Rules and Regulations of the State of Georgia

Department 290 RULES OF DEPARTMENT OF HUMAN SERVICES

Current through Rules and Regulations filed through November 2, 2022

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Subject 290-4-3. [Repealed].
Rule 290-4-3-.01. [Repealed].
Rule 290-4-3-.02. [Repealed].
Subject 290-4-4. REPEALED.
Rule 290-4-4-.01. Repealed.
Rule 290-4-4-.02. Repealed.
Rule 290-4-4-.03. Repealed.
Rule 290-4-4-.04. Repealed.
Rule 290-4-4-.05. Repealed.
Rule 290-4-4-.06. Repealed.
Rule 290-4-4-.07. Repealed.
Rule 290-4-4-.08. Repealed.
Rule 290-4-4-.09. Repealed.
Rule 290-4-4-.10. Repealed.
Rule 290-4-4-.11. Repealed.
Subject 290-4-5. [Repealed].

Rule 290-4-5-.01. [Repealed].
Rule 290-4-5-.02. [Repealed].
Rule 290-4-5-.03. [Repealed].
Rule 290-4-5-.04. [Repealed].
Rule 290-4-5-.05. [Repealed].
Rule 290-4-5-.06. [Repealed].
Rule 290-4-5-.07. [Repealed].
Subject 290-4-6. [Repealed].
Rule 290-4-6-.01. [Repealed].
Rule 290-4-6-.02. [Repealed].
Rule 290-4-6-.03. [Repealed].
Rule 290-4-6-.04. [Repealed].
Rule 290-4-6-.05. [Repealed].
Rule 290-4-6-.06. [Repealed].
Rule 290-4-6-.07. [Repealed].
Subject 290-4-7. [Repealed].
Rule 290-4-7-.01. [Repealed].
Rule 290-4-7-.02. [Repealed].
Rule 290-4-7-.03. [Repealed].
Rule 290-4-7-.04. [Repealed].
Rule 290-4-7-.05. [Repealed].
Rule 290-4-7-.06. [Repealed].
Rule 290-4-7-.07. [Repealed].
Rule 290-4-7-.08. [Repealed].
Rule 290-4-7-.09. [Repealed].
Subject 290-4-8. [Repealed].
Rule 290-4-8-.01. [Repealed].
Rule 290-4-8-.02. [Repealed].
Rule 290-4-8-.03. [Repealed].
Rule 290-4-8-.04. [Repealed].
Rule 290-4-8-.05. [Repealed].
Rule 290-4-8-.06. [Repealed].
Rule 290-4-8-.07. [Repealed].
Subject 290-4-9. [Repealed].
Rule 290-4-9-.01. [Repealed].
Rule 290-4-9-.02. [Repealed].
Rule 290-4-9-.03. [Repealed].
Rule 290-4-9-.04. [Repealed].

Rule 290-4-9-.05. [Repealed].
Rule 290-4-9-.06. [Repealed].
Subject 290-4-10. [Repealed].
Rule 290-4-10-.01. [Repealed].
Rule 290-4-10-.02. [Repealed].
Rule 290-4-10-.03. [Repealed].
Rule 290-4-10-.04. [Repealed].
Rule 290-4-10-.05. [Repealed].
Rule 290-4-10-.06. [Repealed].
Rule 290-4-10-.07. [Repealed].
Rule 290-4-10-.08. [Repealed].
Rule 290-4-10-.09. [Repealed].
Rule 290-4-10-.10. [Repealed].
Rule 290-4-10-.11. [Repealed].
Rule 290-4-10-.12. [Repealed].
Rule 290-4-10-.13. [Repealed].
Rule 290-4-10-.14. [Repealed].
Rule 290-4-10-.15. [Repealed].
Rule 290-4-10-.16. [Repealed].
Rule 290-4-10-.17. [Repealed].
Rule 290-4-10-.18. [Repealed].
Rule 290-4-10-.19. [Repealed].
Rule 290-4-10-.20. [Repealed].
Rule 290-4-10-.21. [Repealed].
Rule 290-4-10-.22. [Repealed].
Rule 290-4-10-.23. [Repealed].
Rule 290-4-10-.24. [Repealed].
Rule 290-4-10-.25. [Repealed].
Rule 290-4-10-.26. [Repealed].
Rule 290-4-10-.27. [Repealed].
Rule 290-4-10-.28. [Repealed].
Subject 290-4-11. REPEALED.
Rule 290-4-11-.01. Repealed.
Rule 290-4-11-.02. Repealed.
Rule 290-4-11-.03. Repealed.
Rule 290-4-11-.04. Repealed.
Subject 290-4-12. [Repealed].
Rule 290-4-12-.01. [Repealed].

Rule 290-4-12-.02. [Repealed].
Rule 290-4-12-.03. [Repealed].
Rule 290-4-12-.04. [Repealed].
Rule 290-4-12-.05. [Repealed].
Rule 290-4-12-.06. [Repealed].
Rule 290-4-12-.07. [Repealed].
Rule 290-4-12-.08. [Repealed].
Rule 290-4-12-.09. [Repealed].
Rule 290-4-12-.10. [Repealed].
Rule 290-4-12-.11. [Repealed].
Rule 290-4-12-.12. [Repealed].
Rule 290-4-12-.13. [Repealed].
Rule 290-4-12-.14. [Repealed].
Rule 290-4-12-.15. [Repealed].
Rule 290-4-12-.16. [Repealed].
Rule 290-4-12-.17. [Repealed].
Rule 290-4-12-.18. [Repealed].
Rule 290-4-12-.19. [Repealed].
Rule 290-4-12-.20. [Repealed].
Subject 290-4-13. [Repealed].
Rule 290-4-13-.01. [Repealed].
Rule 290-4-13-.02. [Repealed].
Rule 290-4-13-.03. [Repealed].
Rule 290-4-13-.04. [Repealed].
Rule 290-4-13-.05. [Repealed].
Rule 290-4-13-.06. [Repealed].
Rule 290-4-13-.07. [Repealed].
Rule 290-4-13-.08. [Repealed].
Rule 290-4-13-.09. [Repealed].
Rule 290-4-13-.10. [Repealed].
Rule 290-4-13-.11. [Repealed].
Rule 290-4-13-.12. [Repealed].
Rule 290-4-13-.13. [Repealed].
Rule 290-4-13-.14. [Repealed].
Rule 290-4-13-.15. [Repealed].
Chapter 290-5. PUBLIC HEALTH.
Subject 290-5-1. REPEALED 290-5-1.
Rule 290-5-1-.01. Repealed.

Rule 290-5-1-.02. Repealed.
Rule 290-5-1-.03. Repealed.
Rule 290-5-1-.04. Repealed.
Rule 290-5-1-.05. Repealed.
Rule 290-5-1-.06. Repealed.
Rule 290-5-1-.07. Repealed.
Rule 290-5-1-.08. Repealed.
Rule 290-5-1-.09. Repealed.
Rule 290-5-1-.10. Repealed.
Rule 290-5-1-.11. Repealed.
Subject 290-5-2. REPEALED 290-5-2.
Rule 290-5-2-.01. Repealed.
Rule 290-5-2-.02. Repealed.
Rule 290-5-2-.03. Repealed.
Subject 290-5-3. REPEALED 290-5-3.
Rule 290-5-3-.01. Repealed.
Rule 290-5-3-.02. Repealed.
Rule 290-5-3-.03. Repealed.
Rule 290-5-3-.04. Repealed.
Rule 290-5-3-.05. Repealed.
Subject 290-5-4. REPEALED 290-5-4.
Rule 290-5-4-.01. Repealed.
Rule 290-5-4-.02. Repealed.
Rule 290-5-4-.03. Repealed.
Rule 290-5-4-.04. Repealed.
Rule 290-5-4-.05. Repealed.
Rule 290-5-4-.06. Repealed.
Rule 290-5-4-.07. Repealed.
Rule 290-5-4-.08. Repealed.
Rule 290-5-4-.09. Repealed.
Subject 290-5-5. [Repealed].
Rule 290-5-5-.01. [Repealed].
Rule 290-5-5-.02. [Repealed].
Rule 290-5-5-.03. [Repealed].
Rule 290-5-5-.04. [Repealed].
Rule 290-5-5-.05. [Repealed].
Rule 290-5-5-.06. [Repealed].
Rule 290-5-5-.07. [Repealed].

Rule 290-5-5-.08. [Repealed].
Rule 290-5-5-.09. [Repealed].
Subject 290-5-6. REPEALED (290-5-6-.01 thru 290-5-6-.41).
Rule 290-5-6-.01. Repealed.
Rule 290-5-6-.02. Repealed.
Rule 290-5-6-.03. Repealed.
Rule 290-5-6-.04. Repealed.
Rule 290-5-6-.05. Repealed.
Rule 290-5-6-.06. Repealed.
Rule 290-5-6-.07. Repealed.
Rule 290-5-6-.08. Repealed.
Rule 290-5-6-.09. Repealed.
Rule 290-5-6-.10. Repealed.
Rule 290-5-6-.11. Repealed.
Rule 290-5-6-.12. Repealed.
Rule 290-5-6-.13. Repealed.
Rule 290-5-6-.14. Repealed.
Rule 290-5-6-.15. Repealed.
Rule 290-5-6-.16. Repealed.
Rule 290-5-6-.17. Repealed.
Rule 290-5-6-.18. Repealed.
Rule 290-5-6-.19. Repealed.
Rule 290-5-6-.20. Repealed.
Rule 290-5-6-.21. Repealed.
Rule 290-5-6-.22. Repealed.
Rule 290-5-6-.23. Repealed.
Rule 290-5-6-.24. Repealed.
Rule 290-5-6-.25. Repealed.
Rule 290-5-6-.26. Repealed.
Rule 290-5-6-.27. Repealed.
Rule 290-5-6-.28. Repealed.
Rule 290-5-6-.29. Repealed.
Rule 290-5-6-.30. Repealed.
Rule 290-5-6-.31. Repealed.
Rule 290-5-6-.32. Repealed.
Rule 290-5-6-.33. Repealed.
Rule 290-5-6-.34. Repealed.
Rule 290-5-6-.35. Repealed.

Rule 290-5-6-.36. Repealed.
Rule 290-5-6-.37. Repealed.
Rule 290-5-6-.38. Repealed.
Rule 290-5-6-.39. Repealed.
Rule 290-5-6-.40. Repealed.
Rule 290-5-6-.41. Repealed.
Subject 290-5-7. REPEALED 290-5-7.
Rule 290-5-7-.01. Repealed.
Rule 290-5-7-.02. Repealed.
Rule 290-5-7-.03. Repealed.
Rule 290-5-7-.04. Repealed.
Rule 290-5-7-.05. Repealed.
Rule 290-5-7-.06. Repealed.
Rule 290-5-7-.07. Repealed.
Rule 290-5-7-.08. Repealed.
Rule 290-5-7-.09. Repealed.
Rule 290-5-7-.10. Repealed.
Rule 290-5-7-.11. Repealed.
Rule 290-5-7-.12. Repealed.
Rule 290-5-7-.13. Repealed.
Rule 290-5-7-.14. Repealed.
Rule 290-5-7-.15. Repealed.
Rule 290-5-7-.16. Repealed.
Subject 290-5-8. REPEALED 290-5-8.
Rule 290-5-8-.01. Repealed.
Rule 290-5-8-.02. Repealed.
Rule 290-5-8-.03. Repealed.
Rule 290-5-8-.04. Repealed.
Rule 290-5-8-.05. Repealed.
Rule 290-5-8-.06. Repealed.
Rule 290-5-8-.07. Repealed.
Rule 290-5-8-.08. Repealed.
Rule 290-5-8-.09. Repealed.
Rule 290-5-8-.10. Repealed.
Rule 290-5-8-.11. Repealed.
Rule 290-5-8-.12. Repealed.
Rule 290-5-8-.13. Repealed.
Rule 290-5-8-.14. Repealed.

Rule 290-5-8-.15. Repealed.
Rule 290-5-8-.16. Repealed.
Rule 290-5-8-.17. Repealed.
Rule 290-5-8-.18. Repealed.
Rule 290-5-8-.19. Repealed.
Rule 290-5-8-.20. Repealed.
Rule 290-5-8-.21. Repealed.
Rule 290-5-8-.22. Repealed.
Rule 290-5-8-.23. Repealed.
Rule 290-5-8-.24. Repealed.
Rule 290-5-8-.25. Repealed.
Rule 290-5-8-.26. Repealed.
Rule 290-5-8-.27. Repealed.
Subject 290-5-9. [Repealed].
Rule 290-5-9-.01. [Repealed].
Rule 290-5-9-.02. [Repealed].
Rule 290-5-9-.03. [Repealed].
Rule 290-5-9-.04. [Repealed].
Rule 290-5-9-.05. [Repealed].
Rule 290-5-9-.06. [Repealed].
Rule 290-5-9-.07. [Repealed].
Rule 290-5-9-.08. [Repealed].
Rule 290-5-9-.09. [Repealed].
Rule 290-5-9-.10. [Repealed].
Rule 290-5-9-.11. [Repealed].
Rule 290-5-9-.12. [Repealed].
Rule 290-5-9-.13. [Repealed].
Rule 290-5-9-.14. [Repealed].
Rule 290-5-9-.15. [Repealed].
Rule 290-5-9-.16. [Repealed].
Rule 290-5-9-.17. [Repealed].
Rule 290-5-9-.18. [Repealed].
Rule 290-5-9-.19. [Repealed].
Rule 290-5-9-.20. [Repealed].
Rule 290-5-9-.21. [Repealed].
Rule 290-5-9-.22. [Repealed].
Rule 290-5-9-.23. [Repealed].
Rule 290-5-9-.24. [Repealed].

