

**O.C.G.A. TITLE 43 Chapter 1**

Current through the 2019 Regular Session of the General Assembly

**§ 43-1-1. Definitions**

As used in this title, the term:

- (1) "Division" means the professional licensing boards division created under Code Section 43-1-2.
- (2) "Division director" means the individual appointed by the Secretary of State as director of the professional licensing boards division within the office of the Secretary of State.
- (3) "Professional licensing board" means any board, bureau, commission, or other agency of the executive branch of state government which is created for the purpose of licensing or otherwise regulating or controlling any profession, business, or trade and which is placed by law under the jurisdiction of the director of the professional licensing boards division within the office of the Secretary of State.

**History** Code 1981, § 43-1-1; Ga. L. 2000, p. 1706, § 1.

**§ 43-1-2. Appointment and general powers of division director; members and meetings of professional licensing boards; examination standards; roster of licensees; funding**

(a)

- (1) There is created within the office of the Secretary of State the professional licensing boards division as successor to the office of the joint-secretary of the state examining boards. The Secretary of State is authorized and directed to appoint a director of the professional licensing boards division.
  - (2) Any action of the joint-secretary taken with regard to any state examining board prior to July 1, 2000, shall thereafter be deemed to be action taken by the director of the professional licensing boards division and that division director shall thereafter act in the stead of such joint-secretary and succeed to the powers and duties of the joint-secretary with regard to those state examining boards. The rights, privileges, entitlements, or duties of parties to contracts, leases, agreements, or other transactions entered into by the joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or diminished by reason of the succession of the division director to the powers and duties of the joint-secretary.
- (b) The salary of the division director shall be fixed by the Secretary of State, and he or she shall hold office at the pleasure of the Secretary of State.
- (c) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall employ personnel as deemed necessary to carry out this chapter and to provide for all services required by each of the professional licensing boards and shall establish within the guidelines

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

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

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

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

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

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

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

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

(j) The division director may establish administrative standards for the examination of applicants for licensure by the various professional licensing boards, notwithstanding any other provisions of law to the contrary. These administrative standards may include the setting of date, time, and location of examinations, subject to the approval of the respective professional licensing boards. Notwithstanding any other provisions of law to the contrary, examination criteria, examination grading procedures, examination fees, examination passing score requirements, and other matters pertaining to the examination of applicants for licensure may be adopted by rules of the respective professional licensing boards as necessary to implement such examination standards. Examination standards, including examination criteria, grading procedures, and passing

score requirements, developed in agreement or in conjunction with a national association of state boards or other related national association for the administration of a nationally recognized uniform examination may be adopted in lieu of state standards by the respective professional licensing boards.

(k) The division director shall prepare and maintain a roster containing the names and addresses of all current licensees for each of the various professional licensing boards. A copy of this roster shall be available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution. The following shall be treated as confidential and need not be disclosed without the approval of the professional licensing board to which application is made:

- (1) Applications and other personal information submitted by applicants, except to the applicant, staff, and the board;
- (2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and the board;
- (3) Examination questions and other examination materials, except to the staff and the board; and
- (4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes.

(l) Funding for the office of the division director and the various professional licensing boards served by such office shall be contained in a common budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act."

**History** Ga. L. 1931, p. 7, §§ 89, 89A; Code 1933, §§ 84-101, 84-102; Ga. L. 1943, p. 370, § 1; Ga. L. 1955, p. 323, § 1; Ga. L. 1975, p. 412, § 1; Ga. L. 1977, p. 758, § 1; Ga. L. 1981, p. 1898, § 1; Ga. L. 1990, p. 1965, § 1; Ga. L. 2000, p. 1706, § 2; Ga. L. 2009, p. 745, § 1/SB 97; Ga. L. 2010, p. 266, §§ 6, 7/SB 195; Ga. L. 2012, p. 446, § 2-64/HB 642.

### **§ 43-1-3. Duties of division director; serving notice or process on boards through division director**

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

- (1) To bring together and keep all records relating to the professional licensing boards;
- (2) To receive all applications for licenses;
- (3) With the consent of the board concerned, to schedule the time and place for examinations;
- (4) To schedule the time and place for all hearings;
- (5) To issue certificates upon authority of the professional licensing board concerned; and
- (6) Except as otherwise provided by law, to collect all fees required by law in connection with the licensing of trades and professions under such boards and to remit the same to the state treasurer for deposit into the general fund of the state. Notwithstanding any other provision of law, the division director is authorized to retain all funds received as collection fees for use in defraying the cost of collection of fees required under this chapter; provided, however, that nothing in this Code section shall be construed so as to allow the division

director to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the division director shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act," except Code Section 45-12-92, prior to expending any such funds.

(b) All orders and processes of the professional licensing boards shall be signed and attested by the division director, or his or her designee, in the name of the particular professional licensing board, with the seal of such board attached. Any notice or legal process necessary to be served upon any of the professional licensing boards may be served upon the division director.

**History** Ga. L. 1931, p. 7, § 89; Code 1933, § 84-101; Ga. L. 1937, p. 208, § 2; Ga. L. 1967, p. 294, § 1; Ga. L. 1984, p. 22, § 43; Ga. L. 1993, p. 1402, § 18; Ga. L. 1997, p. 677, § 1; Ga. L. 2000, p. 1706, § 3; Ga. L. 2008, p. 1112, § 1/HB 1055; Ga. L. 2010, p. 863, § 3/SB 296. Annotations

#### **§ 43-1-4. Expiration, renewal, and penalty dates of licenses and certificates; duration of validity; renewals**

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

(b) Each license and certificate issued by the professional licensing boards through the office of the division director which are subject to renewal shall be valid for up to two years and shall be renewable biennially on the renewal date established by the division director, as approved by the respective professional licensing boards.

