or motor fuel distributor tax liability and all future payments to the state by electronic funds transfer using the ACH debit or credit method even if some payments for those tax types subsequently fall below \$1,000.00.

4. Effective for tax periods beginning on or after January 1, 2011, any taxpayer, person, or business owing more than \$500.00 in connection with any return, report, or other document pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax required to be filed with the Department, shall pay any such sales tax, use tax, withholding tax, or motor fuel distributor tax liability and all future payments to the state by electronic funds transfer using the ACH debit or credit method even if some payments for those tax types subsequently fall below \$500.00.

5. Additionally, every employer whose withholding tax exceeds \$50,000.00 in the aggregate for the twelve-month period that ended the preceding June 30, must submit their payments as a semi-weekly payer by electronic funds transfer using the ACH debit or credit method as provided in O.C.G.A. § [48-2-32\(f\)\(3\)](#) and Rule [560-7-8-.33](#).

6. Additionally, every employer whose withholding tax totals more than \$100,000.00 for the payday must submit such withholding tax by electronic funds transfer using the ACH debit or credit method by the next banking day after the payday as provided in O.C.G.A. § [48-2-32\(f\)\(3\)](#) and Rule [560-7-8-.33](#).

7. The ACH debit transaction is the primary method that taxpayers must use to remit funds by electronic funds transfer. The Commissioner shall authorize use of the ACH credit as a payment method on a case-by-case basis as further explained in subparagraph (3)(c) of this rule.

(b) ACH debit method procedure.

1. Unless a taxpayer is approved to use the ACH credit method under subparagraph (3)(c) of this rule, all taxpayers required to make tax payments to the Department via electronic funds transfer shall use the ACH debit method. The taxpayer shall utilize the ACH debit method by accessing the Department's electronic filing system or systems on the Department's website to establish an electronic account for the transfers and tax payments of such funds.

2. As of August 1, 2008, a taxpayer will no longer be able to apply to the Department's designated agent to establish an electronic account utilizing the ACH debit method. The procedure as set forth in subparagraph (3)(b)1. of this rule shall be followed. Taxpayers who currently use the Department's designated agent may continue to do so until such time as the Department notifies taxpayers that the designated agent is no longer available and the procedures set forth in subparagraph (3)(b)1. need to be followed.

3. A taxpayer using the ACH debit method shall be responsible for providing the Department or the Department's designated agent with all essential information relating to the type of tax being paid, and the related payment request on or before the statutory due date. Such payment request is required to be made on or before the statutory due date in order that the Department, by utilizing the NACHA process, may authorize and transmit all collected electronic funds between the Department's bank and taxpayers' bank accounts as is required by O.C.G.A § [48-2-32](#). For example:

(i) The statutory due date is a Wednesday. The ACH debit payment request must be made any time on or before that Wednesday.

(ii) The statutory due date falls on a Saturday or Sunday. This moves such due date to the next business day, which would be Monday. The ACH debit payment request must be made any time on or before that Monday.

(iii) The statutory due date falls on a Monday which has been designated as a Public Holiday. This moves such due date to the next business day, which is Tuesday. The ACH debit payment request must be made any time on or before that Tuesday.

4. After a taxpayer transmits the ACH debit payment information to the Department or the Department's designated agent, the Department or the agent shall accept the payment information and provide the taxpayer with a confirmation number. The confirmation number shall verify the completion of the ACH debit instructions only. It does not warrant that the information submitted by the taxpayer is correct nor does it represent proof of payment.

(c) ACH credit method procedure.

1. A taxpayer wishing to use the ACH credit method shall submit a written request to the Department providing a valid business reason for the use of this method. If approved, the taxpayer shall complete Form EFT-002. The completed form must be submitted to the Department at least thirty days prior to making tax payments via the ACH credit method for an electronic funds transfer.

2. An approved taxpayer transmitting tax payments using the ACH credit method shall provide all pertinent data needed by the taxpayer's bank to complete the transaction. Any pertinent data required by the Department or its designated agent for transmittal of tax payments shall also be provided as needed.

3. A taxpayer transmitting tax payments using the ACH credit method shall verify that its bank account was debited for the correct amount of tax and that the funds were transmitted to the Department or its designated agent on or before the required statutory due date. The taxpayer shall retain the ACH trace number received and shall provide this number to the Department should the payment be either late or lost.

4. A taxpayer transmitting tax payments using the ACH credit method shall be the sole party responsible for completing the transfer in a timely manner so that the Department or its designated agent receives the tax payment on the statutory due date.

5. The Department may revoke a taxpayer's ACH credit method payment privilege if the taxpayer's ACH credit transmittals consistently contain erroneous data, if the taxpayer fails to make timely payments, or fails to provide all payment information as required by the Department.

(d) Payment by credit card and/or debit card.