Subject 290-5-10. CANCER STATE AID PROGRAM.
Rule 290-5-10-.01. Repealed.
Rule 290-5-10-.02. Repealed.
Rule 290-5-10-.03. Repealed.
Rule 290-5-10-.04. Repealed.
Rule 290-5-10-.05. Repealed.
Rule 290-5-10-.06. Repealed.
Rule 290-5-10-.07. Repealed.
Rule 290-5-10-.08. Repealed.
Rule 290-5-10-.09. Repealed.
Rule 290-5-10-.10. Repealed.
Rule 290-5-10-.11. Repealed.
Subject 290-5-11. REPEALED 290-5-11.
Rule 290-5-11-.01. Repealed.
Rule 290-5-11-.02. Repealed.
Rule 290-5-11-.03. Repealed.
Rule 290-5-11-.04. Repealed.
Rule 290-5-11-.05. Repealed.
Rule 290-5-11-.06. Repealed.
Rule 290-5-11-.07. Repealed.
Rule 290-5-11-.08. Repealed.
Subject 290-5-12. [Repealed].
Rule 290-5-12-.01. [Repealed].
Rule 290-5-12-.02. [Repealed].
Subject 290-5-13. SCHOOL SANITATION (REPEALED).
Rule 290-5-13-.01. Repealed.
Rule 290-5-13-.02. Repealed.
Rule 290-5-13-.03. Repealed.
Rule 290-5-13-.04. Repealed.
Rule 290-5-13-.05. Repealed.
Rule 290-5-13-.06. Repealed.
Rule 290-5-13-.07. Repealed.
Subject 290-5-14. REPEALED.
Rule 290-5-14-.01. Repealed.
Rule 290-5-14-.02. Repealed.
Rule 290-5-14-.03. Repealed.
Rule 290-5-14-.04. Repealed.
Rule 290-5-14-.05. Repealed.

Rule 290-5-14-.06. Repealed.
Rule 290-5-14-.07. Repealed.
Rule 290-5-14-.08. Repealed.
Rule 290-5-14-.09. Repealed.
Rule 290-5-14-.10. Repealed.
Rule 290-5-14-.11. Repealed.
Rule 290-5-14-.12. Repealed.
Rule 290-5-14-.13. Repealed.
Rule 290-5-14-.14. Repealed.
Rule 290-5-14-.15. Repealed.
Rule 290-5-14-.16. Repealed.
Rule 290-5-14-.17. Repealed.
Rule 290-5-14-.18. Repealed.
Rule 290-5-14-.19. Repealed.
Rule 290-5-14-.20. Repealed.
Rule 290-5-14-.21. Repealed.
Rule 290-5-14-.22. Repealed.
Subject 290-5-15. REPEALED 290-5-15.
Rule 290-5-15-.01. Repealed.
Rule 290-5-15-.02. Repealed.
Rule 290-5-15-.03. Repealed.
Rule 290-5-15-.04. Repealed.
Rule 290-5-15-.05. Repealed.
Rule 290-5-15-.06. Repealed.
Rule 290-5-15-.07. Repealed.
Rule 290-5-15-.08. Repealed.
Rule 290-5-15-.09. Repealed.
Rule 290-5-15-.10. Repealed.
Rule 290-5-15-.11. Repealed.
Rule 290-5-15-.12. Repealed.
Subject 290-5-16. REPEALED 290-5-16.
Rule 290-5-16-.01. Repealed.
Rule 290-5-16-.02. Repealed.
Rule 290-5-16-.03. Repealed.
Rule 290-5-16-.04. Repealed.
Rule 290-5-16-.05. Repealed.
Rule 290-5-16-.06. Repealed.
Rule 290-5-16-.07. Repealed.

Rule 290-5-16-.08. Repealed.
Subject 290-5-17. REPEALED 290-5-17.
Rule 290-5-17-.01. Repealed.
Rule 290-5-17-.02. Repealed.
Rule 290-5-17-.03. Repealed.
Subject 290-5-18. REPEALED 290-5-18.
Rule 290-5-18-.01. Repealed.
Rule 290-5-18-.02. Repealed.
Rule 290-5-18-.03. Repealed.
Rule 290-5-18-.04. Repealed.
Rule 290-5-18-.05. Repealed.
Rule 290-5-18-.06. Repealed.
Rule 290-5-18-.07. Repealed.
Rule 290-5-18-.08. Repealed.
Rule 290-5-18-.09. Repealed.
Rule 290-5-18-.10. Repealed.
Rule 290-5-18-.11. Repealed.
Rule 290-5-18-.12. Repealed.
Rule 290-5-18-.13. Repealed.
Rule 290-5-18-.14. Repealed.
Rule 290-5-18-.15. Repealed.
Rule 290-5-18-.16. Repealed.
Rule 290-5-18-.17. Repealed.
Rule 290-5-18-.18. Repealed.
Subject 290-5-19. REPEALED 290-5-19.
Rule 290-5-19-.01. Repealed.
Subject 290-5-20. REPEALED 290-5-20.
Rule 290-5-20-.01. Repealed.
Rule 290-5-20-.02. Repealed.
Rule 290-5-20-.03. Repealed.
Rule 290-5-20-.04. Repealed.
Rule 290-5-20-.05. Repealed.
Subject 290-5-21. REPEALED 290-5-21.
Rule 290-5-21-.01. Repealed.
Rule 290-5-21-.02. Repealed.
Rule 290-5-21-.03. Repealed.
Rule 290-5-21-.04. Repealed.
Rule 290-5-21-.05. Repealed.

Subject 290-5-22. [Repealed].
Rule 290-5-22-.01. [Repealed].
Rule 290-5-22-.02. [Repealed].
Rule 290-5-22-.03. [Repealed].
Rule 290-5-22-.04. [Repealed].
Rule 290-5-22-.05. [Repealed].
Rule 290-5-22-.06. [Repealed].
Rule 290-5-22-.07. [Repealed].
Rule 290-5-22-.08. [Repealed].
Rule 290-5-22-.09. [Repealed].
Subject 290-5-23. RADIOACTIVE MATERIALS (REPEALED).
Rule 290-5-23-.01. REPEALED.
Rule 290-5-23-.02. REPEALED.
Rule 290-5-23-.03. REPEALED.
Rule 290-5-23-.04. REPEALED.
Rule 290-5-23-.05. REPEALED.
Rule 290-5-23-.06. REPEALED.
Rule 290-5-23-.07. REPEALED.
Rule 290-5-23-.08. REPEALED.
Rule 290-5-23-.09. REPEALED.
Subject 290-5-24. REPEALED 290-5-24.
Rule 290-5-24-.01. Repealed.
Rule 290-5-24-.02. Repealed.
Rule 290-5-24-.03. Repealed.
Rule 290-5-24-.04. Repealed.
Subject 290-5-25. REPEALED 290-5-25.
Rule 290-5-25-.01. Repealed.
Rule 290-5-25-.02. Repealed.
Rule 290-5-25-.03. Repealed.
Rule 290-5-25-.04. Repealed.
Rule 290-5-25-.05. Repealed.
Rule 290-5-25-.06. Repealed.
Rule 290-5-25-.07. Repealed.
Rule 290-5-25-.08. Repealed.
Rule 290-5-25-.09. Repealed.
Rule 290-5-25-.10. Repealed.
Rule 290-5-25-.11. Repealed.
Subject 290-5-26. REPEALED 290-5-26.

Rule 290-5-26-.01. Repealed.
Rule 290-5-26-.02. Repealed.
Rule 290-5-26-.03. Repealed.
Rule 290-5-26-.04. Repealed.
Rule 290-5-26-.05. Repealed.
Rule 290-5-26-.06. Repealed.
Rule 290-5-26-.07. Repealed.
Rule 290-5-26-.08. Repealed.
Rule 290-5-26-.09. Repealed.
Rule 290-5-26-.10. Repealed.
Rule 290-5-26-.11. Repealed.
Rule 290-5-26-.12. Repealed.
Rule 290-5-26-.13. Repealed.
Rule 290-5-26-.14. Repealed.
Rule 290-5-26-.15. Repealed.
Rule 290-5-26-.16. Repealed.
Rule 290-5-26-.17. Repealed.
Rule 290-5-26-.18. Repealed.
Rule 290-5-26-.19. Repealed.
Rule 290-5-26-.20. Repealed.
Subject 290-5-27. [Repealed].
Rule 290-5-27-.01. [Repealed].
Rule 290-5-27-.02. [Repealed].
Rule 290-5-27-.03. [Repealed].
Rule 290-5-27-.04. [Repealed].
Rule 290-5-27-.05. [Repealed].
Rule 290-5-27-.06. [Repealed].
Subject 290-5-28. REPEALED 290-5-28.
Rule 290-5-28-.01. Repealed.
Rule 290-5-28-.02. Repealed.
Rule 290-5-28-.03. Repealed.
Rule 290-5-28-.04. Repealed.
Subject 290-5-29. REPEALED (290-5-29-.01 thru 290-5-29-.21).
Rule 290-5-29-.01. Repealed.
Rule 290-5-29-.02. Repealed.
Rule 290-5-29-.03. Repealed.
Rule 290-5-29-.04. Repealed.
Rule 290-5-29-.05. Repealed.

Rule 290-5-29-.06. Repealed.
Rule 290-5-29-.07. Repealed.
Rule 290-5-29-.08. Repealed.
Rule 290-5-29-.09. Repealed.
Rule 290-5-29-.10. Repealed.
Rule 290-5-29-.11. Repealed.
Rule 290-5-29-.12. Repealed.
Rule 290-5-29-.13. Repealed.
Rule 290-5-29-.14. Repealed.
Rule 290-5-29-.15. Repealed.
Rule 290-5-29-.16. Repealed.
Rule 290-5-29-.17. Repealed.
Rule 290-5-29-.18. Repealed.
Rule 290-5-29-.19. Repealed.
Rule 290-5-29-.20. Repealed.
Rule 290-5-29-.21. Repealed.
Subject 290-5-30. REPEALED.
Rule 290-5-30-.01. Repealed.
Rule 290-5-30-.02. Repealed.
Rule 290-5-30-.03. Repealed.
Rule 290-5-30-.04. Repealed.
Rule 290-5-30-.05. Repealed.
Rule 290-5-30-.06. Repealed.
Rule 290-5-30-.07. Repealed.
Rule 290-5-30-.08. Repealed.
Rule 290-5-30-.09. Repealed.
Rule 290-5-30-.10. Repealed.
Rule 290-5-30-.11. Repealed.
Rule 290-5-30-.12. Repealed.
Rule 290-5-30-.13. Repealed.
Rule 290-5-30-.14. Repealed.
Rule 290-5-30-.15. Repealed.
Rule 290-5-30-.16. Repealed.
Rule 290-5-30-.17. Repealed.
Rule 290-5-30-.18. Repealed.
Subject 290-5-31. REPEALED 290-5-31.
Rule 290-5-31-.01. Repealed.
Rule 290-5-31-.02. Repealed.

Rule 290-5-31-.03. Repealed.
Rule 290-5-31-.04. Repealed.
Rule 290-5-31-.05. Repealed.
Rule 290-5-31-.06. Repealed.
Rule 290-5-31-.07. Repealed.
Rule 290-5-31-.08. Repealed.
Rule 290-5-31-.09. Repealed.
Subject 290-5-32. [Repealed].
Rule 290-5-32-.01. [Repealed].
Rule 290-5-32-.02. [Repealed].
Rule 290-5-32-.03. Repealed.
Rule 290-5-32-.04. [Repealed].
Rule 290-5-32-.05. [Repealed].
Rule 290-5-32-.06. Repealed.
Rule 290-5-32-.07. Repealed.
Subject 290-5-33. REPEALED 290-5-33.
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Rule 290-9-8-.16. Repealed.
Rule 290-9-8-.17. Repealed.
Rule 290-9-8-.18. Repealed.
Rule 290-9-8-.19. Repealed.
Rule 290-9-8-.20. Repealed.
Rule 290-9-8-.21. Repealed.
Rule 290-9-8-.22. Repealed.
Rule 290-9-8-.23. Repealed.
Rule 290-9-8-.24. Repealed.
Rule 290-9-8-.25. Repealed.
Rule 290-9-8-.26. Repealed.
Rule 290-9-8-.27. Repealed.
Rule 290-9-8-.28. Repealed.
Rule 290-9-8-.29. Repealed.
Rule 290-9-8-.30. Repealed.
Rule 290-9-8-.31. Repealed.
Rule 290-9-8-.32. Repealed.
Rule 290-9-8-.33. Repealed.
Rule 290-9-8-.34. Repealed.
Subject 290-9-9. END STAGE RENAL DISEASE FACILITIES.
Rule 290-9-9-.01. Repealed.
Rule 290-9-9-.02. Repealed.
Rule 290-9-9-.03. Repealed.
Rule 290-9-9-.04. Repealed.
Rule 290-9-9-.05. Repealed.