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

**History** Code 1933, § 84-104, enacted by Ga. L. 1972, p. 505, § 1; Ga. L. 1973, p. 1481, § 1; Ga. L. 1981, p. 1898, § 2; Ga. L. 2000, p. 1706, § 19.

#### **§ 43-1-5. Investigators for professional licensing boards**

Persons hired for the purpose of conducting investigations for the professional licensing boards shall be designated as investigators and any person so designated shall have all the powers of a peace officer of this state when engaged in the enforcement of this title or of any of the laws creating or related to the professional licensing boards. Such investigators shall be authorized, upon the written approval of the division director, notwithstanding Code Sections 16-11-126 and 16-11-129, to carry firearms.

**History** Code 1933, § 84-105, enacted by Ga. L. 1975, p. 412, § 2; Ga. L. 1984, p. 704, § 1; Ga. L. 1996, p. 381, § 2; Ga. L. 2000, p. 1706, § 4; Ga. L. 2010, p. 266, § 8/SB 195; Ga. L. 2010, p. 963, § 2-17/SB 308.

#### **§ 43-1-6. Venue of actions involving professional licensing boards**

The venue of any action involving the members of any professional licensing board shall be governed by the laws of this state pertaining to venue. The division director shall not be considered a member of any such board in determining the venue of any such action; and no court shall have jurisdiction of any such action solely by virtue of the division director residing or maintaining a residence within its jurisdiction.

**History** Code 1933, § 84-103, enacted by Ga. L. 1962, p. 539, § 1; Ga. L. 2000, p. 1706, § 19.

#### **§ 43-1-7. Determination of fees by professional licensing boards; refunds**

Each professional licensing board is authorized to charge an examination fee, license fee, license renewal fee, or similar fee and may establish the amount of the fee to be charged. Each fee so established shall be reasonable and shall be determined in such a manner that the total amount of fees charged by the professional licensing board shall approximate the total of the direct and indirect costs to the state of the operations of the board. Fees may be refunded for good cause, as determined by the division director.

**History** Ga. L. 1978, p. 1517, § 1; Ga. L. 1981, p. 1898, § 4; Ga. L. 1984, p. 22, § 43; Ga. L. 2000, p. 1706, § 5.

#### **§ 43-1-8. Disposition of fees**

Reserved. Repealed by Ga. L. 1984, p. 22, § 43, effective February 3, 1984.

#### **§ 43-1-9. Point credit for veterans taking examinations given by professional licensing boards**

Any applicant taking an examination required by any professional licensing board except the Georgia Board of Nursing shall receive points in the following manner:

- (1) Any applicant who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, for a period of one year or more, of which at least 90 days were served during wartime or during any conflict when military personnel were committed by the President of the United States, shall be entitled to a credit of five points. Such points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination;
- (2) Any applicant who is a disabled veteran and who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of five points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at less than 10 percent at the time of taking the examination. Such

points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination; and

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

**History:** Ga. L. 1960, p. 1172, § 1; Ga. L. 1964, p. 761, § 1; Ga. L. 1968, p. 1213, § 1; Ga. L. 1982, p. 3, § 43; Ga. L. 2000, p. 1706, § 19; Ga. L. 2007, p. 483, § 1/SB 114; Ga. L. 2010, p. 266, § 9/SB 195; Ga. L. 2014, p. 136, § 1-1/HB 291.

#### **§ 43-1-10. Credit to veteran's grades when examination given in parts or by subject**

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

**History** Ga. L. 1960, p. 1172, § 2; Ga. L. 2000, p. 1706, § 19; Ga. L. 2010, p. 266, § 10/SB 195.

#### **§ 43-1-11. Veteran's examination to be graded prior to determination of eligibility for credit**

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

**History** Ga. L. 1960, p. 1172, § 3; Ga. L. 2000, p. 1706, § 19; Ga. L. 2010, p. 266, § 11/SB 195.

#### **§ 43-1-12. Duty of division director to inform applicants of availability of veteran credit; rules and regulations for implementing veteran credit program**

It shall be the duty of the division director to inform applicants taking the examination of the provisions of Code Sections 43-1-9 through 43-1-11 and Code Section 43-1-13. The division director shall make such rules and regulations as are necessary in order to carry out the terms of Code Sections 43-1-9 through 43-1-11 and Code Section 43-1-13.

**History** Ga. L. 1960, p. 1172, § 4; Ga. L. 1981, p. 1898, § 3; Ga. L. 1999, p. 81, § 43; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-13. Inapplicability of veteran credit provisions to applicants who were not honorably discharged**

The provisions of Code Sections 43-1-9 through 43-1-12 relating to points to be allowed to veterans shall apply to any applicant, male or female, who comes within the classes specified in those Code sections except that such provisions shall not apply in any instance to an applicant who has not been honorably discharged.

**History** Ga. L. 1960, p. 1172, § 5

### **§ 43-1-14. Authority of Governor to appoint qualified persons to professional licensing boards**

The Governor is authorized to appoint any person who is otherwise qualified as provided by law to serve as a member of any professional licensing board for a regular term or for an unexpired term, notwithstanding the fact that the law creating such board requires the Governor to appoint members from a list of nominees submitted by a private organization or association.