1. Taxes may be paid by credit card or debit card as authorized by this section. Only credit card or debit card types approved by the Department may be used for this purpose, only the types of tax liabilities specified by the Department may be paid by credit card or debit card, and all such payments must be made in the manner and in accordance with the forms, instructions, and procedures prescribed by the Department.

2. Tax payments submitted or paid by credit card or debit card must be made on or before the required statutory due date. A payment of tax by credit card or debit card shall be deemed to be immediately available to the State when the issuer of the credit card or debit card properly authorizes the transaction, provided that the payment is actually received by the Department in the ordinary course of business and is not returned.

3. A taxpayer who tenders payment of taxes by credit card or debit card is not relieved of liability for such taxes until the payment is actually received by the Department and is not required to be returned. This continuing liability of the taxpayer is, in addition to, and not in lieu of, any liability of the issuer of the credit card or debit card or financial institution.

**(4) Error Resolution Procedures for Payment by Credit or Debit Card.**

(a) General. Payments of taxes by credit card or debit card shall be subject to the applicable error resolution procedures of section 161 of the Truth in Lending Act ([15 U.S.C. 1666](#)), or any similar provisions of state or local law, for the purpose of resolving errors relating to the credit card or debit card account, but not for the purpose of resolving any errors, disputes, or adjustments relating to the underlying tax liability.

(b) The error resolution procedures of this paragraph apply to the following types of errors:

1. An incorrect amount posted to the taxpayer's account as a result of a computational error, numerical transposition, or similar mistake;
2. An amount posted to the wrong taxpayer's account;
3. A transaction posted to the taxpayer's account without the taxpayer's authorization; and
4. Other similar types of errors that would be subject to resolution under section 161 of the Truth in Lending Act ([15 U.S.C. 1666](#)), or similar provisions of state or local law.

(c) If a taxpayer is entitled to a return of funds pursuant to the error resolution procedures of this section, the Commissioner may, in the Commissioner's sole discretion, effect such return by arranging for a credit to the taxpayer's account with the issuer of the credit card or debit card or any other financial institution or person that participated in the transaction in which the error occurred.

(d) The error resolution procedures of this section do not apply to any error, question, or dispute concerning the amount of tax owed by any person for any year.

**(5) Emergency Exception.**

(a) If a taxpayer cannot transmit a timely tax payment by electronic funds transfer using either the ACH debit or credit method due to a situation beyond the taxpayer's control, the taxpayer shall remit their tax payments in a timely manner utilizing one of the following methods:

1. Wire transfer through the Federal Reserve System (also known as Fedwire). The Department will not approve more than two Fedwire requests per tax year for each reporting account;
2. Wire transfer directly into the Department's bank account; or
3. Actual delivery of a certified check or cashier's check on or before the tax liability's statutory due date to the Commissioner of the Georgia Department of Revenue, Century Center Building, 1<sup>st</sup> Floor, 1800 Century Blvd. NE, Atlanta, GA 30345.

(b) The taxpayer must request and receive the Department's approval in writing, whether in the form of a paper document or by electronic mail, in order to utilize any of the exceptions.

**(6) Voluntary participation in remitting payments electronically.**

(a) Taxpayers not required to remit payments by electronic funds transfer may voluntarily use the ACH debit method to remit tax payments as described in subparagraph (3)(b) of this rule.

(b) Voluntary taxpayers shall complete the same forms and comply with the same requirements and provisions, such as statutory due dates, electronic filing of returns, and penalty provisions, as taxpayers required to make payment by electronic funds transfer using the ACH debit method except that the provisions of subparagraph 8(c) and 8(g) of this rule shall not apply.

(c) Voluntary taxpayers who remit payment by electronic funds transfer through the Department's designated agent may, upon written request to and upon approval by the Department, resume transmitting tax payments using their former method of payment.

(d) Voluntary taxpayers who remit payment by electronic funds transfer through the Department's electronic filing or payment system or systems via the Department's website may resume transmitting tax payments using their former method of payment at any time, without approval. However, they will be subject to the provisions of

subparagraphs (7)(a) and (7)(b) of this rule for the tax periods for which the payments were remitted by electronic funds transfer.

**(7) Electronic Filing.**

(a) Taxpayers that remit payments by electronic funds transfer, whether on a mandatory or voluntary basis, must file all associated returns electronically.

(b) Taxpayers that remit payments by electronic funds transfer, whether on a mandatory or voluntary basis, must file all associated information return forms required to be filed with the Department such as, but not limited to, Form 1099, W-2s, G-2-A, Original G-1003, and Amended G-1003.

(c) Pursuant to O.C.G.A. § [48-7-54](#), the Commissioner requires any nonindividual taxpayer and any return preparer who prepares any return, report, or other document required to be filed by Chapter 7 of Title 48 to electronically file any return, report, or other document required to be filed by Chapter 7 of Title 48 when the federal counterpart of such return, report, or other document is required to be filed electronically pursuant to the Internal Revenue Code of 1986 or Internal Revenue Service regulations.