Rule 290-9-9-.06. Repealed.
Rule 290-9-9-.07. Repealed.
Rule 290-9-9-.08. Repealed.
Rule 290-9-9-.09. Repealed.
Rule 290-9-9-.10. Repealed.
Rule 290-9-9-.11. Repealed.
Rule 290-9-9-.12. Repealed.
Rule 290-9-9-.13. Repealed.
Rule 290-9-9-.14. Repealed.
Rule 290-9-9-.15. Repealed.
Rule 290-9-9-.16. Repealed.
Rule 290-9-9-.17. Repealed.
Rule 290-9-9-.18. Repealed.
Rule 290-9-9-.19. Repealed.
Rule 290-9-9-.20. Repealed.
Subject 290-9-12. REPEALED.
Rule 290-9-12-.01. Repealed.
Rule 290-9-12-.02. Repealed.
Rule 290-9-12-.03. Repealed.
Rule 290-9-12-.04. Repealed.
Rule 290-9-12-.05. Repealed.
Rule 290-9-12-.06. Repealed.
Rule 290-9-12-.07. Repealed.
Rule 290-9-12-.08. Repealed.
Rule 290-9-12-.09. Repealed.
Rule 290-9-12-.10. Repealed.
Rule 290-9-12-.11. Repealed.
Rule 290-9-12-.12. Repealed.
Rule 290-9-12-.13. Repealed.
Rule 290-9-12-.14. Repealed.
Rule 290-9-12-.15. Repealed.
Rule 290-9-12-.16. Repealed.
Rule 290-9-12-.17. Repealed.
Rule 290-9-12-.18. Repealed.
Rule 290-9-12-.19. Repealed.
Rule 290-9-12-.20. Repealed.
Rule 290-9-12-.21. Repealed.
Rule 290-9-12-.22. Repealed.

Subject 290-9-37. RULES AND REGULATIONS FOR COMMUNITY LIVING ARRANGEMENTS.
Rule 290-9-37-.01. Authority.
Rule 290-9-37-.02. Purpose.
Rule 290-9-37-.03. Applicability.
Rule 290-9-37-.04. Exemptions.
Rule 290-9-37-.05. Definitions.
Rule 290-9-37-.06. Governing Body.
Rule 290-9-37-.07. Administration, Criminal History Background Checks.
Rule 290-9-37-.08. Minimum Floor Plan Requirements.
Rule 290-9-37-.09. Furnishings and Fixtures.
Rule 290-9-37-.10. Temperature Conditions.
Rule 290-9-37-.11. Physical Plant Health and Safety Standards.
Rule 290-9-37-.12. Supplies.
Rule 290-9-37-.13. Services.
Rule 290-9-37-.14. Staffing.
Rule 290-9-37-.15. Personnel.
Rule 290-9-37-.16. Admission.
Rule 290-9-37-.17. Admission Agreement.
Rule 290-9-37-.18. Resident Files and Information.
Rule 290-9-37-.19. Residents Rights.
Rule 290-9-37-.20. Medications.
Rule 290-9-37-.21. Medical Protection Devices and Adaptive Support Devices.
Rule 290-9-37-.22. Use of Personal Restraints and Quiet Time.
Rule 290-9-37-.23. Nutrition.
Rule 290-9-37-.24. Procedures for Change in Condition or Serious or Unusual Incident.
Rule 290-9-37-.25. Death of a Resident.
Rule 290-9-37-.26. Discharge or Transfer of a Resident.
Rule 290-9-37-.27. Expedited Transfer or Discharge Planning.
Rule 290-9-37-.28. Application for License.
Rule 290-9-37-.29. Licenses.
Rule 290-9-37-.30. Provisional Licenses.
Rule 290-9-37-.31. Inspections and Plans of Correction.
Rule 290-9-37-.32. Reporting to the Department.
Rule 290-9-37-.33. Variances and Waivers.
Rule 290-9-37-.34. Enforcement and Sanctions.
Rule 290-9-37-.35. Severability.

Subject 290-9-43. Repealed.
Rule 290-9-43-.01. Repealed.
Rule 290-9-43-.02. Repealed.
Rule 290-9-43-.03. Repealed.
Rule 290-9-43-.04. Repealed.
Rule 290-9-43-.05. Repealed.
Rule 290-9-43-.06. Repealed.
Rule 290-9-43-.07. Repealed.
Rule 290-9-43-.08. Repealed.
Rule 290-9-43-.09. Repealed.
Rule 290-9-43-.10. Repealed.
Rule 290-9-43-.11. Repealed.
Rule 290-9-43-.12. Repealed.
Rule 290-9-43-.13. Repealed.
Rule 290-9-43-.14. Repealed.
Rule 290-9-43-.15. Repealed.
Rule 290-9-43-.16. Repealed.
Rule 290-9-43-.17. Repealed.
Rule 290-9-43-.18. Repealed.
Rule 290-9-43-.19. Repealed.
Rule 290-9-43-.20. Repealed.
Rule 290-9-43-.21. Repealed.
Rule 290-9-43-.22. Repealed.
Rule 290-9-43-.23. Repealed.
Rule 290-9-43-.24. Repealed.
Rule 290-9-43-.25. Repealed.
Rule 290-9-43-.26. Repealed.
Rule 290-9-43-.27. Repealed.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 290-5-30 entitled "Ambulance Service" has been adopted. Filed May 29, 1973; effective July 1, 1973, as specified by the Agency.

Chapter 290-5-6 entitled "Hospitals" has been adopted. Filed November 1, 1973; effective November 21, 1973.

Chapter 290-1-2 entitled "Forbidding Search of Records", 290-1-3 entitled "Vital Records", 290-2-1 entitled "Organization and Administration", 290-2-2 entitled "Minimum Standards for Group Day Care Centers", 290-2-3 entitled "Board Sponsored or Non-Profit Organizations", 290-2-4 entitled "Desirable Standards for Group Day Care Centers", have been adopted. Filed January 30, 1974; effective February 19, 1974.

Chapter 290-5-31 entitled "Eye, Ear and Dental Examinations for Children Entering Public Schools" has been adopted. Filed July 11, 1974; effective July 31, 1974.

Chapter 290-1-1 entitled "Practice and Procedure" has been adopted. Filed July 26, 1974; effective August 15, 1974.

Chapter 290-5-32 entitled "Performance of Abortions After the First Trimester of Pregnancy and Reporting Requirements for All Abortions" has been adopted. Filed September 18, 1974; effective October 8, 1974.

Chapter 290-2-2 has been repealed and a new Chapter adopted. Chapters 290-2-3 and 290-2-4 have been repealed. Chapters 290-2-5 entitled "Organization and Administration", 290-2-6 entitled "Introduction and Definition", 290-2-7 entitled "Social Services", 290-2-8 entitled "Child Care and Development", 290-2-9 entitled "Buildings, Grounds, and Equipment", 290-2-10 entitled "Exceptional Children: Additional Care", 290-2-11 entitled "Reports to the Division of Community Services" have been adopted. Filed October 1, 1974; effective October 21, 1974.

Chapter 290-2-12, entitled "Organization and Administration," containing Rules 290-2-12.01 through 290-2-12.09, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-13, entitled "Introduction and Definition," containing Rule 290-2-.01, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-14 entitled "Agency Services," containing Rules 290-2-14-.01 through 290-2-14-.05, has been adopted. Filed October 21, 1974, effective November 10, 1974.

Chapter 290-2-15, entitled "Agency Records," containing Rules 290-2-15-.01 through 290-2-15-.04, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-16, entitled "Reports to the Division of Community Services," containing Rule 290-2-16-.01, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-17, entitled "Organization and Administration," containing Rules 290-2-17-.01 through 290-2-17-.07, has been adopted. Filed October 12, 1974; effective November 10, 1974.

Chapter 290-2-18, entitled "Introduction and Definition," containing Rule 290-2-18-.01, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-19, entitled "Social Services," containing Rules 290-2-19-.01 through 290-2-19-.06, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-20, entitled "Care and Program," containing Rules 290-2-20-.01 and 290-2-20-.02, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-21, entitled "Buildings, Grounds, and Equipment," containing Rules 290-2-21-.01 through 290-2-21-.06, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-22, entitled "Reports to the Division of Community Services," containing Rule 290-2-22-.01, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-23, entitled "Organization and Administration," containing Rules 290-2-23-.01 through 290-2-23-.05, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-2-24, entitled "Minimum Standards for Family Day Care Homes," containing Rules 290-2-24-.01 through 290-2-24-.10, has been adopted. Filed October 21, 1974; effective November 10, 1974.

Chapter 290-5-22, entitled "X-Ray," containing Rules 290-5-22-.01 through 290-5-22-.08, has been adopted. Filed December 23, 1974; effective January 12, 1975.

Chapter 290-5-23, entitled "Radioactive Materials," containing Rules 290-5-23-.01 through 290-5-23-.08, has been adopted. Filed December 23, 1974; effective January 12, 1975.

Chapter 290-5-29, entitled "Licensure of Chemical Laboratories," containing Rules 290-5-29-.01 through 290-5-20-.16, has been adopted. Filed February 11, 1975; effective March 3, 1975.

Chapter 290-2-5 has been repealed and a new Chapter 290-2-5, entitled "Minimum Requirements for Child Caring Institutions," containing Rules 290-2-5-.01 through 290-2-5-.07, adopted. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-6 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-7 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-8 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-9 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-10 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Chapter 290-2-11 has been repealed. Filed August 26, 1975; effective September 15, 1975.

Emergency Rule 290-4-3-0.1, entitled "Pretrial Examination and for Commitment Because of Incompetency to Stand Trial," has been adopted. Filed and effective on September 19, 1975, to remain in effect for a period of 120 days, as specified by the Agency. This Emergency Rule will not be published, but is open for public examination at the Department of Human Resources, Room 401-C, State Office Building, Capitol Square, Atlanta, Georgia 30334.

Chapter 290-4-1, entitled "Private Emergency Receiving, Evaluating, and Treatment Facilities," containing Rules 290-4-1-.01 through 290-4-1-.06, has been adopted. Filed October 15, 1975; effective November 4, 1975.

Chapter 290-2-16 has been repealed and a new Chapter 290-2-16, entitled "Reports to the Division of Social Services," containing Rule 290-2-16-.01, adopted. Filed November 3, 1975; effective November 23, 1975.

Chapter 290-2-22 has been repealed and a new Chapter 290-2-22, entitled "Reports to the Division of Social Services," containing Rule 290-2-22-.01, adopted. Filed November 3, 1975; effective November 23, 1975.

Chapter 290-4-2, entitled "Drug Abuse Treatment Programs," containing Rules 290-4-2-.01 through 290-4-2-.07, has been adopted. Filed November 17, 1975; effective December 7, 1975.

Chapter 290-4-3, entitled "Pretrial Examination and for Commitment Because of Incompetency to Stand Trial," containing Rules 290-4-3-.01 and 290-4-3-.02, has been adopted superseding Emergency Rule 290-4-3-0.1, containing Rules 290-4-3-0.1-.01 and 290-4-3-0.1-.02. Filed December 10, 1975; effective December 30, 1975.

Chapter 290-1-4, entitled "Disclosure of Information on Medicaid Providers," containing Rules 290-1-4-.01 through 290-1-4-.04, has been adopted. Filed December 15, 1975; effective January 4, 1976.

Chapter 290-6-1, entitled "Administrative Revocation of Juvenile Aftercare or Alternate Plans," containing Rules 290-6-1-.01 through 290-6-1-.09, has been adopted. Filed December 30, 1975; effective January 19, 1976.

Chapter 290-5-33, entitled "Certificate of Need for Long-Term Health Care Facilities," containing Rules 290-5-33-.01 through 290-5-33-.08, has been adopted. Filed January 23, 1976; effective February 12, 1976.

Chapter 290-2-6, entitled "Minimum Requirements for Group Homes (Child Caring Institutions)," containing Rules 290-2-6-.01 through 290-2-6-.09, has been adopted. Filed April 22, 1976; effective May 12, 1976.

Rule 290-5-29-.02 has been repealed and a new Rule 290-5-29-.02 adopted. Filed May 11, 1976; effective May 31, 1976.

Subparagraph (2) (a) 2. of Rule 290-5-29-.06 has been repealed and a new subparagraph (2) (a) 2. adopted. Filed May 11, 1976; effective May 31, 1976.

Rule 290-5-29-.07 has been amended by the repeal of paragraphs (2) and (3) and by the adoption of new paragraphs (2) and (3). Filed May 11, 1976; effective May 31, 1976.

Chapter 290-4-4, entitled "Intensive Residential Treatment Facilities for Children and Youth," containing Rules 290-4-4-.01 through 290-4-4-.06, has been adopted. Filed June 9, 1976; effective June 29, 1976.

Paragraph (1) of Rule 290-2-2-.11 has been amended. Filed June 17, 1976; effective July 7, 1976.

Subparagraphs (b)1. and (d)3. of Rule 290-5-6-.21 have been repealed and new subparagraphs (b)1. and (d)3. adopted. Filed October 26, 1976; effective November 15, 1976.

Chapter 290-5-8, entitled "Nursing Homes," containing Rules 290-5-8-.01 through 290-5-8-.24, has been adopted. Filed October 26, 1976; effective November 15, 1976.

Chapter 290-5-9, entitled "Intermediate Care Homes," containing Rules 290-5-9-.01 through 290-5-9-.24, has been adopted. Filed October 26, 1976; effective November 15, 1976.

Rule 290-5-6-.03 has been amended by: the repeal of paragraph (3) and the adoption of a new paragraph (3); the repeal of paragraph (4) in its entirety; the renumbering of paragraphs (5) and (6) as paragraphs (4) and (5). Filed January 28, 1977; effective February 17, 1977.

Paragraph (2) of Rule 290-5-6-.15 has been amended by the repeal of subparagraphs (a), (b), (c), (d), and (e) and by the adoption of new subparagraphs (a), (b), and (c). Filed January 28, 1977; effective February 17, 1977.