**History** Ga. L. 1980, p. 1162, § 1; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-15. Itinerant entertainers**

(a) All carnivals, road shows, and tent shows and all other itinerant entertainment not presented within any regularly licensed theater, auditorium, or other building permitted to be used for the offering of entertainment for value shall, before opening to the public or offering any amusement, entertainment, or other service to the public for value within this state:

(1) Designate a resident of this state as agent and lawful attorney in fact upon whom may be served all summons or other lawful processes in any action or proceeding against such carnival, circus, road show, tent show, or other itinerant show or itinerant entertainment for any action arising as a result of its appearance in this state. The name and address of such resident agent shall be filed with the judge of the probate court of each county in which such carnival, circus, or show is to be held. If no resident agent has been designated, the Secretary of State shall become such agent with all the foregoing authority, and service of such process shall be made by serving a copy of the petition with process attached thereto on the Secretary of State or an employee in his office designated by the Secretary of State as an agent to receive service in his name, or his successor in office, along with a copy of the affidavit to be submitted to the court pursuant to this Code section, and such service shall be sufficient service upon any such carnival, circus, or show, provided that notice of such service and a copy of the petition and process are forthwith sent by registered or certified mail or statutory overnight delivery by the plaintiff or his agent to the defendant, if its address is known, and that the defendant's return receipt and the plaintiff's affidavit of compliance herewith are appended to the summons or other process and are filed with said summons, petition, and other papers in the case in the court in which the action is pending. The Secretary of State shall charge and collect a fee as set out in Code Section 45-13-26 for service of process on him under this Code section;

(2) Secure an insurance policy or a bond, affording coverage to such carnival, circus, or show for the extent of its stay within this state, which insurance policy or bond shall be subject to any personal injury or death or property damages to the following limits:

(A) An indemnity bond subject to a limit of \$100,000.00; or

(B) An insurance policy or public liability bond subject to a limit of \$50,000.00 for personal injury or death or property damage sustained by any one person and subject to a limit of \$100,000.00 for personal injuries or death or property damages sustained by two or more persons as a result of any one accident or event; and

(3) File a copy of such insurance policy or bond with the judge of the probate court in the county where the carnival, circus, or show is to be held or with both the judge of the probate court and the Secretary of State. The Secretary of State is authorized and directed to issue, upon the request of any carnival, circus, or show filing a copy of such insurance policy or bond in his office, a certificate of filing, stating the coverage afforded by the policy or bond and the effective dates, which certificate may be filed with the judge of the probate court of the county where the carnival, circus, or show is to be held in lieu of a copy of the policy or bond. The Secretary of State is authorized to prescribe and require such terms and conditions in such policies as he may deem necessary or advisable to protect the interests of the public in carrying out the purposes of this Code section, and he is further authorized to prescribe and require use of a standard form of bond and policy for use under this Code section.

(b) Any owner, manager, employee, or other person, excluding landowners on whose land a carnival, circus, road show, or itinerant show is operated, who shall cause or grant permission, either actual or constructive, to any carnival, circus, road show, tent show, or other itinerant show or itinerant entertainment or any part thereof to operate in violation of this Code section shall be guilty of a misdemeanor.

**History** Ga. L. 1957, p. 406, §§ 1, 2; Ga. L. 1959, p. 106, § 1; Ga. L. 1959, p. 160, § 1; Ga. L. 1965, p. 235, § 1; Ga. L. 1983, p. 1474, § 3; Ga. L. 1984, p. 22, § 43; Ga. L. 1989, p. 364, § 3; Ga. L. 1994, p. 97, § 43; Ga. L. 2000, p. 1589, § 3.

#### **§ 43-1-16. Senate confirmation of appointments to professional licensing boards**

Each person appointed by the Governor as a member of a professional licensing board shall be confirmed by the Senate; and any such appointment made when the Senate is not in session shall be effective until the appointment is acted upon by the Senate.

**History** Code 1981, § 43-1-16, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

#### **§ 43-1-17. Removal from office of member of a professional licensing board**

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

- (1) Inability or neglect to perform the duties required of members;
- (2) Incompetence; or
- (3) Dishonest conduct.



**History** Code 1981, § 43-1-17, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

**§ 43-1-18. Eligibility of consumer members of professional licensing boards to vote on all matters**

Without affecting the eligibility to vote of any other member of a professional licensing board, each consumer member of a professional licensing board shall be eligible to vote on all matters brought before that board.

**History** Code 1981, § 43-1-18, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

**§ 43-1-19. Grounds for refusing to grant or revoking licenses; application of Administrative Procedure Act; subpoena powers; disciplinary actions; judicial review; reinstatement; investigations; complaints; surrender; probationary license**

- (a) A professional licensing board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:
  - (1) Failed to demonstrate the qualifications or standards for a license contained in this Code section, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;
  - (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;
  - (3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph, paragraph (4) of this subsection, and subsection (q) of this Code section, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph and subsection (q) of this Code section, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;
  - (4) (A) Been arrested, charged, and sentenced for the commission of any felony, or any crime involving moral turpitude, when:
    - (i) A sentence for such offense was imposed pursuant to Article 3 of Chapter 8 of Title 42 or another state's first offender laws;
    - (ii) A sentence for such offense was imposed pursuant to subsection (a) or (c) of Code Section 16-13-2;
    - (iii) A sentence for such offense was imposed as a result of a plea of nolo contendere; or