(d) The Commissioner requires any taxpayer that files any income tax or withholding tax return required to be filed by Chapter 7 of Title 48, to electronically file such return when such return generates, allocates, claims, utilizes, or includes in any manner any credit listed in Article 2 of Chapter 7 of Title 48 which has a Series 100 tax credit code. Series 100 tax credit codes include any tax credit designated by the Department with a tax credit code from 100 through 199. This electronic filing requirement also applies to any associated withholding information returns. This is necessary so that the Department's systems can more efficiently process returns with Series 100 tax credit codes.

(e) Effective July 1, 2016, any taxpayer, person, or business required to pay taxes electronically in accordance with subparagraph (3)(a)4. of this rule shall file any claims for refund electronically through the Department's Georgia Tax Center.

(f) Each person that files or is required to file Form 1099-K with the Internal Revenue Service shall electronically file a copy of such Form 1099-K with the Commissioner through the Georgia Tax Center. Such filing shall be completed on or before the time (including extensions) that is required for filing such Form 1099-K with the Internal Revenue Service. The person shall include one of the following in their submission:

1. A duplicate copy of all Form 1099-Ks filed with the Internal Revenue Service; or
2. A duplicate copy of all Form 1099-Ks related to taxpayers or payees with a Georgia address.

(g) The Commissioner requires that any Form 900 "Georgia Financial Institutions Business Occupation Tax Return" due on or after March 1, 2021 be filed and the tax be paid through the Department's Georgia Tax Center. This is necessary so that the Department's systems can more efficiently process the related credit that is allowed against income tax.

(h) Any amendment of an electronic return must be submitted electronically.

(i) An electronic return, in total, must contain all the same information that is found on a comparable return that would have been filed entirely on paper and must be filed using the procedures and format established by the Department for the particular return.

(j) Except for returns filed online via the Department's website, the electronic filing of any other type of return must be done utilizing a software vendor that is approved by the Department.

(k) Should any Department of Revenue application, system, or other Department software prohibit the filing of any return, report, or other document as required pursuant to subparagraph (7)(c) and (7)(d), such return, report, or other document may be filed using a paper return until the Department has resolved the problem at issue, or the Department's systems are capable of receiving such electronic returns. The Department will post, on its website, an

updated notification of any new development or correction regarding the problem at issue, or the availability of the new system that can accept other electronically filed tax types.

(l) Upon receipt of an electronically filed return, no further paper returns will be mailed to the taxpayer in the future unless the taxpayer requests resumption thereof.

**(8) Miscellaneous.**

(a) If a tax payment statutory due date falls on a date other than a business day, the tax payment must be made so that the funds are immediately available on the first business day thereafter.

(b) The requirement to make tax payments by electronic funds transfer using either the ACH debit or credit method does not alter the requirement to file returns, reports, and documents associated with such payments in the manner prescribed by statute and by rules promulgated by the Department.

(c) Failure to file electronically.

1. Effective for tax periods beginning on or after January 1, 2010, a taxpayer who files paper returns pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax, even though prohibited from doing so by this rule, shall be subject to the provisions of O.C.G.A. § [48-2-44.1](#). Such deemed failure, as provided in O.C.G.A. § [48-2-44.1](#), shall also result in the failure to have timely made elections allowed pursuant to Title 48.

2. A taxpayer who files any paper returns, reports, and documents, except those specified by subparagraph (8)(c)1. of this rule, even though prohibited from doing so by this rule (including those required to be filed electronically by the return preparer), shall be deemed to have failed to make the required filing and shall be subject to all penalties and interest imposed by Title 48 unless such returns, reports, and documents are not required to be filed pursuant to subparagraph (7)(k). Such deemed failure shall also result in the failure to have timely made elections allowed pursuant to Title 48.

3. Effective July 1, 2016, any taxpayer, person, or business, filing a sales and use tax claim for refund who fails to include the allocation of the local sales and use tax in the method required by the commissioner shall be deemed to have failed to file the refund claim for all purposes including applying any statute which limits the time when a refund claim may be filed.

4. Effective October 1, 2016, any taxpayer, person, or business, required to file a claim for refund electronically in accordance with subparagraph (7)(e) of this rule and who fails to do so, shall be deemed to have failed to file the refund claim for all purposes including applying any statute which limits the time when a refund claim may be filed.

5. Taxpayers who voluntarily participate in remitting electronic payments according to paragraph (6) of this rule will not be subject to the provisions of subparagraph (8)(c) of this rule.

(d) A separate payment using ACH debit or credit, credit or debit card, wire transfer, or certified check or cashier's check, as allowed pursuant to this rule, shall be made for each tax type, state tax identification number, and tax period for which the tax is due.

(e) If a taxpayer, utilizing the Department's designated agent, has a subsequent change in the banking information necessary to generate either an ACH debit or credit against the taxpayer's account, the taxpayer shall provide to the Department's designated agent the new banking information and a voided check from the account from which the tax payment will be wired, at least thirty days before such ACH transaction is initiated.