Paragraph (1) of Rule 290-5-6-.23 has been amended. Filed January 28, 1977; effective February 17, 1977.

Chapter 290-5-4, entitled "Immunization of Children as a Prerequisite to Admission to School," containing Rules 290-5-4-.01 through 290-5-4-.09, has been adopted. Filed January 28, 1977; effective February 17, 1977.

Rule 29-5-6-.16 has been repealed and a new Rule 290-5-6-.16 adopted. Filed April 20, 1977; the first three sentences of subparagraph paragraph (4)(b) of this Rule shall become effective January 1, 1978, as specified by the Agency; remainder effective May 10, 1977.

Rule 290-5-6-.17 has been repealed and a new Rule 290-5-6-.17 adopted. Filed April 20, 1977; effective May 10, 1977.

Rule 290-6-1-.02 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 25, 1977; effective June 14, 1977.

Rule 290-6-1-.05 has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed May 25, 1977; effective June 14, 1977.

Chapter 290-2-25, entitled "Recovery and Administration of Child Support," containing Rules 290-2-25-.01 through 290-2-25-.04, has been adopted. Filed July 25, 1977; effective August 4, 1977.

Chapter 290-5-34, entitled "Blood Labeling," containing Rules 290-5-34-.01 through 290-5-34-.08, has been adopted. Filed September 23, 1977; effective October 13, 1977.

Rule 290-5-6-.17 has been amended by the repeal of subparagraphs (7) (a)2., (7) (c) 1. (viii), and (7) (c)2. (v) and by the adoption of new subparagraphs (7) (a) 2., (7) (c) 1. (viii), and (7) (c) 2. (v). Filed January 25, 1978; effective February 14, 1978.

Rule 290-5-4-.03 has been amended by the adoption of subparagraph (g). Filed April 25, 1978; effective May 15, 1978.

Chapter 290-5-29 has been repealed and a new Chapter 290-5-29 of the same title, containing Rules 290-5-29-.01 through 290-5-29-.17, adopted. Filed April 6, 1979; effective April 26, 1979.

Chapter 290-5-24, entitled "Testing for Inherited Metabolic Disorders in the Newborn," containing Rules 290-5-24-.01 through 290-5-24-.03, has been adopted. Filed May 21, 1979; effective June 11, 1979, as specified by the Agency.

Chapter 290-5-35, entitled "Personal Care Homes," containing Rules 290-5-35-.01 through 290-5-35-.24, has been adopted. Filed May 21, 1979; effective June 11, 1979, as specified by the Agency.

Chapter 290-5-25, entitled "Approval of Laboratories for Premarital Testing," containing Rules 290-5-25-.01 through 290-5-25-.07, has been adopted. Filed July 25, 1979; effective August 14, 1979.

Chapter 290-4-5, entitled "Administration of Patient Cost of Care," containing Rules 290-4-5-.01 through 290-4-5-.07, has been adopted. Filed August 17, 1979; effective September 6, 1979.

Chapter 290-5-30 has been repealed and a new Chapter 290-5-30, of the same title, containing Rules 290-5-30-.01 through 290-5-30-.11, adopted. Filed August 28, 1979; effective October 15, 1979, as specified by the Agency.

Chapter 290-5-33 has been repealed. Filed October 31, 1979; effective November 20, 1979.

Chapter 290-5-4 has been repealed and a new Chapter 290-5-4, entitled "Immunization of Children As a Prerequisite to Admission to School and Day Care Centers" containing Rules 290-5-4-.01 through 290-5-4-.07, adopted. Filed November 29, 1979; effective December 19, 1979.

Chapter 290-5-33, entitled "Ambulatory Surgical Treatment Centers," containing Rules 290-5-33-.01 through 290-5-33-.26, has been adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.

Chapter 290-5-36, entitled "Schedule of Fees for Laboratory Services," containing Rules 290-5-36-.01 through 290-5-36-.03, has been adopted. Filed March 11, 1980; effective March 31, 1980.

Chapter 290-5-24 has been repealed and a new Chapter 290-5-24, entitled "Testing for Inherited Disorders in the Newborn," containing Rules 290-5-24-.01 through 290-5-24-.03, adopted. Filed March 14, 1980; effective April 3, 1980.

Rule 290-4-5-.05 has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed March 25, 1980; effective April 18, 1980, as specified by the Agency.

Chapter 290-5-37, entitled "Health Maintenance Organizations," containing Rules 290-5-37-.01 through 290-5-37-.14, has been adopted. Filed June 2, 1980; effective June 30, 1980, as specified by the Agency.

By Certification of the Department of Human Resources, Chapter 270-2-1, entitled "Importation, Purchase, Breeding, Giving Away, Sale or Offer of Sale of Birds of the Psittacine Family," containing Rules 270-2-1-.01 through 270-2-1-.11, has been renumbered as 290-5-1 and the Rules therein renumbered as 290-5-1-.01 through 590-5-1-.11. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-2-2, entitled "The Control of Rabies," containing Rules 270-2-2-.01 through 270-2-2-.03, has been renumbered as 290-5-2 and the Rules therein renumbered as 290-5-2-.01 through 290-5-2-.03. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-3-1, entitled "Hospital Care for the Indigent," containing Rules 270-3-1-.01 through 270-3-1-.09, has been renumbered as Chapter 290-5-5 and the Rules therein renumbered as 290-5-5-.01 through 290-5-5-.09. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-3-3, entitled "Eye Banks in Georgia," containing Rules 270-3-3-.01 through 270-3-3-.12, has been renumbered as Chapter 290-5-7 and the Rules therein renumbered as 290-5-7-.01 through 290-5-7-.12. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-1, entitled "Prevention and Cure of Cancer," containing Rules 270-5-1-.01 through 270-5-1-.06, has been renumbered as Chapter 290-5-10 and the Rules therein renumbered as 290-5-10-.01 through 290-5-10-.06. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-3, entitled "Mosquito Control; Measures on Impounded Waters," containing Rules 270-5-3-.01 through 270-5-3-.08, has been renumbered as Chapter 290-5-11 and the Rules therein renumbered as 290-5-11-.01 through 290-5-11-.08. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-4, entitled "Use of Hatters' Mercurial Carroting Solutions," containing Rules 270-5-4-.01 and 270-5-4-.02, has been renumbered as Chapter 290-5-12 and the Rules therein renumbered as 290-5-12-.01 and 290-5-12-.02. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-5, entitled "School Sanitation," containing Rules 270-5-5-.01 through 270-5-5-.07, has been renumbered as Chapter 290-5-13 and the Rules therein renumbered as 290-5-13-.01 through 290-5-13-.07. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-6, entitled "Food Service," containing Rules 270-5-6-.01 through 270-5-6-.22, has been renumbered as Chapter 290-5-14 and the Rules therein renumbered as 290-5-14-.01 through 290-5-14-.22. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-7, entitled "Midwifery," containing Rules 270-5-7-.01 through 270-5-7-.17, has been renumbered as Chapter 290-5-15 and the Rules therein renumbered as 290-5-15-.01 through 290-5-15-.17. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-8, entitled "Tuberculosis Control Act H. B. No. 802 Performance and Practice," containing Rules 270-5-8-.01 through 270-5-8-.08, has been renumbered as Chapter 290-5-16 and the Rules therein renumbered as 290-5-16-.01 through 290-5-16-.08. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-11, entitled "Reporting of Venereal Diseases," containing Rules 270-5-11-.01 through 270-5-11-.13, has been renumbered as Chapter 290-5-17 and the Rules therein renumbered as 290-5-17-.01 through 290-5-17-.13. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-13, entitled "Tourist Accommodation," containing Rules 270-5-13-.01 through 270-5-13-.25, has been renumbered as Chapter 290-5-18 and the Rules therein renumbered as 290-5-18-.01 through 290-5-18-.25. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-16, entitled "The Fluoridation of Public Water Supplies," containing Rule 270-5-16-.01, has been renumbered as Chapter 290-5-19 and the Rule therein renumbered as 290-5-19-.01. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-17, entitled "Prophylactic Treatment of the Eyes of the Newborn," containing Rules 270-5-17-.01 through 270-5-17-.05, has been renumbered as Chapter 290-5-20 and the Rules therein renumbered as 290-5-20-.01 through 290-5-20-.05. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-18, entitled "Serologic Test for Syphilis for Pregnant Women," containing Rules 270-5-18-.01 through 270-5-18-.05, has been renumbered as Chapter 290-5-21 and the Rules therein renumbered as 290-5-21-.01 through 290-5-21-.05. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-5-25, entitled "Individual Sewage Disposal Systems," containing Rules 270-5-25-.01 through 270-5-25-.11, has been renumbered as Chapter 290-5-26 and the Rules therein renumbered as 290-5-26-.01 through 290-5-26-.11. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-6-2, entitled "Laser Radiation," containing Rules 270-6-2-.01 through 270-6-2-.06, has been renumbered as Chapter 290-5-27 and the Rules therein renumbered as 290-5-27-.01 through 290-5-27-.06. Filed June 10, 1980; effective June 30, 1980.

By Certification of the Department of Human Resources, Chapter 270-6-3, entitled "Mass Gatherings," containing Rules 270-6-3-.01 through 270-6-3-.04, has been renumbered as Chapter 290-5-28 and the Rules therein renumbered as 290-5-28-.01 through 290-5-28-.04. Filed June 10, 1980; effective June 30, 1980.

Chapter 290-5-3, entitled "Rules and Regulations for Notification of Disease," containing Rules 290-5-3-.01 through 290-5-3-.03, has been adopted. Filed July 1, 1980; effective July 31, 1980, as specified by the Agency.

Rule 290-1-1-.06 has been amended by the adoption of paragraph (4). Filed November 6, 1980; effective December 6, 1980, as specified by the Agency.

Rule 290-5-35-.01 has been amended by the repeal of subparagraphs (c), (e), (f), (g), (h) and (i) and by the adoption of new subparagraphs (c), (e), (f), (g), (h) and (i). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.02 has been amended by the repeal of paragraphs (2), (4) and (5) and by the adoption of new paragraphs (2), (4) and (5). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.03 has been amended by the repeal of subparagraph (5)(d) and by the adoption of a new subparagraph (5)(d). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.06 has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.08 has been amended by the repeal of subparagraph (a)2. and by the adoption of a new subparagraph (a)2. Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.10 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.12 has been amended by the repeal of subparagraph (2)(c) and by the adoption of a new subparagraph (2)(c). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.13 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.14 has been amended by the repeal of paragraph (10) and by the adoption of a new paragraph (10). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.16 has been amended by the repeal of subparagraph (5)(b) and by the adoption of a new subparagraph (5)(b). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.17 has been amended by the repeal of paragraphs (1), (2), and subparagraph (4)(b) and by the adoption of new paragraphs (1) and (2), and a new subparagraph (4)(b). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.18 has been amended by the repeal of paragraphs (1), (2), (5) and (8) and by the adoption of new paragraphs (1), (2), (5) and (8). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.19 has been amended by the repeal of paragraphs (1), (2), (3), (6), (7) and (9) and by the adoption of new paragraphs (1), (2), (3), (6), (7) and (9). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.20 has been repealed and a new Rule 290-5-35-.20 adopted. Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.21 has been repealed and a new Rule 290-5-35-.21 adopted. Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-35-.24 has been amended by the repeal of paragraph (2) and subparagraphs (2)(b) and (2)(c) and by the adoption of a new paragraph (2) and new subparagraphs (2)(b) and (2)(c). Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Chapter 290-5-38, entitled "Home Health Agencies," containing Rules 290-5-38-.01 through 290-5-38-.14, has been adopted. Filed January 6, 1981; effective February 6, 1981, as specified by the Agency.

Rule 290-5-30-.01 has been amended by the adoption of subparagraphs (s), (t), (u) and (v). Filed June 22, 1981; effective July 22, 1981, as specified by the Agency.

Rules 290-5-30-.10 and 290-5-30-.11 have been renumbered as 290-5-30-.11 and 290-5-30-.12, respectively, and a new Rule 290-5-30-.10 adopted. Filed June 22, 1981; effective July 22, 1981, as specified by the agency.

Emergency Rule 290-5-30-0.2 has been adopted. Filed and effective January 20, 1982, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule added paragraph (7) to Rule 290-5-30-.08, relating to the implementation of Act 735 passed by the 1981 session of the General Assembly for the state wide certification of Emergency Medical Technicians. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Chapter 290-5-39, entitled "Long-term Care Facilities: Residents' Bill of Rights," containing Rules 290-5-30-.01 through 290-5-39-.16, has been adopted. Filed February 5, 1982; effective February 25, 1982.

Chapter 290-4-6, entitled "Patients' Rights," containing Rules 290-4-6-.01 through 290-4-6-.07, has been adopted. Filed April 22, 1982; effective May 12, 1982.

Chapter 290-5-4 has been repealed and a new Chapter 290-5-4, entitled "Immunization of Children as a Prerequisite to Admission to Schools and Other Facilities," containing Rules 290-5-4-.01 through 290-5-4-.07, adopted. Filed April 22, 1982; effective May 12, 1982.

Chapter 290-5-20 has been repealed and a new Chapter 290-5-20, of the same title, containing Rules 290-5-20-.01 through 290-5-20-.03, adopted. Filed April 22, 1982; effective May 12, 1982.

Rule 290-5-30-.08 has been amended by the adoption of paragraph (7). Filed April 22, 1982; effective May 12, 1982.