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

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

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

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

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

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

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

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

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

applicant or licensee has come into compliance with an order for child support so that a license may be issued or granted if all other conditions for licensure are met; or

- (b) The provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," with respect to emergency action by a professional licensing board and summary suspension of a license are adopted and incorporated by reference into this Code section.
- (c) For purposes of this Code section, a professional licensing board may obtain, through subpoena by the division director, upon reasonable grounds, any and all records relating to the mental or physical condition of a licensee or applicant, and such records shall be admissible in any hearing before the board.
- (d) When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to the business or profession licensed by the board, the board may take any one or more of the following actions:

  - (1) Refuse to grant or renew a license to an applicant;
  - (2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;
  - (3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of such license;
  - (4) Limit or restrict any license as the board deems necessary for the protection of the public;
  - (5) Revoke any license;
  - (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;
  - (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or
  - (8) Impose on a licensee or applicant fees or charges in an amount necessary to reimburse the professional licensing board for the administrative and legal costs incurred by the board in conducting an investigative or disciplinary proceeding.
- (e) In addition to and in conjunction with the actions described in subsection (d) of this Code section, a professional licensing board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which may be vacated upon noncompliance with such reasonable terms as the board may impose.
- (f) Initial judicial review of a final decision of a professional licensing board shall be had solely in the superior court of the county of domicile of the board. The court may assess reasonable and necessary attorney's fees and expenses of litigation in any such review if, upon the motion of any party or the court itself, it finds that an attorney or any party aggrieved by an action of the board appealed such action of the board or any part thereof when such appeal lacked substantial justification or when such appeal or any part thereof was interposed for delay or harassment or if it finds that an attorney or aggrieved party unnecessarily expanded the proceeding by other improper conduct. As used in this subsection, the term "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

**(g)** In its discretion, a professional licensing board may reinstate a license which has been revoked or issue a license which has been denied or refused, following such procedures as the board may prescribe by rule; and, as a condition thereof, it may impose any disciplinary or corrective method provided in this Code section or the laws relating to the licensed business or profession.

**(h)**

**(1)** The division director is vested with the power and authority to make, or cause to be made through employees or agents of the division, such investigations as he or she or a respective board may deem necessary or proper for the enforcement of the provisions of this Code section and the laws relating to businesses and professions licensed by that board. Any person properly conducting an investigation on behalf of a professional licensing board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The division director or his or her appointed representative may issue subpoenas to compel access to any writing, document, or other material upon a determination that reasonable grounds exist for the belief that a violation of this Code section or any other law relating to the practice of the licensed business or profession subject to regulation or licensing by such board may have taken place.

**(2)** The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the division director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

**(3)** If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his or her capacity as licensee shall be admissible at any hearing held to determine whether a violation of this chapter has taken place, regardless of any statutory privilege; provided, however, that any documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.

**(4)** The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant.

**(5)** When a member of the public files a complaint with a professional licensing board or the division director against a licensee, within 30 days after the conclusion of the investigation of such complaint, the professional licensing board or the division director shall notify the complainant of the disposition of such complaint. Such notification shall include whether any action was taken by the board with regard to such complaint and the nature of such action. In addition, the division director and the board shall upon request by the complainant advise the complainant as to the status of the complaint during the period of time that such complaint is pending.

**(i)** A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice a business or profession licensed

under this title or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any person who testifies or who makes a recommendation to a professional licensing board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice the business or profession licensed by the board shall be immune from civil and criminal liability for so testifying.

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

**(k)** If any licensee or applicant after reasonable notice fails to appear at any hearing of the professional licensing board for that licensee or applicant, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served personally upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is served by certified mail or statutory overnight delivery and is returned marked "unclaimed" or "refused" or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the division director, or his or her designee, shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon that director, or that director's designee, shall be deemed to be service upon the licensee or applicant.

**(l)** The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of such license, subject to reinstatement in the discretion of a board. A board may restore and reissue a license to practice under the law relating to that board and, as a condition thereof, may impose any disciplinary sanction provided by this Code section or the law relating to that board.

**(m)** This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, limited liability companies, or other associations of any kind whatsoever.

**(n)** Regulation by a professional licensing board of a business or profession licensed under this title shall not exempt that business or profession from regulation pursuant to any other applicable law, including but not limited to Part 2 of Article 15 of Chapter 1 of Title 10, the "Fair Business Practices Act of 1975."

**(o)** Subsections (a), (d), and (e) of this Code section shall be supplemental to and shall not operate to prohibit any professional licensing board from acting pursuant to those provisions of law which may now or hereafter authorize other disciplinary grounds and actions for that particular board. In cases where those other provisions of law so authorize other disciplinary grounds and actions but subsection (a), (d), or (e) of this Code section limits such grounds or

actions, those other provisions shall apply so long as the requirements of subsection (q) of this Code section are met.

**(p)**

**(1)** Notwithstanding any other provision of this Code section or title, when an applicant submits his or her application for licensure or renewal, together with proof of completion of a drug court division as set forth in Code Section 15-1-15, a mental health court division as set forth in Code Section 15-1-16, a veterans court division as set forth in Code Section 15-1-17, an operating under the influence court division as set forth in Code Section 15-1-19, or a family treatment court division as set forth in Code Section 15-11-70, a board shall issue the applicant a probationary license under the terms and conditions deemed appropriate by such board.