(f) If a taxpayer, utilizing the Department's electronic system or systems, requires a subsequent change in the banking information necessary to generate an ACH debit against the taxpayer's account, the taxpayer must update their electronic account to reflect any such changes.

(g) If a taxpayer is required to remit payments by electronic funds transfer pursuant to this rule and pays its tax liabilities to the Department in other than immediately available funds, a penalty of 10 percent of the amount due

shall be added to such payment, even if timely made, unless paragraph (5) of this rule is applicable. However, taxpayers who voluntarily participate in remitting electronic payments according to paragraph (6) of this rule will not be subject to the provisions of this subparagraph.

(h) If the electronic payment is not timely made by the statutory due date, the Taxpayer shall be subject to all penalties and interest imposed by Title 48. Such deemed failure to make the required payment shall also result in the forfeiture of the compensation of dealers for reporting and paying tax provided in Code section § [48-8-50](#), since such Code section provides such compensation only if such payment is timely made.

**Cite as** Ga. Comp. R. & Regs. R. 560-3-2-.26

**AUTHORITY:** O.C.G.A. §§ [48-2-12](#), [48-2-32](#), [48-2-35](#), [48-2-44.1](#), [48-7-54](#).

**HISTORY:** Original Rule entitled "Electronic Funds Transfer Payments; Procedures" adopted. F. Nov. 23, 1992; eff. Dec. 13, 1992.

**Repealed:** New Rule entitled "Electronic Funds Transfer" adopted. F. Jan. 16, 2004; eff. Feb. 5, 2004.

**Repealed:** New Rule entitled "Electronic Funds Transfer and Filing" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Repealed:** New Rule entitled "Electronic Funds Transfer, Credit Card Payments, and Electronic Filing" adopted. F. Aug. 19, 2009; eff. Sept. 8, 2009.

**Amended:** F. Nov. 3, 2010; eff. Nov. 23, 2010.

**Amended:** F. June 24, 2011; effective July 14, 2011.

**Amended:** F. Jun. 24, 2011; eff. Jul. 14, 2011.

**Amended:** F. July 28, 2016; eff. Aug. 17, 2016.

**Amended:** F. Oct. 30, 2017; eff. Nov. 19, 2017.

**Amended:** F. Nov. 21, 2019; eff. Dec. 11, 2019.

**Amended:** F. Dec. 4, 2020; eff. Dec. 24, 2020.

# Department 560. RULES OF DEPARTMENT OF REVENUE

## Chapter 560-7. INCOME TAX DIVISION

### Subject 560-7-8. RETURNS AND COLLECTIONS

#### 560-7-8-.66 Personal Protective Equipment Manufacturer Jobs Tax Credit

(1) **Purpose.** This regulation provides guidance concerning the implementation and administration of the tax credit under O.C.G.A. § [48-7-40.1A](#).

(2) **Definitions.**

(a) "Establishment" means an economic unit at a single physical location where business is conducted or where services or industrial operations are performed.

(b) "Hand sanitizer" means any hand antiseptic, hand rub, soap, or agent applied to the hands for the purpose of removing common pathogens, including, but not limited to, hand cleaners and sanitizers provided for under [7 C.F.R. Section 3201.18](#).

(c) "Personal protective equipment" or "PPE" means any protective clothing, helmets, gloves, face shields, goggles, facemasks, hand sanitizer, and respirators or other equipment designed to protect the wearer from injury or to prevent the spread of infection, disease, virus, or other illness. Such term shall include equipment identified under 29 C.F.R. Section 1910, Subpart I.

(d) "Personal protective equipment manufacturer" or "PPE manufacturer" means any business enterprise which is engaged in the manufacturing of PPE in this state. Such term shall also include any business enterprise which, in response to COVID-19, began manufacturing PPE in this state. Such term shall not include retail businesses that sell PPE. Such term shall not include a manufacturer that manufactures the material used in the personal protective equipment but not the personal protective equipment itself. Such term shall not include a manufacturer that manufactures the equipment used to manufacture the personal protective equipment.

(3) **Credit Amount.** A personal protective equipment manufacturer that qualifies for the jobs tax credit under O.C.G.A. § [48-7-40](#) or [48-7-40.1](#) and the applicable jobs tax credit regulations and claims the jobs tax credit as provided in Revenue Regulation [560-7-8-.36](#) shall be allowed an additional \$1,250 personal protective equipment manufacturer jobs tax credit for those qualifying jobs to the extent they are engaged in the qualifying activity of manufacturing personal protective equipment in Georgia during the taxable year.

(4) **Maximum Amount of Credit.** The personal protective equipment manufacturer jobs tax credit may be used to offset 100% of the personal protective equipment manufacturer's Georgia income tax liability derived from operations within this state.