Rule 290-4-5-.05 has been amended by: the repeal of the main paragraph and by the adoption of a new main paragraph; the repeal of subparagraph (a) and its parts 1., 2., and, by the adoption of new subparagraph (a) and parts 1., 2.; and, by the repeal of subparagraph (b) 1. and the adoption of a new subparagraph (b) 1. Filed April 29, 1982; effective May 19, 1982.

Chapter 290-5-23 has been repealed and a new Chapter 290-5-23, of the same title, containing Rules 290-5-23-.01 through 290-5-23-.09, adopted. Filed June 22, 1982; effective July 12, 1982.

Chapter 290-5-40, entitled "Standards for Approval of Training Courses for Advanced Emergency Medical Technicians and Cardiac Technicians," containing Rules 290-5-40-.01 through 290-5-40-.07, adopted. Filed November 4, 1982; effective December 6, 1982, as specified by the Agency.

Chapter 290-5-7 has been repealed and a new Chapter 290-5-7, of the same title, containing Rules 290-5-7-.01 through 290-5-7-.16, adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.

Subparagraph 290-5-24-.01 has been amended. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.

Rule 290-5-24-.02 has been amended by the repeal of paragraph(1) and by the adoption of a new paragraph (1). Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.

Rule 290-5-24-.03 has been renumbered as 290-5-24-.04 and a new Rule 290-5-24-.03 adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.

Chapter 290-2-1 has been repealed and a new Chapter 290-2-1, entitled "Group Day Care Homes," containing Rules 290-2-1-.01 through 290-2-1-.18, adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Chapter 290-2-2 has been repealed and a new Chapter 290-2-2, entitled "Day Care Centers," containing Rules 290-2-2-.01 through 290-2-2-.19. adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Chapter 290-2-3, entitled "Family Day Care Homes," containing Rules 290-2-3-.01 through 290-2-3-.15, adopted. filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Chapter 290-2-23 has been repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Chapter 290-2-24 has been repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Chapter 290-5-41, entitled "Birth Centers," containing Rules 290-5-41-.01 through 290-5-41-.23, adopted. Filed May 18, 1983; effective June 16, 1983, as specified by the Agency.

Chapter 290-1-3, entitled "Vital Records" has been repealed and a new Chapter 290-1-3, of the same title, containing Rules 290-1-3-.01 through 290-1-3-.40, adopted. Filed May 18, 1983; effective June 17, 1983, as specified by the Agency.

Chapter 290-4-7, entitled "Admission, Treatment and Release of Minors from Mental Health Facilities," containing Rules 290-4-7-.01 through 290-4-7-.09, has been adopted. Filed August 18, 1983; effective September 7, 1983.

Emergency Rule 290-4-6-0.3, containing Rules 290-4-6-0.3-.01 and 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 renumbered subparagraphs (4)(o) through (4)(q) as (4)(p) through (4)(r), respectively, and repealed subparagraph (4)(n) of said Rule and adopted new subparagraphs (4)(n) and (4)(o) which relate to defining "Restrictive Time-out" and "Seclusion;" and, adopted subparagraph 290-4-6-0.3-.02(1)(c) 3. (iii) which permits use of Restrictive Time-out for persons treated pursuant to O.C.G.A. 37-4. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 290-5-32-0.4, containing Rules 290-5-32-0.4-.01 through 290-5-32-0.4-.05, was filed on July 22, 1983, effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said

Emergency Rule repealed Chapter 290-5-32 and adopted a new Chapter 290-5-32 because under a decision rendered by the U.S. Supreme Court the old Chapter 290-5-32 is invalid. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 290-4-6-0.3, containing Rules 290-4-6-0.3-.01 and 290-4-6-0.3-.02, has been repealed. Filed September 22, 1983; effective October 12, 1983.

Rule 290-4-6-.01 has been amended by renumbering subparagraphs (4)(o) through (4)(q) as (4)(p) through (4)(r), respectively, and by the repeal of subparagraph (4)(n) and the adoption of new subparagraphs (4)(n) and (4)(o). Filed September 22, 1983; effective October 12, 1983.

Rule 290-4-6-.02 has been amended by the adoption of subparagraph (1)(c)3.(iii). Filed September 22, 1983; effective October 12, 1983.

Emergency Rule 290-5-32-0.4 has been repealed and a new Chapter 290-5-32, of the same title, containing Rules 290-5-32-.01 through 290-5-32-.05, adopted. Filed October 20, 1983; effective November 9, 1983.

Chapter 290-5-3, entitled "Notification" has been repealed and a new Chapter 290-5-3, of the same title, containing Rules 290-5-3-.01 through 290-5-3-.05, has been adopted. Filed December 15, 1983; effective January 4, 1984.

Chapter 290-5-42, entitled "Freestanding Emergency Care Clinics," containing Rules 290-5-42-.01 through 290-5-42-.35, has been adopted Filed December 21, 1983; effective January 20, 1984, as specified by the Agency.

Rule 290-5-29-.01 has been amended by the repeal of subparagraphs (e) and (g) and by the adoption of new subparagraphs (e) and (g). Filed January 6 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.03 has been amended by the repeal of subparagraphs (1), (1)(d), (1)(d)1., (1)(d)2., (1)(d)3., (1)(d)4., (1)(d)5. and (1)(k) and by the adoption of subparagraphs of the same numbers. Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.04 has been amended by the repeal of subparagraph (1), (1)(a), and (1)(i) and by the adoption of new subparagraphs (1), (1)(a) and (1)(i). Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.05 has been repealed and a new Rule 290-5-29-.05 adopted. Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.06 has been amended by the repeal of subparagraphs (2)(b)1., (2)(b)1.(iv), (3)(b)1., (3)(b)2., (3)(b)3., (3)(b)4., (4)(b), (4)(b)4., (4)(b)6.(ii) and (5)(b) and by the adoption of new subparagraphs of the same number; Rule 290-5-29-.06 has been further amended by the adoption of subparagraph (2)(b)1.(v). Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.07 has been amended by the repeal of paragraphs (1) and (2) and by the adoption of new paragraphs (1) and (2). Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rule 290-5-29-.08 has been amended by the repeal of subparagraph (4)(a) and by the adoption of a new subparagraph (4)(a). Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Rules 290-5-29-.16 and 290-5-29-.17 have been renumbered as Rules 290-5-29-.17 and 290-5-29-.18, respectively, and a new Rule 290-5-29-.16 adopted. Filed January 6, 1984; effective February 6, 1984, as specified by the Agency.

Chapter 290-5-43, entitled "Hospices," containing Rules 290-5-43-.01 through 290-5-43-.19, was filed on February 28, 1984; effective March 29, 1984, as specified by the Agency.

Chapter 290-2-12 has been repealed and a new Chapter 290-2-12, entitled "Child-Placing Agencies," containing Rules 290-2-12-.01 through 290-2-12-.14 adopted. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Chapters 290-2-13, 290-2-14, 290-2-15 and 290-2-16 have been repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-5-6-.40 has been renumbered as Rule 290-5-6-.41 and a new Rule 290-5-6-.40 adopted. Filed March 23, 1984; effective April 23, 1984, as specified by the Agency.

Chapter 290-5-13 has been repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Chapter 290-5-18 has been repealed and a new Chapter 290-5-18, entitled "Tourist Courts," containing Rules 290-5-18-.01 through 290-5-18-.17, adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Chapter 290-5-26 has been repealed and a new Chapter 290-5-26, entitled "On-Site Sewage Management Systems," containing Rules 290-5-26-.01 through 290-5-26-.16, adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Chapter 290-5-44 entitled "Monitoring, Suspension of Admissions, or Transfer of Patients or Residents of Hospitals and Related Institutions," containing Rules 290-5-44-.01 through 290-5-44-.07, has been adopted. Filed May 9, 1984; effective June 7, 1984, as specified by the Agency.

Chapter 290-5-45, entitled "Disaster Preparedness Plans," containing Rules 290-5-45-.01 through 290-5-45-.10, has been adopted. Filed May 9, 1984; effective June 7, 1984, as specified by the Agency.

Rule 290-4-5-.05 has been amended by amending subparagraphs (a)2. and (b), and by adopting subparagraph (c). Filed July 24, 1984; effective August 23, 1984, as specified by the Agency.

Chapter 290-2-7, entitled "Therapeutic Camps," containing Rules 290-2-7-.01 through 290-2-7-.19, has been adopted. Filed November 8, 1984; effective December 10, 1984, as specified by the Agency.

Chapter 290-5-46, entitled "Family Violence Shelters," containing Rules 290-5-46-.01 through 290-5-46-.19, has been adopted. Filed November 8, 1984; effective December 10, 1984, as specified by the Agency.

Emergency Rule 290-2-26-0.5, entitled "Emergency Medical Services to Pregnant Women," adopting a new Chapter 290-2-26, containing Rules 290-2-26-0.5-.01 through 290-2-26-0.5-.08, was filed on June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to implement Act 573 of the 1985 Session of the General Assembly, which provides for emergency service to a woman in labor seeking hospital care for the safe delivery of her child when prior arrangements have not been made, to reduce the peril to the health, safety and welfare of the woman in labor and her unborn child. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-4-8, entitled "Disposition of Guilty But Mentally Ill Defendants," containing Rules 290-4-8-.01 through 290-4-8-.07, has been adopted. Filed September 19, 1985; effective October 19, 1985, as specified by the Agency.

Chapter 290-2-26, entitled "Emergency Medical Services to Pregnant Women," containing Rules 290-2-26-.01 through 290-2-26-.08, adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-5-29-.01 has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed January 16, 1986; effective February 5, 1986.

Rule 290-5-29-.06 has been amended by the amending of subparagraph (5)(a) and by the adoption of a new subparagraph (5)(c). Filed January 16, 1986; effective February 5, 1986.

Chapter 290-5-14 has been repealed and a new Chapter 290-5-14 of the same title, containing Rules 290-5-14-.01 through 290-5-14-.11, adopted. Filed July 10, 1986; effective July 30, 1986.

Division 290-5 has been renamed "Public Health," Filed August 21, 1986; effective September 10, 1986.

Chapter 290-5-30 has been repealed and a new Chapter 290-5-30, of the same title, containing Rules 290-5-30-.01 through 290-5-30-.14, adopted. Filed August 21, 1986; effective September 10, 1986.

Chapter 290-4-9, entitled "Clients' Rights," containing Rules 290-4-9-.01 through 290-4-9-.06, adopted. Filed January 9, 1987; effective January 29, 1987.

Chapter 290-1-5, entitled "Schedule of Fees for Fingerprint Records Checks," containing Rules 290-1-5-.01 through 290-1-5-.04, adopted. Filed February 23, 1987; effective March 15, 1987.

Subparagraph 290-5-14-.11 2. has been amended. Filed March 17, 1987; effective April 6, 1987.

Chapter 290-5-47, entitled "Screening of Public School Children for Scoliosis," containing Rules 290-5-47-.01 through 290-5-47-.06, has been adopted. Filed April 8, 1987; effective April 28, 1987.

Chapter 290-5-23 has been repealed and a new Chapter 290-5-23 of the same title and rules adopted. Filed May 6, 1987; effective May 26, 1987.

Emergency Rule Chapter 290-5-51-0.6, entitled "Designation of Trauma Centers," was filed on May 22, 1987, having become effective on May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent chapter covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule reasonably appears to be necessary in order to properly implement the trauma center designation process in order to protect the public health of the people of this State. Without the implementation of appropriate designations of trauma centers, there would be an imminent peril to the public health. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-5-48, entitled "Acquired Immunodeficiency Syndrome (AIDS)," containing Rules 290-5-48-.01 through 290-5-48-.10, was filed on June 19, 1987; effective July 9, 1987.

Chapter 290-5-50, entitled "Anatomical Gifts," containing Rules 290-5-50-.01 through 290-5-50-.11, was filed on June 22, 1987; effective July 12, 1987.

Emergency Rule 290-5-51-0.6 has been readopted (the original Emergency Rule expires on September 19, 1987) to extend the expiration date until permanent Rules can become effective but not more than 120 days, as specified by the Agency. Filed August 24, 1987, to become effective September 19, 1987.

Rule 290-5-51-.03 has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2); by the repeal of paragraph (3) and by renumbering paragraphs (4) through (16) as paragraphs (3) through (15); and by the repeal of the renumbered paragraph (10) and by the adoption of a new paragraph (10). Filed August 24, 1987; effective September 13, 1987.

Rule 290-5-51-.07 has been amended by renumbering paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and by adopting a new paragraph (4). Filed August 24, 1987; effective September 13, 1987.

Chapter 290-5-49, entitled "Basic EMT Instructors," containing Rules 290-5-49-.01 through 290-5-49-.06, was filed on September 18, 1987; effective October 8, 1987.

Emergency Rule 290-5-51-0.6 repealed and a new Chapter 290-5-51, entitled "Designation of Trauma Centers," containing Rules 290-5-51-.01 through 290-5-51-.08, adopted. Filed September 18, 1987; effective October 8, 1987.

Chapter 290-5-40 has been amended by amending Rules 290-5-40-.01 through 290-5-40-.03 and by renumbering Rules 290-5-40-.04 through 290-5-40-.07 as 290-5-40-.07 through 290-5-40-.10, respectively; and by adopting new rules 290-5-40-.04 through 290-5-40-.06.

Chapter 290-6-1 has been amended by amending Rules 290-6-1-.01 and 290-6-1-.02; the repeal of Rule 290-6-1-.03; the amending and renumbering of Rules 290-6-1-.04 through 290-6-1-.09 as 290-6-1-.03 through 290-6-1-.08, respectively; and Rule 290-6-1-.09 reserved. Filed January 19, 1989; effective February 8, 1989.