**(2)** Paragraph (1) of this subsection shall not supersede a board's consideration of an applicant's other prior criminal history or arrests or convictions that occur subsequent to completion of a court division identified in paragraph (1) of this subsection.

**(q)** (1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section or any other provision of law, and unless a felony or crime involving moral turpitude directly relates to the occupation for which the license is sought or held, no professional licensing board shall refuse to grant a license to an applicant therefor or shall revoke the license of an individual licensed by that board due solely or in part to such applicant's or licensee's:

- (A)** Conviction of any felony or any crime involving moral turpitude, whether it occurred in the courts of this state or any other state, territory, or country or in the courts of the United States;
- (B)** Arrest, charge, and sentence for the commission of such offense;
- (C)** Sentence for such offense pursuant to Article 3 of Chapter 8 of Title 42 or another state's first offender laws;
- (D)** Sentence for such offense pursuant to subsection (a) or (c) of Code Section 16-13-2;
- (E)** Sentence for such offense as a result of a plea of nolo contendere; or
- (F)** Adjudication of guilt or sentence was otherwise withheld or not entered.

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

- (A)** The nature and seriousness of such felony or crime involving moral turpitude and the relationship of such felony or crime involving moral turpitude to the occupation for which the license is sought or held;
- (B)** The age of the individual at the time such felony or crime involving moral turpitude was committed;
- (C)** The length of time elapsed since such felony or crime involving moral turpitude was committed;
- (D)** All circumstances relative to such felony or crime involving moral turpitude, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of such felony or crime involving moral turpitude; and

(E) Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the license is sought or held.

**History** Code 1981, § 43-1-19, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 1990, p. 1965, § 2; Ga. L. 1993, p. 123, § 4; Ga. L. 1994, p. 97, § 43; Ga. L. 1996, p. 453, § 13; Ga. L. 1996, p. 776, §§ 1, 2; Ga. L. 1997, p. 677, § 2; Ga. L. 1998, p. 1094, § 10; Ga. L. 2000, p. 1589, § 3; Ga. L. 2000, p. 1706, § 6; Ga. L. 2003, p. 422, § 1; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2015, p. 519, § 3-1/HB 328; Ga. L. 2016, p. 443, § 10-1/SB 367; Ga. L. 2016, p. 846, § 43/HB 737; Ga. L. 2018, p. 550, § 2-20/SB 407; Ga. L. 2019, p. 462, § 1-11/SB 214.

**§ 43-1-19.1. Waiver of deductibles or copayments in health insurance plans; deceptive or misleading advertising**

- (a) For the purposes of applicable provisions of *Code Section 43-1-19*, it shall be considered a deceptive or misleading practice for any person duly licensed and authorized to provide any type of health care services to advertise, as an inducement to attract patients, the waiver of a deductible or copayment required to be made to such person under the patient's health insurance policy or plan.
- (b) This Code section shall not apply to nonprofit community health centers which primarily serve indigent patients.
- (c) Notwithstanding the provisions of any other law of this Code to the contrary, it shall not be considered a misleading, fraudulent, or deceptive act for a provider to waive occasionally such a deductible or copayment required to be made under the patient's health insurance contract, policy, or plan if the waiver is authorized by the insurer or if the waiver is based on an evaluation of the individual patient and is not a regular business practice of the person providing the health care services.

**History** Code 1981, § 43-1-19.1, enacted by Ga. L. 1992, p. 2488, § 1.

**§ 43-1-19.2. License applications to include questions on prior revocation or denial of license**

Each application for a license to practice a profession or business to be issued by a professional licensing board or any agency of the state shall include a question as to whether the applicant for such license:

- (1) Has had revoked or suspended or otherwise sanctioned any license issued to the applicant by any board or agency in Georgia or any other state; or
- (2) Was denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license by any board or agency in Georgia or any other state.

The question shall be answered under oath and the answer shall include the name of the board or agency which revoked, suspended, denied, refused renewal of, or otherwise sanctioned the license.

**History** Code 1981, § 43-1-19.2, enacted by Ga. L. 1993, p. 427, § 1; Ga. L. 2000, p. 1706, § 19.

## **§ 43-1-20. Actions to enjoin unlicensed practice**

A professional licensing board, the division director, or the appropriate prosecuting attorney may bring an action to enjoin the unlicensed practice by any person of a profession or business required to be licensed by a professional licensing board. The action to restrain and enjoin such unlicensed practice shall be brought in the superior court of the county where the unlicensed person resides. It shall not be necessary to allege or prove that there is no adequate remedy at law to obtain an injunction under this Code section.

**History:** Code 1981, § 43-1-20, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-20.1. Cease and desist orders against persons practicing without a license; fine for violating order**

- (a) Notwithstanding any other provisions of the law to the contrary, after notice and hearing, a professional licensing board may issue a cease and desist order prohibiting any person from violating the provisions of this title by engaging in the practice of a business or profession without a license.
- (b) The violation of any cease and desist order of a professional licensing board issued under subsection (a) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation thereof. Each day that a person practices in violation of this title shall constitute a separate violation.
- (c) Initial judicial review of the decision of the board entered pursuant to this Code section shall be available solely in the superior court of the county of domicile of the board.
- (d) Nothing in this Code section shall be construed to prohibit a professional licensing board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section.