(5) **Eligibility.** A personal protective equipment manufacturer shall be eligible for the additional personal protective equipment manufacturer jobs tax credit under paragraph (3) of this regulation at an individual establishment of the business. If more than one business activity is conducted at the establishment, then only those jobs engaged in the qualifying activity of manufacturing personal protective equipment in Georgia shall be eligible for the additional personal protective equipment manufacturer jobs tax credit.

(a) The determination of whether a job is considered engaged in the qualifying activity of manufacturing personal protective equipment in Georgia shall be determined on a monthly basis. In order to qualify for the PPE tax credit, such job must first qualify for and be claimed for the jobs tax credit under O.C.G.A. § [48-7-40](#) or [48-7-40.1](#). The personal protective equipment manufacturer must compute a monthly average number of jobs engaged in the qualifying activity of manufacturing personal protective equipment in Georgia. Any job that is included in the jobs tax credit calculation (either a new or maintained job), where 50 percent or more of the time is spent on the

qualifying activity of manufacturing personal protective equipment in Georgia, shall be eligible to be included in the total for such month, but in no case can such number exceed the number of jobs that are included in the jobs tax credit computation for such month. A job should be excluded from the monthly computation for any month that it does not meet the 50 percent requirement. Once the monthly average is computed, the number that is allowed cannot exceed the number of jobs that are allowed for the jobs tax credit for such year.

(b) For example. A taxpayer started their business in 2019 and manufactures personal protective equipment in Georgia and also has another business in Georgia. The taxpayer qualified for and claimed the jobs tax credit for jobs at both businesses. Not all the jobs included in the jobs tax credit are involved in the manufacture of personal protective equipment. The taxpayer has the following job numbers in 2020:

Month in 2020	Eligible for the Jobs Tax Credit	Allowed for the PPE Credit
January	50	25
February	52	27
March	55	30
April	60	35
May	71	46
June	68	43
July	55	30
August	52	27
September	55	30
October	66	41
November	44	19
December	60	35
Monthly Average - Number of jobs eligible for the jobs tax credit and allowed for the PPE credit	57	32

(c) Only jobs that are involved in the qualifying activity of manufacturing personal protective equipment in Georgia are allowed to be included when claiming the personal protective equipment manufacturer jobs tax credit. This shall include managers, sales jobs, and support jobs that are involved in the qualifying activity of manufacturing personal protective equipment in Georgia provided such persons meet the other requirements including the 50% requirement.

(6) **Conditions and Limitations.** The personal protective equipment manufacturer jobs tax credit shall be allowed subject to the conditions and limitations under O.C.G.A. §§ [48-7-40](#) or [48-7-40.1](#) and the applicable jobs tax credit regulations. The personal protective equipment manufacturer jobs tax credit shall be disallowed during any year that the taxpayer does not qualify as a personal protective equipment manufacturer but the PPE manufacturer may requalify in a later year if they meet the requirements.

(a) Personal protective equipment manufacturers that make the election provided in O.C.G.A. §§ [48-7-40\(m\)](#) or [48-7-40.1\(k\)](#) to use their 2019 jobs tax credit numbers for their 2020 or 2021 jobs tax credit, cannot use their 2019 jobs tax credit numbers to determine the personal protective equipment manufacturer jobs tax credit for 2020 or 2021. Only personal protective equipment manufacturing jobs actually created or maintained in each respective year can be claimed.

(7) **Claiming the Credit.** For a personal equipment manufacturer to claim the personal protective equipment manufacturer jobs tax credit, the personal protective equipment manufacturer must submit Form IT-CA with the personal protective equipment manufacturer's Georgia income tax return each year the credit is claimed. A software program's Form IT-CA that is electronically filed with the Georgia income tax return in the manner specified by the Department satisfies this requirement.

(a) Withholding tax. A personal protective equipment manufacturer may claim any excess personal protective equipment manufacturer jobs tax credit against its withholding tax liability. Except in the case of a timely assignment under O.C.G.A. § [48-7-42](#), the withholding tax benefit may only be applied against the withholding tax account used by the personal protective equipment manufacturer for payroll purposes. In the event the personal



protective equipment manufacturer that earned the credit is a single member limited liability company that is disregarded for income tax purposes, the withholding tax benefit may only be applied against the withholding tax liability that is attributable to wages paid by the single member limited liability company, but note that such benefit may also be assigned pursuant to O.C.G.A. § [48-7-42](#). A personal protective equipment manufacturer must notify the commissioner each year of its irrevocable election to take all or a part of the credit against the quarterly or monthly withholding tax payments for such personal protective equipment manufacturer. When this election is made by a pass-through entity, the excess personal protective equipment manufacturer jobs tax credit will not pass through to the shareholders, partners, or members of the personal protective equipment manufacturer if the personal protective equipment manufacturer is a pass-through entity.