Rules 290-5-50-.03 has been amended and Rule 290-5-50-.10 has been amended by adopting paragraphs (1) through (5). Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.01 has been amended and subparagraphs (14) thru (18) repealed. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.02 has been repealed and a new Rule entitled "Registration" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.03 has been repealed and a new Rule entitled "Standards for Protection Against Radiation" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.04 has been repealed and a new Rule entitled "X-Rays in the Healing Arts" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.05 has been repealed and a new Rule entitled "X-Ray Safety Requirements for Particle Accelerator" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.06 has been repealed and a new Rule entitled "Radiation Safety Requirements for the Use of Non-Medical X-Ray" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.07 has been amended. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.08 has been repealed and a new Rule entitled "Penalties" adopted. Filed June 22, 1989; effective July 12, 1989.

Rule 290-5-22-.09 entitled "Enforcement" has been adopted. Rule 290-5-22-.08 was renumbered to 290-5-22-.09. Filed June 22, 1989; effective July 12, 1989.

Rules 290-5-4-.01, 290-5-4-.02 and 290-5-4-.06 have been amended. Filed July 19, 1989; effective August 8, 1989.

Emergency Rule Chapter 290-6-2-0.7, entitled "RYDC and YDC Capacity Management Procedures," was filed on December 13, 1989, having become effective on December 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent chapter covering the same subject matter superseding this Emergency Rule, as specified by the agency. Said Emergency Rule appears to be necessary in order to properly

implement population controls and capacity management procedures at the department's Regional Youth Development Centers (RYDC) and Youth Development Centers (YDC). Without the implementation of appropriate population controls and capacity management procedures at the department's RYDC's and YDC's there will be an imminent peril to the welfare and safety of the public. (This Emergency Rule will not be published; copies may be obtained from the agency.)

Rules 290-5-24-.01 and 290-5-24-.02 have been amended. Filed December 13, 1989; effective January 2, 1990.

Rule 290-1-5-.03 has been amended. Filed February 21, 1990; effective March 13, 1990.

Chapter 290-5-53, entitled "Traumatic Brain Injury Facilities," containing Rules 290-5-53-.01 through 290-5-53-.17, adopted. Filed February 22, 1990; effective March 14, 1990.

Chapter 290-6-2 entitled "RYDC and YDC Capacity Management Procedures," containing Rules 290-6-2-.01 through 290-6-2-.06 adopted. Filed March 21, 1990; effective April 10, 1990.

Rules 290-4-1-.01, .02, .03, .04 and .06 have been amended. Filed July 19, 1990; effective August 8, 1990.

Rules 290-4-8-.01 through 290-4-8-.07 have been amended. Filed July 19, 1990 effective August 8, 1990.

Chapter 290-4-10, entitled "DUI, Alcohol or Drug Risk Reduction Program" containing Rules 290-4-10-.01 through 290-4-10-.26 adopted. Filed July 19, 1990; effective August 8, 1990.

Rules 290-5-21-.01 through 290-5-21-.04 have been amended and 290-5-21-.05 has been repealed. Filed July 19, 1990; effective August 8, 1990.

Rule 290-5-30-.04 has been amended. Filed August 16, 1990; effective September 5, 1990.

Chapter 290-5-42 entitled "Freestanding Emergency Care Clinics" has been repealed. First August 16, 1990; effective September 5, 1990.

Rules 290-5-49-.03, .04, .05 have been amended. Filed August 16, 1990; effective September 5, 1990.

Chapter 290-5-29 has been repealed and a new Chapter of the same title adopted. Filed August 16, 1990; effective September 5, 1990.

Emergency Rule 290-1-5-0.8-.03 has been adopted. Filed September 20, 1990; effective October 1, 1990, as specified by the Agency, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted due to the increased fingerprint

check fee for all child care facility and personal care home employees. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 290-1-5-.03 has been amended. Filed November 16, 1990; effective December 6, 1990.

Chapter 290-2-27, entitled "Special Needs Children", containing Rules 290-2-27-.01 and 290-2-27-.02, adopted. Filed November 16, 1990; effective December 6, 1990.

Chapter 290-2-2 has been repealed and a new Chapter 290-2-2, of the same title, containing Rules 290-2-2-.01 to 290-2-2-.19, adopted. Filed January 18, 1991; effective March 1, 1991, as specified by the Agency.

Chapter 290-2-1 has been repealed and a new Chapter, same title adopted. Filed April 1, 1991; effective April 21, 1991.

Rules 290-4-10-.02, .05, .18(2), .25 and .26 were amended. Filed June 21, 1991; effective July 11, 1991.

Chapter 290-5-15, entitled "Midwifery" has been repealed and a new Chapter, same title, containing Emergency Rules 290-5-15-0.9-.01 to 290-5-15-0.9-.05 adopted. Filed and effective July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. These Emergency Rules were adopted to properly comply with statute O.C.G.A. 31-26-1, requiring the Department to establish criteria for certification of lay midwives. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-4-6 has been amended. Filed August 22, 1991; effective September 11, 1991.

Rules 290-5-29-.03, .09(9) have been amended. Filed August 22, 1991; effective September 11, 1991.

Rule 290-5-39-.06 has been amended. Filed August 22, 1991; effective September 11, 1991.

Chapter 290-2-25 has been repealed. Filed October 17, 1991; effective November 6, 1991.

Chapter 290-7-1 entitled "Recovery and Administration of Child Support", containing Rules 290-7-1-.01 to 290-7-1-.18 adopted. Filed October 17, 1991; effective November 6, 1991.

Chapter 290-5-15 has repealed Emergency Rules 290-5-15-0.9-.01 to 290-5-15-0.9-.05 and adopted permanent Rules of the same numbers. Filed October 17, 1991; effective November 6, 1991.

Rule 290-4-5-.05 has been repealed and a new Rule of same title adopted. Filed September 22, 1992; effective October 12, 1992.

Rule 290-4-2-.06 has been repealed and a new Rule of same title adopted. Filed November 18, 1992; effective December 8, 1992.

Chapter 290-5-25 has been repealed; Chapter 290-5-50 has been repealed and a new Chapter of same title adopted. Filed November 20, 1992; effective December 10, 1992.

Chapter 290-1-3 has been repealed and a new Chapter of same title adopted. Filed February 23, 1993; effective March 15, 1993.

Chapters 290-6-1 and 290-6-2 have been repealed. Filed May 25, 1993; effective July 1, 1993, as specified by the Agency.

Chapter 290-4-11 entitled "Regional Board Boundaries", containing Rules 290-4-11-.01 to .04 has been adopted. Filed July 22, 1993; effective August 11, 1993.

Chapter 290-1-6 entitled "Enforcement of Licensing Requirements" containing Rules 290-1-6-.01 to .14 has been adopted. Filed July 27, 1993; effective August 16, 1993.

Chapter 290-1-1 has been repealed and a new Chapter entitled "Hearings and Petitions for Rule-Making" adopted; Paragraph (4) of Rule 290-5-4-.02 has been adopted and 290-5-4-.06 has been amended. Filed August 19, 1993; effective September 8, 1993.

Chapter 290-5-30 has been repealed and a new Chapter entitled "Emergency Medical Services" adopted. Subparagraph (c) of Rule 290-5-38-.09 has been amended. Filed October 21, 1993; effective November 10, 1993.

Chapter 290-5-35 has been repealed and a new Chapter, same title, adopted. Filed October 22, 1993; effective November 11, 1993.

Chapter 290-4-10 has been repealed and a new Chapter, same title, adopted. Filed November 29, 1993; effective December 19, 1993.

Chapter 290-5-16 has been repealed and a new Chapter entitled "Tuberculosis Control" adopted. Chapters 290-5-40, 290-5-49 and 290-5-51 have been repealed. Filed December 16, 1993; effective January 5, 1994.

Chapter 290-2-3 has been repealed and a new Chapter, same title, adopted. Filed February 4, 1994; effective March 1, 1994, as specified by the Agency.

Chapter 290-5-23, entitled "Radioactive Materials" has been repealed. Filed February 16, 1994; effective March 8, 1994.

Rules 290-5-35-.04, .07, .09, .14, .15, .19, .23 and .25 have been amended. Filed May 2, 1994; effective July 1, 1994, as specified by the Agency.

Chapter 290-2-5 has been repealed and a new Chapter entitled "Child Caring Institutions" containing Rules 290-2-5-.01 to 290-2-5-.23 has been adopted; Chapter 290-2-6 has been repealed. Filed June 30, 1994; effective August 1, 1994, as specified by the Agency.

Chapter 290-4-9 has been repealed and a new Chapter of same title adopted. Filed August 18, 1994; effective September 16, 1994, as specified by the Agency.

Rules 290-5-14-.01, .03, .05, .07, .08 have been amended. Filed June 22, 1995; effective July 31, 1995, as specified by the Agency.

Chapters 290-5-55 entitled "Drinking Water Supply"; 290-5-56 entitled "Solid Waste"; 290-5-57 entitled "Swimming Pools and Recreational Waters"; 290-5-58 entitled "Vector Control"; 290-5-59 entitled "Special On-site Sewage Management Systems" adopted. Filed June 22, 1995; effective August 1, 1995, as specified by the Agency.

Chapter 290-5-54 entitled "Private Home Care Providers" has been adopted. Filed June 26, 1995; effective July 21, 1995, as specified by the Agency.

Chapter 290-5-29 has been amended. Filed July 5, 1995; effective August 1, 1995, as specified by the Agency.

Chapter 290-1-1 has been repealed and a new Chapter adopted. Filed August 17, 1995; effective September 15, 1995, as specified by the Agency.

Chapter 290-5-10 has been repealed and a new chapter 290-5-10 entitled "Cancer State Aid Program" containing Rules 290-5-10-.01 to 290-5-10-.11 has been adopted. Filed October 20, 1995; effective January 1, 1996, as specified by the Agency.

Rules 290-5-14-.10, .11 have been amended. Chapter 290-5-18 has been repealed and a new Chapter 290-5-18 entitled "Tourist Accommodations" has been adopted. Chapter 290-5-52 entitled "Special Food Service" containing Rules 290-5-52-.01 to 290-5-52-.11 has been adopted. Filed March 5, 1996; effective March 25, 1996.

Rules 290-5-4-.02 and 290-5-4-.06 have been amended. Rule 290-7-1-.19 has been adopted. Filed November 21, 1996; effective December 11, 1996.

Chapters 290-5-52, 290-5-57, 290-5-58 have been repealed and Rules 290-5-55-.01, 290-5-56-.01, and 290-5-59-.01 have been amended. Filed December 12, 1996; effective January 1, 1997.

Rule 290-4-11-.04 has been amended. Filed January 16, 1997; effective July 1, 1997, as specified by the Agency.

Rules 290-1-1-.02 and 290-1-1-.05 have been amended. Filed March 20, 1997; effective April 9, 1997.

Emergency Rule Chapter 290-4-13-0.12, entitled "Clinical Evaluation and Substance Abuse Treatment For DUI Offenders" was filed on June 2, 1997, having become effective on June 2, 1997, to remain in effect for a period of 120 days or until the effective date of a permanent chapter covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted to require all second-time DUI offenders to undergo clinical evaluation and if indicated, substance abuse treatment. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-2-28 has been adopted. Filed June 10, 1997; effective July 1, 1997, as specified by the Agency.

Rule 290-4-11-.04 has been amended. Filed June 19, 1997; effective July 9, 1997.

Emergency Rule Chapter 290-5-26-0.13 entitled "On-site Sewage Management Systems" was filed on September 18, 1997, having become effective on September 17, 1997, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent chapter covering the same subject superseding this Emergency Rule, as specified by the Agency. This Emergency Rule was adopted to comply with 1997 amendments to O.C.G.A. Secs. 31-2-5, 31-2-5.1 and 31-2-7. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-4-2 has been repealed and a new Chapter adopted. Chapter 290-4-12 entitled "Narcotic Treatment Programs" and Chapter 290-4-13 entitled "Clinical Evaluation and Substance Abuse Treatment for DUI Offenders" have been adopted. Filed September 18, 1997; effective October 8, 1997.

Emergency Rule Chapter 290-5-26-0.14 has been adopted. Filed January 2, 1998; effective January 15, 1998, 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 this Emergency Rule is adopted. This Emergency Rule was adopted to comply with 1997 amendments to O.C.G.A. Secs. 31-2-5, 31-2-5.1 and 31-2-7. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-5-26 entitled "On-Site Sewage Management Systems" has been adopted. Filed January 23, 1998; effective February 20, 1998, as specified by the Agency.

Rule 290-5-38-.09 has been amended. Filed March 23, 1998; effective April 12, 1998.

Chapter 290-5-24 has been repealed and a new Chapter adopted. Filed September 18, 1997; effective July 1, 1998, as specified by the Agency.

Rules 290-4-13-.04, .05, .08, .10 have been amended. Filed January 21, 1999; effective February 10, 1999.

Emergency Rule Chapter 290-1-7-0.15 entitled "Determining Year 2000 Readiness" has been adopted. Filed and effective April 22, 1999, the date of adoption, to be in effect for 120 days or

until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted to "protect against imminent danger to the Public Health, Safety or Welfare and Subject to the emergency rule-making provisions of subsection (b) of O.C.G.A. Sec. 50-13-4". (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-4-12 has been repealed and a new Chapter adopted. Filed May 21, 1999; effective June 10, 1999.