**History:** Code 1981, § 43-1-20.1, enacted by Ga. L. 1986, p. 1155, § 1; Ga. L. 1990, p. 1965, § 3; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-21. Release of information regarding investigations**

The division director is authorized to provide to any lawful licensing authority of this or any other state, upon inquiry by such authority, information regarding a past or pending investigation of or disciplinary sanction against any applicant for licensure by that board or licensee of that board notwithstanding the provisions of subsection (h) of Code Section 43-1-19 or any other law to the contrary regarding the confidentiality of that information. Nothing in this Code section or chapter shall be construed to prohibit or limit the authority of that director to disclose to any person or entity information concerning the existence of any investigation for unlicensed practice being conducted against any person who is neither licensed nor an applicant for licensure by a professional licensing board.

**History:** Code 1981, § 43-1-21, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 1997, p. 677, § 3; Ga. L. 2000, p. 1706, § 7.



### **§ 43-1-22. Inactive status licenses**

The division director may provide for inactive status licenses for the various professional licensing boards.

**History:** Code 1981, § 43-1-22, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 8.

### **§ 43-1-23. Exemption of licensees of professional licensing boards from filing with clerk of superior court**

No licensee of a professional licensing board shall be required to file or record his license with the clerk of the superior court, and no clerk shall be required to report the filing or recordation of any such license.

**History:** Code 1981, § 43-1-23, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-24. Licensed professionals subject to regulation by professional licensing board**

Any person licensed by a professional licensing board and who practices a "profession," as defined in Chapter 7 of Title 14, the "Georgia Professional Corporation Act," or who renders "professional services," as defined in Chapter 10 of Title 14, "The Georgia Professional Association Act," whether such person is practicing or rendering services as a proprietorship, partnership, professional corporation, professional association, other corporation, limited liability company, or any other business entity, shall remain subject to regulation by that professional licensing board, and such practice or rendering of services in that business entity shall not change the law or existing standards applicable to the relationship between that person rendering a professional service and the person receiving such service, including but not limited to the rules of privileged communication and the contract, tort, and other legal liabilities and professional relationships between such persons.

**History:** Code 1981, § 43-1-24, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 1993, p. 123, § 5; Ga. L. 1999, p. 81, § 43; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-25. Authority of professional licensing boards to promulgate rules and regulations**

Except as provided in subsection (o) of Code Section 43-1-19, Code Sections 43-1-16 through 43-1-24 shall apply to all professional licensing boards and licenses thereunder, except the Georgia Real Estate Commission and its licensees, notwithstanding any other law to the contrary, and each such professional licensing board may promulgate rules and regulations to implement the authority provided by the applicability of said provisions to said boards.

**History:** Code 1981, § 43-1-25, enacted by Ga. L. 1984, p. 552, § 1; Ga. L. 2000, p. 1706, § 19.

### **§ 43-1-26. Exemption of credentialed persons from licensure, registration, or certification in the state in connection with the Olympic and Paralympic Games; conditions and limitations; consent for certain medical services; automatic repeal**

Reserved. Repealed by Ga. L. 1994, p. 480, § 1, effective December 31, 1996.

### **§ 43-1-27. Licensee required to notify licensing authority of felony conviction**

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

**History:** Code 1981, § 43-1-27, enacted by Ga. L. 1996, p. 776, § 3.

### **§ 43-1-28. Volunteers in health care specialties**

- (a) This Code section shall be known and may be cited as the "Georgia Volunteers in Health Care Specialties Act."
- (b) As used in this Code section, the term:
  - (1) "Health care board" means that professional licensing board which licenses a health care practitioner under this title.
  - (2) "Health care practitioner" means a chiropractor, registered professional nurse, podiatrist, optometrist, professional counselor, social worker, marriage and family therapist, occupational therapist, physical therapist, physician assistant, licensed practical nurse, certified nurse midwife, pharmacist, speech-language pathologist, audiologist, psychologist, or dietitian.
  - (3) "Health care specialty" means the practice of chiropractic, nursing, podiatry, optometry, professional counseling, social work, marriage and family therapy, occupational therapy, physical therapy, physician assistance, midwifery, pharmacy, speech-language pathology, audiology, psychology, or dietetics.
  - (4) "Unrestricted" means that no restrictions have been placed on a health care practitioner's license by a health care board, no sanctions or disciplinary actions have been imposed by a health care board on a health care practitioner, and a health care practitioner is not under probation or suspension by a health care board.
- (c) Notwithstanding any other provision of law, each health care board shall issue a special license to qualifying health care practitioners whose health care specialty is licensed by that board under the terms and conditions set forth in this Code section. The special license shall only be issued to a person who:
  - (1) Is currently licensed to practice the applicable health care specialty in any health care specialty licensing jurisdiction in the United States and whose license is unrestricted and in good standing; or
  - (2) Is retired from the practice of the health care specialty or, in the case of a physician assistant, has an inactive license and is not currently engaged in such practice either full time or part time and has, prior to retirement or attaining inactive status, maintained full licensure unrestricted in good standing in the applicable health care specialty licensing jurisdiction in the United States.