1. **Notice of Intent.** To claim any excess tax credit not used on the income tax return against the personal protective equipment manufacturer's withholding tax liability, the personal protective equipment manufacturer must file Revenue Form IT-WH through the Georgia Tax Center within thirty (30) days after the due date of the Georgia income tax return (including extensions) or within thirty (30) days after the filing of a timely filed Georgia income tax return, whichever occurs first. Failure to file this form as provided in this subparagraph will result in disallowance of the withholding tax benefit. However, in the case of a credit which is earned in more than one taxable year, the election to claim the withholding credit will be available for the credit earned in such subsequent year.

2. **Review Period.** The Department of Revenue has one hundred twenty (120) days from the date the applicable Form IT-WH under subparagraph (7)(a)1. of this regulation is received to review the credit and make a determination of the amount eligible to be used against withholding tax.

3. **Letter of Eligibility.** Once the review is completed, a letter will be sent to the personal protective equipment manufacturer stating the tax credit amount which may be applied against withholding and when the personal protective equipment manufacturer may begin to claim the tax credit against withholding tax. The Department of Revenue shall treat this amount as a credit against future withholding tax payments and will not refund any previous withholding payments.

(8) **Carry Forward.** Any personal protective equipment manufacturer jobs tax credit which is claimed but not used in a taxable year may be carried forward for 10 years from the close of the taxable year in which the qualifying personal protective equipment manufacturer jobs were created. For example, personal protective equipment manufacturer jobs tax credits created by an employment increase in year one, but not used in year one, may be carried forward to years two through eleven.

(9) **Pass-Through Entities.** When the personal protective equipment manufacturer is a pass-through entity, and has no income tax liability of its own, the tax credit will pass to its individual members, shareholders, or partners based on their year ending profit/loss percentage. The credit forms will initially be filed with the tax return of the pass-through entity to establish the amount of the credit available for pass through. The credit will then pass through to its individual shareholders, members, or partners to be applied against the tax liability on their income tax returns. The shareholders, members, or partners may not claim any excess personal protective equipment manufacturer jobs tax credit against their withholding tax liabilities. The credits are available for use as a credit by the individual shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example: A partnership earns the credit for its tax year ending January 31, 2021. The partnership passes the credit to a calendar year partner. The credit is available for use by the individual partner beginning with the calendar 2021 tax year.

(10) **Sunset Date.** No personal protective equipment manufacturer jobs tax credit shall be claimed and allowed for any jobs created on or after January 1, 2025; provided, however, jobs created before such date are eligible for the remaining installments provided the requirements of O.C.G.A. §§ [48-7-40](#), [48-7-40.1](#), and [48-7-40.1A](#) and the related regulations are met.

(11) **Effective Date.** This regulation shall be applicable to taxable years beginning on or after January 1, 2020.

**Cite as** Ga. Comp. R. & Regs. R. 560-7-8-.66

**AUTHORITY:** O.C.G.A. §§ [48-2-12](#), [48-7-40.1A](#).

**HISTORY:** Original Rule entitled "Personal Protective Equipment Manufacturer Jobs Tax Credit" adopted. F. Dec. 4, 2020; eff. Dec. 24, 2020.

# Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

## Chapter 750-1. ORGANIZATION

### 750-1-.04 Meetings

The Board shall meet at least two times a year to carry out regular business. The chairperson or the Professional Licensing Board's Division Director may call special meetings. Notice of the meeting shall be given to all members at least ten days prior to date of the meeting. Parliamentary procedure shall be according to Robert's Rules of Order, latest edition.

**Cite as** Ga. Comp. R. & Regs. R. 750-1-.04

**AUTHORITY:** O.C.G.A §§ [43-1-1](#), [43-51-3](#), [43-1-2](#), [43-51-5](#), [43-51-6](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Meetings" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Filed August 12, 1974; effective September 1, 1974.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed November 19, 1980; effective December 9, 1980.

**Amended:** Filed April 3, 1986; effective April 23, 1986.

**Repealed:** New Rule same title, adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Sept. 11, 1995; eff. Oct 1, 1995.

**Amended:** F. Feb 9, 2000; eff. Feb. 29, 2000.

**Amended:** F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

### 750-1-.06 Classification of Public Water Supply Systems and Wastewater Treatment Plants

The Division shall classify all public water treatment systems and wastewater treatment systems.