Chapter 290-1-7 entitled "Rules for Determining Year 2000 Readiness" has been adopted superseding Emergency Rule 290-1-7-0.15. Filed July 23, 1999; effective August 12, 1999.

Chapter 290-4-10 has been repealed and a new Chapter adopted. Filed July 28, 1999; effective August 17, 1999.

Chapter 290-5-4 has been amended. Filed January 20, 2000; effective February 9, 2000.

Chapter 290-2-12 has been repealed. Chapter 290-9-2 entitled "Child Placing Agencies" has been adopted. Filed March 16, 2000; effective April 5, 2000.

Chapter 290-5-60 entitled "Sharps Injury Prevention" has been adopted. Filed January 18, 2001; effective February 7, 2001.

Chapter 290-5-26 has been repealed and a new Chapter adopted. Filed April 25, 2001; effective May 15, 2001.

Chapter 290-5-57 entitled "Swimming Pools, Spas and Recreational Water Parks" has been adopted. Filed October 22, 2001; effective November 11, 2001.

Chapter 290-5-29 has been repealed. Chapter 290-9-8 entitled "Licensure of Clinical Laboratories" and Chapter 290-9-9 entitled "End State Renal Disease Facilities" have been adopted. Filed December 6, 2001; effective December 26, 2001.

Rule 290-5-33-.08 has been repealed and a new Rule adopted. Filed August 29, 2002; effective September 18, 2002.

Emergency Rules 290-2-1-0.16-.18 to .22, 290-2-2-0.17-.18 to .22, and 290-2-3-0.10-.18 to .22 have been adopted. Filed October 17, 2002; effective October 16, 2002, the date of adoption, to be in effect for 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the Agency. These Emergency Rules were adopted to put parents, guardians, and others on notice in cases where the Department believes that care by a day care facility subject of an emergency suspension is a threat to the safety of children. These Emergency Rules also establish rules to include infant sleeping safety requirements that have been found to reduce the incidence of Sudden Infant Death Syndrome. (These Emergency Rules will not be published; copies may be obtained from the Agency.)

Chapter 290-9-37 entitled "Community Living Arrangements" has been adopted. Filed October 24, 2002; effective November 13, 2002.

Rules 290-2-1-.18 and .19 have been adopted superseding Emergency Rules 290-2-1-0.16-.18 and .19, 290-2-2-.18 and .19 have been adopted superseding Emergency Rules 290-2-2-0.17-.18 and .19, 290-2-3-.18 and .19 have been adopted superseding Emergency Rules 290-2-3-0.18-.18 and .19. Chapter 290-9-7 entitled "Rules and Regulations for Hospitals" has been adopted. Filed November 22, 2002; effective December 12, 2002.

Rule 290-5-35-.03 has been repealed and a new Rule adopted. Filed December 31, 2002; effective January 20, 2003.

Chapter 290-4-11 has been repealed. Filed January 30, 2003; effective February 19, 2003.

Chapter 290-5-24 has been repealed and a new Chapter adopted. Chapter 290-5-25 entitled "Land Disposal of Domestic Septage" adopted. Filed February 26, 2003; effective March 18, 2003.

Chapter 290-9-12 entitled "Rules and Regulations for Narcotic Treatment Programs" has been adopted. Filed May 14, 2003; effective June 3, 2003.

Chapter 290-5-6 has been repealed. Filed May 22, 2003; effective June 11, 2003.

Rules 290-5-48-.02 and .03 have been amended. Rule 290-5-48-.11 has been adopted. Filed November 20, 2003; effective December 10, 2003.

Rule 290-5-26-.20 has been adopted. Filed February 10, 2004; effective March 1, 2004.

Rule 290-7-1-.17 has been repealed and a new Rule adopted. Filed July 23, 2004; effective August 12, 2004.

Rules 290-5-8-.01, .03 and .04 have been repealed and new Rules adopted. Rules 290-5-8-.25 to .27 have been adopted. Filed August 19, 2004; effective September 8, 2004.

Chapter 290-5-30 has been repealed and a new Chapter adopted. Filed February 25, 2005; effective March 17, 2005.

Chapter 290-5-24 has been repealed and a new Chapter adopted. Rule 290-5-26-.20 has been repealed and a new Rule adopted. Filed June 7, 2005; effective June 27, 2005.

Chapter 290-5-43 has been repealed. Chapter 290-9-43 entitled "Rules and Regulations for Hospices" has been adopted. Filed July 27, 2005; effective August 16, 2005.

Chapter 290-5-61 entitled "Georgia Smoke free Air Act of 2005" has been adopted. Filed October 28, 2005; effective November 17, 2005.

Rule 290-7-1-.20 has been adopted. Rule 290-9-7-.07 has been repealed and a new Rule adopted. Filed November 2, 2005; effective November 22, 2005.

Chapter 290-5-14 has been repealed and a new Chapter adopted. Filed January 26, 2006; effective February 15, 2006.

Rules 290-2-7-.01, .03 to .05, .08 to .19, 290-9-2-.01, .04 to .07, .13, 290-9-8-.03, .06, and .33 have been repealed and new Rules adopted. Chapter 290-5-24 has been repealed and a new Chapter adopted. Filed August 21, 2006; effective September 10, 2006.

Rules 290-2-5-.03, .08, .09, .14, and .20 have been repealed and new Rules adopted. Filed August 22, 2006; effective September 11, 2006.

Rules 290-2-5-.20 to .23 have been repealed and new Rules adopted. Rule 290-2-5-.24 has been adopted. Filed September 6, 2006; effective September 26, 2006.

Rules 290-4-4-.02, .04, .06, 290-9-2-.01, .04 to .07 have been repealed and new rules adopted. Rules 290-4-4-.07 and .08 have been adopted. Filed November 20, 2006; effective December 10, 2006.

Rules 290-4-2-.03, .09, .10, .13, .14, .26 to .28 have been repealed and new Rules adopted. Rule 290-4-2-.29 has been adopted. Filed January 4, 2007; effective January 24, 2007.

Rule 290-5-26-.03 has been amended. Filed January 19, 2007; effective February 8, 2007.

Chapter 290-5-14 has been repealed and a new Chapter adopted. Filed January 24, 2007; effective February 13, 2007.

Rules 290-5-4-.01 and .02 have been repealed and new Rules adopted. Filed February 22, 2007; effective March 14, 2007.

Chapters 290-2-5, 290-2-7, 290-4-4, and 290-9-2 have been repealed and new Chapters adopted. Filed June 5, 2007; effective June 25, 2007.

Rules 290-5-14-.01 to .08, and .10 have been repealed and new Rules adopted. Filed August 23, 2007; effective September 12, 2007.

Rules 290-2-7-.01, .04, .05, .10, .15, .16, .20, 290-9-37-.05, .07, .15, and .28 have been repealed and new Rules adopted. Rule 290-2-7-.21 has been adopted. Chapter 290-5-54 has been repealed and a new Chapter adopted. Filed January 23, 2008; effective February 12, 2008.

Rules 290-2-5-.03, .05 to .10, .12 to .18, .22, 290-5-35-.04, .10, .14, .18, .31, 290-9-2-.01, .04, .07 to .11, .13, and .14 have been repealed and new Rules adopted. Rule 290-9-2-.15 has been adopted. Filed January 24, 2008; effective February 13, 2008.

Rule 290-2-2-.05 has been amended. Filed August 25, 2008; effective September 14, 2008.

Rules 290-2-3-.04, .07 to .09, .11, and .13 have been repealed and new Rules adopted. Filed January 12, 2009; effective February 1, 2009.

Chapter 290-2-6 entitled "Rules and Regulations for Children's Transition Care Centers" has been adopted. Filed January 27, 2009; effective February 16, 2009.

Chapter 290-4-4 has been repealed and a new Chapter adopted. Filed February 2, 2009; effective February 22, 2009.

Rules 290-9-7-.04, .20, and .24 have been amended. Filed March 20, 2009; effective April 9, 2009.

Rules 290-2-1-.05 and .09 have been amended. Rule 290-2-3-.20 has been adopted. Filed April 17, 2009; effective May 7, 2009.

Chapter 290-4-13 has been repealed and a new chapter adopted. Filed April 21, 2009; effective May 11, 2009.

Emergency Rule Chapter 290-5-62-0.19 adopted. Filed May 21, 2009; effective May 20, 2009, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency rule is adopted, as specified by the Agency. This Emergency Rule was adopted to clarify the authority and responsibility of the Department, the Public Health Officer and the County Board of Health during a public health emergency. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 290-5-30 has been repealed and a new Chapter adopted. Filed May 29, 2009; effective June 18, 2009.

Rules 290-2-1-.10, .11, .14, 290-2-3-.10 and .14 have been repealed and new Rules adopted. Filed August 7, 2009; effective August 27, 2009.

Chapter 290-5-35 has been repealed. Filed November 19, 2009; effective December 9, 2009.

Rules 290-2-1-.06, .09, .12, .16, 290-2-3-.08, .09, .11, .12, and .15 have been repealed and new Rules adopted. Filed December 2, 2009; effective December 22, 2009.

Rule 290-2-7-.01 has been repealed and a new Rule adopted. Filed December 11, 2009; effective December 31, 2009.

Chapter 290-4-4 has been repealed and a new Chapter 111-8-68 entitled the same "Rules and Regulations for Residential Mental Health Facilities for Children and Youth" has been adopted under the Agency of Department of Community Healthcare Facility Regulation. Filed July 14, 2010; effective August 3, 2010.

Rules 290-2-1-.10, .11, and 290-2-3-.11 have been repealed and new Rules adopted. Filed August 5, 2010; effective August 25, 2010.

ER 290-2-1-.20 -.11 adopted. F. Jul 20, 2011; eff. Jul 21, 2011 as specified by the agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency rule is adopted, as specified by the Agency.

ER. 290-2-1-0.20-.11 adopted. F. Nov. 18, 2011; eff. Nov. 18, 2011 the date of the adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the sane subject matter superseding this ER is adopted, as specified by the Agency.

290-2-1-.11 adopted. F. Dec. 12, 2011; eff. Jan. 1, 2012.

Chapters 290-2-17, 290-2-18, 290-2-19, 290-2-20, 290-2-21, 290-2-22 repealed. F. Dec. 15, 2011; eff. Jan. 4, 2011.

Chapter 290-2-29 adopted. F. Dec. 15, 2011; eff. Jan. 4, 2011.

Rule 290-2-2-.05 amended. F. Jan. 10, 2012; eff. Jan. 30, 2012.

Chapter 290-2-2 repealed. F. Nov. 16, 2012; eff. Dec. 6, 2012.

Chapters 290-9-8, 290-9-9, 290-9-7, 290-5-8, 290-5-54, 290-5-33, 290-5-39, 290-5-38, 290-5-7, 290-5-3, 290-5-50 repealed (see Georgia Department of Community Health, Chapter 111-8). F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rules 290-2-1-.11, 290-2-1-.12, 290-2-3-.09 and 290-2-3-.12 amended; 290-2-1-.19 and 290-2-3-.19 amended and new title adopted. F. May 16, 2013; eff. June 5, 2013.

Chapter 290-5-31 repealed (see Georgia Department of Public Health, Chapter 511-5-6). F. May 22, 2013; eff. June 11, 2013.

Chapter 290-1-8 entitled "Rules and Regulations Authorizing Consumer Reports for Foster Care Youth" adopted. F. June 19, 2013; eff. July 19, 2013.

Chapter 290-5-36 repealed (see Chapter 511-1-2). F. July 1, 2013; eff. July 21, 2013.

Chapter 290-5-18 repealed (see Chapter 511-6-2). F. July 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rules 290-2-3-.01, .03, .04, .07, .08, and .11 amended. F. Aug. 16, 2013; eff. Sept. 5, 2013.

Chapters 290-4-2, 290-5-45, 290-5-53, 290-2-12 repealed (see Georgia Department of Community Health, Chapter 111-8). F. Sept. 9, 2013; eff. Sept. 29, 2013.

Rules 290-5-20-.01, .02, .03 repealed. F. Sep. 20, 2013; eff. Oct. 10, 2013.

Chapters 290-1-3, 290-5-1, 290-5-2, 290-5-4, 290-5-11, 290-5-15, 290-5-16, 290-5-17, 290-5-19, 290-5-20, 290-5-21, 290-5-24, 290-5-25, 290-5-28, and 290-5-61 repealed (see Georgia Department of Public Health, Chapter 511). F. Sep. 20, 2013; eff. Oct. 10, 2013.

Chapter 290-5-3 repealed (see Chapter 511-2-1). F. Sep. 23, 2013; eff. Oct. 13, 2013.

Chapters 290-5-47, 290-5-48, 290-5-55, 290-5-56, and 290-5-57 repealed (see Chapter 511). F. Oct. 15, 2013; eff. Nov. 4, 2013.

Chapter 290-5-59 repealed (see Chapter 511-3-6). F. Oct. 16, 2013; eff. Nov. 5, 2013.

Chapter 290-5-60 repealed (see Chapter 511-5-9). F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rules 290-2-1-.01, 290-2-1-.03, 290-2-1-.05, 290-2-1-.06, 290-2-1-.09, 290-2-1-.10, 290-2-3-.03, 290-2-3-.04, 290-2-3-.07, 290-2-3-.14, 290-2-3-.15 amended. Rules 290-2-1-.20, 290-2-3-.21 adopted. F. Dec. 13, 2013; eff. Jan. 2, 2014.