- (d) The special licensee shall be permitted to practice the health care specialty only in the noncompensated employ of public agencies or institutions, not for profit agencies, not for profit institutions, nonprofit corporations, or not for profit associations which provide health care specialty services only to indigent patients in areas which are underserved by that specialty or critical need population areas of the state, as determined by the board which licenses that specialty, or pursuant to Article 8 of Chapter 8 of Title 31.
- (e) The person applying for the special license under this Code section shall submit to the appropriate health care board a copy of his or her health care specialty degree, a copy of his or her health care specialty license in his or her current or previous licensing and regulating jurisdiction, and a notarized statement from the employing agency, institution, corporation, association, or health care program on a form prescribed by that board, whereby he or she agrees unequivocally not to receive compensation for any health care specialty services he or she may render while in possession of the special license.
- (f) Examinations by the health care board, any application fees, and all licensure and renewal fees may be waived for the holder of the special license under this Code section.
- (g) If, at the time application is made for the special license, the health care practitioner is not in compliance with the continuing education requirements established by the health care board for the applicable health care specialty, the health care practitioner shall be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.
- (h)
- (1) Except as provided for in paragraph (2) of this subsection, the liability of persons practicing a health care specialty under and in compliance with a special license issued under this Code section and the liability of their employers for such practice shall be governed by Code Section 51-1-29.1, except that a podiatrist engaged in such practice and an employer thereof shall have the same immunity from liability as provided other health care practitioners under Code Section 51-1-29.1.
- (2) The liability of persons practicing a health care specialty pursuant to Article 8 of Chapter 8 of Title 31 under and in compliance with a special license issued under this Code section and the liability of their employers for such practice shall be governed by the provisions of such article.
- (i) This Code section, being in derogation of the common law, shall be strictly construed.

**History** Code 1981, § 43-1-28, enacted by Ga. L. 2000, p. 1406, § 1; Ga. L. 2002, p. 639, § 1; Ga. L. 2005, p. 1493, § 2/HB 166; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2008, p. 354, § 3/HB 1222; Ga. L. 2009, p. 859, § 3/HB 509.

#### **§ 43-1-29. Suspension of license for nonpayment of student loans; procedure; reinstatement**

A professional licensing board shall not suspend the license of a person licensed by that board because he or she is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or because he or she has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.

**History** Code 1981, § 43-1-29, enacted by Ga. L. 2001, p. 1066, § 1; Ga. L. 2019, p. 462, § 1-12/SB 214.

**§ 43-1-30. Collection of work force and demographic data; procedure for collection and utilization**

Reserved. Repealed by Ga. L. 2002, p. 615, § 3, effective December 31, 2007.

**§ 43-1-31. Expiration of professional licenses of service members on active duty outside of state**

(a) As used in this Code section, the term "service member" means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose license to practice a profession issued pursuant to any provision of this title expired while such service member was serving on active duty outside the state shall be permitted to practice such profession in accordance with such expired license and shall not be charged with a violation of this title related to practicing a profession with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the applicable professional licensing board either a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

**History** Code 1981, § 43-1-31, enacted by Ga. L. 2005, p. 213, § 6/SB 258.

**§ 43-1-32. Limitations on licensure requirements for physicians and dentists; conditioning of licensing upon participation in public or private health insurance plans prohibited**

(a) State licensure requirements for physicians and dentists in this state shall be granted based on demonstrated skill and academic competence. Licensure approval for physicians and dentists in this state shall not be conditioned upon or related to participation in any public or private health insurance plan, public health care system, public service initiative, or emergency room coverage.

(b) The Georgia Composite Medical Board and the Georgia Board of Dentistry shall be solely responsible for the licensure of physicians and dentists, respectively, in this state.

**History** Code 1981, § 43-1-32, enacted by Ga. L. 2012, p. 348, § 1/HB 785.

**§ 43-1-33. Identification by health care practitioners to patients with regard to their license; short title; legislative findings; definitions; requirements for advertisements and signage; applicability; violations**

(a) This Act shall be known and may be cited as the "Consumer Information and Awareness Act."

(b) The General Assembly hereby finds and declares that:

(1) There are numerous professional degrees that include the term "doctor," such as Doctor of

Medicine (M.D.); Doctor of Osteopathy (D.O.); Doctor of Dental Surgery (D.D.S.); Doctor of Dental Medicine (D.M.D.); Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.); Doctor of Chiropractic (D.C.); registered professional nurses or advanced practice registered nurses (nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified nurse anesthetists) with doctorate degrees (D.N.P., D.N.S., Ph.D., or Ed.D.); audiologists with doctorate degrees (A.U.D.); speech-language pathologists with doctorate degrees (S.L.P.D. or Ph.D.); and other designations, which may be used by health care practitioners; and

- (2) Each health care professional receives education and training that qualifies them to provide general and specialized services respectively. This training is necessary to correctly detect, diagnose, prevent, and treat serious health conditions.

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

- (1) "Advertisement" means any communication or statement, whether printed, electronic, or verbal, that names a health care practitioner in relation to his or her practice, profession, or institution in which the practitioner is employed, volunteers, or otherwise provides health care services. This term includes business cards, letterhead, patient brochures, e-mail, Internet, audio, and video.
- (2) "Health care practice or facility" means a hospital, physician practice setting, nursing home, assisted living community, or personal care home.
- (3) "Health care practitioner" means a:
  - (A) Chiropractor licensed pursuant to Chapter 9 of this title;
  - (B) Professional counselor, social worker, or marriage and family therapist licensed pursuant to Chapter 10A of this title;
  - (C) Dentist licensed pursuant to Chapter 11 of this title;
  - (D) Dietitian licensed or registered pursuant to Chapter 11A of this title;
  - (E) Advanced practice registered nurse, including nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, registered professional nurse, and licensed practical nurse, licensed or registered pursuant to Chapter 26 of this title;
  - (F) Occupational therapist licensed pursuant to Chapter 28 of this title;
  - (G) Optometrist licensed pursuant to Chapter 30 of this title;
  - (H) Physical therapist licensed pursuant to Chapter 33 of this title;
  - (I) Physician or osteopath licensed pursuant to Chapter 34 of this title;
  - (J) Physician assistant licensed pursuant to Chapter 34 of this title;
  - (K) Acupuncturist licensed pursuant to Chapter 34 of this title;
  - (L) Podiatrist licensed pursuant to Chapter 35 of this title;
  - (M) Psychologist licensed pursuant to Chapter 39 of this title;
  - (N) Audiologist or speech-language pathologist licensed pursuant to Chapter 44 of this title;
  - (O) Pharmacist licensed pursuant to Chapter 4 of Title 26;