**Cite as** Ga. Comp. R. & Regs. R. 750-1-.06

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Classification of Public Water Supply Systems and Wastewater Treatment Plants" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

# **Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS**

## **Chapter 750-2. DEFINITIONS**

### **750-2-.01 Definitions**

The following words or phrases as used in these Rules shall, unless a different meaning is required by context, have the following meaning:

- (a) "Act" means the certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, approved April 8, 1969, and as hereafter may be amended.
- (b) "Board" or "Board of Examiners" means the State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts.
- (c) "Certificate" or "Certification" means a document issued by the Board stating that the operator or laboratory analyst has met the requirements for the specified classification of the certification program.
- (d) "Course(s)" means educational curriculum as approved by the Board.
- (e) "Division" means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (f) "Laboratory analyst" means any person who performs a laboratory test in conjunction with the operation of a public water system or wastewater treatment plant.
- (g) "Laboratory test" means any test performed in conjunction with the operation of a public water supply or wastewater treatment plant that is required for regulatory reporting purposes excluding dissolved oxygen, pH, chlorine residual, turbidity, temperature and specific conductance. Tests performed in a commercial environmental laboratory approved under the Division's "Rules for Commercial Environmental Laboratories" are also excluded.
- (h) "Operational/analytical topics" means topics of instruction that directly relate to the performance of the duties of a water operator, wastewater operator, distribution operator, collection system operator, or laboratory analyst.
- (i) "Operator" means any person who performs operation duties, as defined by the Board, at wastewater treatment systems, wastewater collection systems, water distribution systems, public water systems, or water treatment systems.
- (j) "Operator in responsible charge" means any operator who has direct general charge of the day-to-day field operation of a wastewater treatment system, wastewater collection system, water distribution system, or public water system, and who is responsible for the quality of the treated water or wastewater effluent.
- (k) "Operation duties":
  1. for a wastewater treatment system and for a water treatment system means day-to-day process control decisions which may affect the treatment and, therefore, quality of the treated water and/or wastewater effluent; and
  2. for a wastewater collection system or water distribution system means the on site supervision of the cleaning, maintaining, and repairing of the system.

(l) "Points" means continuing education credits required by the Board for certificate renewal. The number of points awarded by the Board for a course or conference may or may not be the same as the number of contact hours in the course or conference.

(m) "Process Control decisions" means decisions which may affect the treatment and, therefore, quality of the treated water and/or wastewater effluent.

(n) "Public water supply system" means the system of pipes, structures, and facilities through which water is obtained and treated, to be offered to the public for household use or for any other public consumption.

(o) "Supervision" means accountability for the work of the person being supervised.

(p) "System" means all integral unit operations and processes, including conduits, appurtenances, machine, control elements and laboratory functions.

(q) "Trainee" means an individual engaged in a training period. A trainee is not required to hold a certificate and may not perform operation duties or perform laboratory test, unless under the direct supervision of a certified operator or a certified laboratory analyst.

(r) "Training period" means a period of time during which a trainee is learning operator or laboratory analyst duties under the direction of a certified operator or laboratory analyst.

(s) "Wastewater collection system" means the system of sanitary sewers, pipes, manholes, pumps, and other such apparatus used to convey sewage to wastewater treatment plants.

(t) "Wastewater treatment" means any biological, physical/chemical, or settling processes which remove pollutants from industrial or domestic wastewaters prior to discharge to a stream, sewer or land. It includes only those processes permitted by the Division or an approved local government under the Georgia Water Quality Control Act or its successor. It excludes those processes that consist solely of one or more of the following: screening, pH adjustment, sedimentation processes without mechanical solids removal, septic tanks, grease traps or oil-water separators, unless specifically required in a permit.

(u) "Wastewater treatment plant" means the facilities provided for the treatment and disposal of wastewater, including industrial process wastewater, as classified by the Division.

(v) "Wastewater treatment system" means the combination of a wastewater collection system and a wastewater treatment plant.

(w) "Water distribution system" means the system of pipes, pumps, valves, and other such apparatus used to distribute water to the public.

(x) "Water treatment plant" means the portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water as classified by the Division and as defined in the Act.

(y) "Water treatment system" means a public water supply system as classified by the Division and as defined in the Act.

**Cite as** Ga. Comp. R. & Regs. R. 750-2-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#), [43-51-6\(d\)](#).

**HISTORY:** Original Rule entitled "Definitions" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Filed August 26, 1976; effective September 15, 1976.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed November 19, 1980; effective December 9, 1980.

Amended: Filed July 8, 1988; effective July 28, 1988.

**Repealed:** New Rule, same title, adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Repealed:** New Rule, same title, adopted. F. Sept 20, 1993; eff. Oct. 10, 1993.

**Amended:** ER 750-2-0.1 -.01 was f. Jun. 7, 1994; eff. Jul. 1, 1994, as specified by the Agency, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding said ER, as specified by the Agency.

**Amended:** Permanent Rule adopted. F. Jul. 27, 1994; eff. Aug. 16, 1994.

**Amended:** F. Sept. 11, 1995; eff. Oct. 1, 1995.

**Amended:** F. Dec. 2, 1997; eff. Dec. 22, 1997.

**Amended:** F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

# Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

## Chapter 750-7. REVOCATION AND REINSTATEMENT FOR FAILURE TO RENEW

### 750-7-.01 Revocation for Failure to Renew

Failure to renew a certificate by October 1 of renewal year shall have the same effect as revocation of the certificate and reinstatement is required.