- (P)** Ophthalmic technician;
- (Q)** Medical assistant or certified nursing assistant; and
- (R)** Respiratory care professional certified pursuant to Article 6 of Chapter 34 of this title.

**(d)**

- (1)** An advertisement by a health care practitioner shall identify the type of license the health care practitioner holds.
  - (2)** This subsection shall not apply to an advertisement by a health care practice or facility and shall not be construed to require any such practice or facility in which multiple health care practitioners are employed to list in an advertisement the name of every health care practitioner so employed by such practice or facility.
- (e)** (1) A health care practitioner providing services in this state in a health care practice or facility shall conspicuously post and affirmatively communicate the practitioner's specific licensure to all current and prospective patients as follows:
- (A)** (i) The health care practitioner shall wear an identifier during all patient encounters that shall include:
    - (I)** The health care practitioner's name; and
    - (II)** The type of license or educational degree the health care practitioner holds.
      - (ii)** The identifier shall be of sufficient size and be worn in a conspicuous manner so as to be visible and apparent. A lab coat or similar distinguishing clothing or uniform indicating the practitioner's specific licensure may be considered an identifier if such clothing or uniform meets the requirements of division (i) of this subparagraph.
      - (iii)** An identifier shall not be required in an operating room or other setting where surgical or other invasive procedures are performed or in any other setting where maintaining a sterile environment is medically necessary.
      - (iv)** An identifier shall not be required in any mental health setting where it would impede the psychotherapeutic relationship.
      - (v)** If a safety or health risk to the health care practitioner or a patient would be created as a result of the practitioner wearing such identifier in a specified practice setting, an identifier shall not be required or may be modified by omitting or concealing the last name of the practitioner in accordance with the requirements of the health care practice or facility; and
  - (B)** A health care practitioner in a health care practice or facility other than a hospital shall display in the reception area of such practice or facility a notice that clearly identifies the type of health care practitioners employed in such practice or facility and the right of a patient to inquire as to the type of license of the health care practitioner treating such patient. The notice shall be of sufficient size so as to be visible and apparent to all current and prospective patients.
- (2)** A health care practitioner who practices in more than one office shall place the identifier information conspicuously on such practitioner's website if he or she maintains a website.

- (3) A health care practitioner who practices in a nonpatient care setting and who does not have any direct patient care interactions shall not be subject to the provisions of this subsection.
- (4) A health care practice or facility which requires, as of the effective date of this Code section, its health care practitioners to wear an identification badge shall not be required to replace such badges to conform to the requirements of subparagraph (A) of paragraph (1) of this subsection.
- (5) Except as otherwise provided by paragraph (6) of this subsection, this subsection shall only apply to health care practices and facilities where more than one type of health care practitioner interacts with patients in exam settings. This subsection shall not apply to health care practices or facilities in which only one type of health care practitioner practices.
- (6) This subsection shall only apply to a dentist if such dentist is practicing in a hospital. This subsection shall only apply to a chiropractor or optometrist if such chiropractor or optometrist is practicing in a hospital, nursing home, assisted living community, or personal care home.
- (f) A health care practitioner who intentionally violates any provision of this Code section may be subject to disciplinary action by the health care practitioner's professional licensing board. Notwithstanding the imposition of any sanction, the health care practitioner's professional licensing board may seek an injunction or other legal means as appropriate against such health care practitioner violating this Code section.
- (g) A violation of this Code section shall not constitute a private cause of action.

**History** Code 1981, § 43-1-33, enacted by Ga. L. 2015, p. 1309, § 1/HB 416.

#### **§ 43-1-34. Military spouses and veterans licensure**

- (a) As used in this Code section, the term:
  - (1) "License" means a document, permit, certificate of registration, or other authorization issued by or on behalf of a professional licensing board or other board that is required under this title for a person to engage in a profession, business, or trade.
  - (2) "Military" means the United States armed forces, including the National Guard.
  - (3) "Military spouse" means a spouse of a service member or transitioning service member.
  - (4) "Other board" means a board created pursuant to this title that is not a professional licensing board.
  - (5) "Service member" means an active or reserve member of the armed forces, including the National Guard.
  - (6) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.
- (b) No later than July 1, 2017, each professional licensing board and other board shall adopt rules and regulations implementing a process by which military spouses and transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or

a combination thereof for each profession, business, or trade for which a license is issued. Such process may include the issuance of a license to an applicant based upon such applicant:

- (1) Holding a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this state to obtain a license; and
  - (2) Obtaining a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.
- (c) Any professional licensing board or other board created after June 30, 2016, shall adopt within one year of its creation the rules and regulations required by subsection (b) of this Code section.

**History** Code 1981, § 43-1-34, enacted by Ga. L. 2016, p. 428, § 2/HB 821.