**Cite as** Ga. Comp. R. & Regs. R. 750-7-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#), [43-1-19\(l\)](#).

**HISTORY:** Original Rule entitled "Applications" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Rule repealed and Rule [750-10-.01](#) entitled "Procedural Rules" renumbered as 750-7-.01. Filed November 19, 1980; effective December 9, 1980.

**Repealed:** New Rule entitled "Revocation for Failure to Renew" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

### 750-7-.02 Reinstatement

(1) Certificates that have been lapsed for less than 2 years may be reinstated at the discretion of the Board as follows:

- (a) Submission of a reinstatement application and reinstatement fee (see Fee Schedule); and
- (b) evidence of the completion, since the last renewal, of the total number of continuing education points which would have been required if the certificate had been maintained in a current status.

(2) Certificates that have been lapsed for over 2 years may be reinstated at the discretion of the Board when the applicant has met the following criteria:

- (a) Retaken and passed the examination for the certificate requesting to be reinstated; and
- (b) submitted a reinstatement application and reinstatement fee.

**Cite as** Ga. Comp. R. & Regs. R. 750-7-.02

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#), [43-1-19\(l\)](#).

**HISTORY:** Original Rule entitled "Examination" adopted. F. Oct. 8, 1971; eff. Oct. 28, 1971.

**Repealed:** F. Nov. 19, 1980; eff. Dec. 9, 1980.

**Amended:** New Rule entitled "Reinstatement Within Two Years of Revocation for Failure to Renew" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** ER. 750-7-0.6-.02 adopted. F. June 7, 1994; eff. July 1, 1994.

**Amended:** Permanent Rule adopted. F. July 27, 1994; eff. Aug. 16, 1994.

**Repealed:** New Rule entitled "Reinstatement" adopted. F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Amended:** F. Apr. 1, 2002; eff. Apr. 21, 2002.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.



# Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

## Chapter 750-8. CHANGE OF NAME OR ADDRESS

### 750-8-.01 Change of Name or Address

(1) Change of Name. The holder of a certificate shall notify the Board office, in writing within 30 days of a change in their name and must accompany such notice with a certified copy of the marriage certificate, court order, or other documentation of a legal name change.

(2) Change of Address. The holder of a certificate shall notify the Board office, in writing within 30 days of a change in their mailing address.

**Cite as** Ga. Comp. R. & Regs. R. 750-8-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Application" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Rule repealed. Filed November 19, 1980; effective December 9, 1980.

**Amended:** Rule entitled "Fees" adopted. Filed April 3, 1986; effective April 23, 1986.

**Repealed:** New Rule entitled "Change of Name or Address" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

# Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

## Chapter 750-9. FEES

### 750-9-.01 Fees and Returned Checks

(1) A schedule of fees, as established by the Board, shall be published on the Board's website. The schedule of fees may be amended periodically.

(2) An indebtedness to the Board caused by a returned check will be dealt with in accordance with Code Section [16-9-20](#) of the Criminal Code of Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 750-9-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Survey" was filed on August 26, 1976; effective September 15, 1976.

**Amended:** Rule repealed. Filed November 19, 1980; effective December 9, 1980.

**Repealed:** New Rule entitled "Revocation for Failure to Renew" adopted. F. May 8, 1990; eff. May 28, 1990.

**Repealed:** New rule entitled "Fees" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** New title "Fees and Returned Checks." F. Dec. 8, 2020; eff. Dec. 28, 2020.

# Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

## Chapter 750-10. DISCIPLINE

### 750-10-.01 Disciplinary Procedures

Disciplinary proceedings will be in accordance with Chapter 13 of Title 50 of the Georgia Administrative Procedures Act, O.C.G.A. [43-1-19](#), and O.C.G.A. [43-51-9](#).

(a) The Board may revoke or suspend the certificate of an Operator or Laboratory Analyst, following a hearing conducted in accordance with Chapter 13 of the Title 50, the "Georgia Administrative Procedure Act."

(b) The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any Operator or Laboratory Analyst or anyone who shall assume to act in such capacity, if the Board has reason to believe a violation of the Laws and Rules regulating Water and Wastewater Plant Operators or Laboratory Analysts may have occurred. Complaints that the Board may investigate include that the Operator or Laboratory Analyst may have practiced fraud or deception; that reasonable care, judgment, or the application of his or her knowledge or ability was not used in performance of his or her duties; or that the Operator or Laboratory Analyst is incompetent or unable to perform his or her duties properly.

(c) The Board may impose any sanction authorized in O.C.G.A. [43-1-19](#).

**Cite as** Ga. Comp. R. & Regs. R. 750-10-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-9](#), [43-1-19](#), [43-1-24](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#), [43-51-9](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Procedural Rules" was filed on August 26, 1976; effective September 15, 1976.

**Amended:** Rule amended and renumbered as [750-7-.01](#). Filed November 19, 1980; effective December 9, 1980.

**Repealed:** New Rule entitled "Disciplinary Procedures" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.