Chapter 290-5-26 repealed (see Chapter 511-3-1). F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rules 290-2-1-.11, 290-2-3-.11 amended. Rule 290-2-1-.21 adopted. F. Feb. 24, 2014; eff. Mar. 16, 2014.

Chapter 290-9-43 repealed (see Chapter 111-8-37). F. May 26, 2015; eff. June 15, 2015.

Rules 290-1-8-.02, 290-7-1-.03, .06, .10 amended. F. Sep. 10, 2015; eff. Sep. 30, 2015.

Rules 290-5-14-.01 through .10 repealed. F. Oct. 9, 2015; eff. Sep. 29, 2015.

Chapter 290-2-1 Repealed. Chapter 290-2-3 title changed to "Rules and Regulations for Family Child Care Learning Homes." Rules 290-2-3-.02 through .16, .18 through .21 amended. F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rules 290-7-1-.04, .05 amended. F. Dec. 17, 2015; eff. Jan. 6, 2016.

Note: Correction of non-substantive error, Rule 290-5-57-.18 History and SOS website updated to record repeal f. Oct. 15, 2013; eff. Nov. 4, 2013. Effective April 27, 2016.

Rules 290-2-3-.03, .07, .15 amended. Rule 290-2-3-.18 repealed. F. June 2, 2016; eff. June 22, 2016.

Rules 290-2-3-.04, .07, .08, .11 amended. F. Sep. 26, 2016; eff. Oct. 16, 2016.

Chapter 290-5-30 Repealed. F. Nov. 10, 2016; eff. Nov. 30, 2016.

Note: Correction of non-substantive typographical error in Rule 290-7-1-.04 History, "**Amended:** F. Dec. 7, 2015; eff. Jan. 6, 2016." corrected to "**Amended:** F. Dec. 17, 2015; eff. Jan. 6, 2016." Effective Dec. 29, 2016.

Rules 290-7-1-.04, .08, .13, .14, .15 amended. F. Dec. 9, 2016; eff. Dec. 29, 2016.

Chapter 290-5-9 repealed (see Chapter 111-8-47). F. Jan. 27, 2017; eff. Feb. 16, 2017.

Note: Error correction, Agency discovered omitted text in Rule 290-7-1-.04(b)(1) on SOS Rules and Regulations website and requested correction on Feb. 8, 2017. Text was deleted in error when Rule F. Dec. 17, 2015; eff. Jan. 6, 2016 was posted on website. Underlined text added: *"A defendant in a paternity case who fails to comply with the departmental genetic testing order shall be held to have waived any right to genetic testing in the case or in any proceedings involving the Department. The Department may initiate litigation prior to the completion of genetic testing, in which case the testing shall take place as ordered by the court."* Effective February 8, 2017.

Rules 290-2-3-.03, .04, .05, .07 through .16, .19 amended. Chapter 290-2-30 entitled "Rules and Regulations Governing the Child Protective Services Information System" adopted. F. May 26, 2017; eff. June 15, 2017.

Rule 290-7-1-.05 amended. F. Feb. 23, 2018; eff. Mar. 15, 2018.

Rule 290-7-1-.05 amended. F. May 25, 2018; eff. June 14, 2018.

Note: Error correction, Subject 290-2-3 title on SOS Rules and Regulations website changed from "Rules and Regulation for Family Day Care Homes" to "Rules and Regulations for Family Child Care Learning Homes," in accordance with amendment f. Dec. 4, 2015; eff. Dec. 24, 2015. Effective September 6, 2018.

Rules 290-2-3-.03, .04, .07, .14, .15, .21 amended. F. Aug. 17, 2018; eff. Sep. 6, 2018.

Rules 290-7-1-.03, .04, .05, .06, .19 amended. F. Sep. 11, 2018; eff. Oct. 1, 2018.

Chapter 290-1-9 entitled "Safe Place for Newborns Act Signage" adopted. F. Oct. 12, 2018; eff. Nov. 1, 2018.

Chapter 290-1-10 entitled "Rules for Power of Attorney for the Care of a Child" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rules 290-9-2-.01, .02, .06 amended. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rules 290-2-3-.03, .04, .07, .21 amended. F. Aug. 28, 2019; eff. Sep. 17, 2019.

Subject 290-1-11 entitled "Persons with a Disability" adopted. F. Nov. 26, 2019; eff. Dec. 16, 2019.

Rules 290-2-30-.02 through .06 amended. Rule 290-2-30-.07 repealed and number reserved. F. Dec. 10, 2019; eff. Dec. 30, 2019.

Note: Rule 290-7-1-.17, correction of typographical error in paragraph (b) on SOS Rules and Regulations website only. In accordance with the *Official Compilation Rules and Regulations of the State of Georgia* (effective July 5, 2011*), "The Department has the to levy and seize a deposit or account.*" corrected to *"The Department has the authority to levy and seize a deposit or account."*, as requested by the Agency. Effective February 24, 2020.

Rules 290-2-3-.04, .07, .10, .11, .14 amended. F. Aug. 31, 2020; eff. Sep. 20, 2020.

Rule 290-2-28-.07 amended. F. Sep. 21, 2020; eff. Oct. 11, 2020.

Subjects 290-5-5, 290-5-22, 290-5-27, 290-5-37, 290-5-41 repealed. (New Rules adopted by Georgia Department of Community Health, Subjects 111-3-12, 111-8-90, 111-8-91, 111-8-29, and 111-8-7 respectively.) F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-7-1-.20 amended. F. June 4, 2021; eff. June 24, 2021.

Subject 290-5-32 repealed in its entirety. F. Oct. 14, 2022; eff. Nov. 3, 2022.

Chapter 290-1. ADMINISTRATION.

Subject 290-1-1. HEARINGS AND PETITIONS FOR RULE-MAKING.

Rule 290-1-1-.01. Scope of Chapter.

The Rules in this Chapter are procedural only, and confer no substantive rights. This Chapter applies to all hearings held by the Department unless a specific statute, Federal regulation or other authority governs otherwise, in which case this Chapter applies to the extent not inconsistent therewith.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.01
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-6, 37-1-22, 37-1-23, 49-4-3, 50-13-1.
History. Original Rule entitled "Definitions" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Scope of Chapter" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.02. Definitions.

The following words and terms as used in these Rules shall have the following meanings:

(a) "Board" means the Board of Human Resources of the State of Georgia;

(b) "Commissioner" means the chief administrative officer of the Department;

(c) "Department" means the Department of Human Resources of the State of Georgia and for public assistance purposes includes the county departments of family and children services and other entities included by O.C.G.A. Sec. 49-4-2 or its successor statute, and for O.C.G.A. Title 37 purposes includes the agents and designees included by O.C.G.A. Sec. 37-1-1(3) or its successor statute;

(d) "Hearing" means a right of the Department and persons and parties affected by an action or intended action of the Department to present testimony, documentary evidence and argument as to why such action should or should not be taken;

(e) "Hearing Officer" means the person employed and authorized to conduct the hearing and take action as authorized by law or regulation;

(f) "Notice of Hearing" means a written statement of the time, date and place of the hearing, the legal authority under which it will be held, the issues to be considered, and the participants' rights and duties. A Notice of rule-making hearing will also identify the rule under consideration; other Notices will generally state the nature of the hearing;

(g) Office of State Administrative Hearings means the agency established by O.C.G.A. Chapter 50-13, Article 2.

(h) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party;

(i) "Person" means any individual, partnership, corporation or association and includes bodies politic and corporate;

(j) "Reviewing Official" means the person or persons employed and authorized to review hearing records and to issue final decisions, in cases where administrative review of hearing decisions is authorized and properly invoked;

(k) "Rule" as used in this Chapter has the same meaning given in O.C.G.A. Sec. 50-13-2(6) or its successor statute.

(l) "License" as used in this Chapter has the same meaning given in O.C.G.A. Sec. 50-13-2(3) or its successor statute.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.02
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-1-1, 31-2-4, 37-1-1, 37-1-22, 37-1-23, 49-2-1, 49-2-2, 49-4-2, 49-4-3, 50-13-2, 50-13-4, 50-13-13.
History. Original Rule entitled "Licensing" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Definitions" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.

Amended: F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.
Amended: F. Mar. 20, 1997; eff. Apr. 9, 1997.

Rule 290-1-1-.03. Licensing.

(1) In any proceeding relating to actions revoking, suspending, or denying a license to any party or person, such action cannot be taken without giving the affected party prior written notice of the intended action and affording an opportunity for hearing pursuant to the provisions of this Chapter, except in the following circumstances:

(a) An imminent threat to the public health, safety or welfare exists such that emergency action is necessary, in which case the license may be summarily suspended pending the revocation hearing by an Emergency Order issued by the Commissioner or Commissioner's designee containing a factual finding and description of the necessity for the summary action; or

(b) The Department is authorized or required by specific statute or court order or judgement to act without a hearing.

(2) Requests by the licensee for exculpatory or favorable information in the Department's files in any action under this Rule must be made to the assigned Hearing Officer or to the Office of State Administrative Hearings.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.03
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-2-6, 31-5-2, 37-7-2.2, 37-1-22, 37-1-23, 37-1-50, 49-4-3, 50-13-2, 50-13-4, 50-13-18, 50-13-40*et seq.*
History. Original Rule entitled "Authority of Hearing Examiner" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Licensing" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1998.
Amended: Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.04. Quasi-judicial or Enforcement Hearings.

Quasi-judicial or enforcement hearings are to enforce or sanction violations of an existing rule; or to investigate, declare or enforce liabilities or privileges on present or past facts or existing law.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.04
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 49-4-3, 49-4-13, 50-13-1, 50-13-13.
History. Original Rule entitled "Appeal from Action by a County Unit" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Quasi-judicial or Enforcement Hearings" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.05. Same; Hearing Requests Subject to the Jurisdiction of the Office of State Administrative Hearings.

(1) Hearing requests received by the Department which are within the jurisdiction of the Office of State Administrative Hearings shall be promptly transmitted to that Office in accordance with the instructions of that Office. The Department may file any procedural or jurisdictional objections to any hearing request at the time of transmittal.

(2) Initial decisions transmitted to the Department by the Office of State Administrative Hearings for review shall be accompanied by the entire hearing record. Reviews of the records and decisions will be by the Commissioner or his designees who will issue the final decisions. Such decisions will be binding on the Department and no further administrative remedy will be available.

(3) Decisions made by the Office of State Administrative Hearings in the following classes of cases will become final upon issuance by that Office and without further Departmental action:

(a) Cases arising under the Child Support Enforcement Act, O.C.G.A. Chapter 19-11, Art. 1, and related State and Federal laws;

(b) Cases involving continuing involuntary hospitalization or habilitation and cost of care arising under O.C.G.A. Title 37 or the Department's Published Rule 290-4-7-.08;

(c) Cases arising under O.C.G.A. Chapter 48-7, Art. 7, and related State and Federal laws involving the interception and setoff of tax refunds;

(d) Cases arising under O.C.G.A. Chapter 31-8, Arts. 5 and 5A, and related State and Federal laws involving rights of residents of long-term care facilities and personal care homes;

(e) Cases arising under O.C.G.A. Chapter 49-5, Art. 8, concerning establishment of a Child Protective Services Information System;

(f) Intentional Program Violation (IPV) disqualification hearings, and IPV disqualification hearings held in combination with Food Stamp fair hearings, in the Food Stamp program under 7 USCA § 2015 and 7 CFR § 273.16 and their successor statutes and regulations and related State laws;

(g) Early intervention services cases arising under 20 USCA § 1480 and 34 CFR §§ 303.420*et seq.* and their successor statutes and regulations and related State laws.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.05
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-4, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 49-4-3, 49-4-13, 49-9-11, 50-13-3, 50-13-13, 50-13-14, 50-13-15.
History. Original Rule entitled "Appeal from the Department" was filed on July 26, 1974; effective August 15,

1974.
Repealed: New Rule entitled "Same;Hearing Officer's Authority to Conduct the Hearing" adopted. F. Aug. 19,1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Same; HearingRequest Subject to the Jurisdiction of the Office of State AdministrativeHearings" adopted. F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified bythe Agency.
Amended: F. Mar. 20, 1997; eff. Apr. 9, 1997.

Rule 290-1-1-.06. Same; Hearings Subject to the Jurisdiction of the Department.

Hearings subject to the jurisdiction of the Department shall be conducted in accordance with Rules .07 through .12 of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.06
Authority: Ga. L. 1964, pp. 338, 346; Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 49-4-3, 49-4-13, 50-13-13, 50-13-15, 50-13-23.
History. Original Rule entitled "Procedure for Adoption of Rules" was filed on July 26, 1974; effective August 15, 1974.
Amended: Filed November 6, 1980; effective December 6, 1980, as specified by the Agency.
Repealed: New Rule entitled "Same; Procedures" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Same; Hearings Subject to the Jurisdiction of the Department". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.07. Hearing Officer's Authority to Conduct the Hearing.

(1) The Hearing Officer shall have the authority to do the following:

(a) Hold prehearing conferences to settle, simplify, determine or strike any of the issues at a hearing;

(b) Administer oaths and affirmations;

(c) Sign and issue subpoenas and rule on offers of proof;

(d) Regulate the course of the hearing;

(e) At the Hearing Officer's discretion, set the time and place for continuances and fix the time for filing briefs;

(f) Accept motions for dismissal for lack of Department jurisdiction over the subject matter or the parties, or for any other ground, or raise such matters on the Hearing Officer's own motion;

(g) Accept and rule on motions to amend pleadings, to intervene, to open default, to extend time limits where motion is made prior to the expiration of same, and other matters, or raise such matters on the Hearing Officer's own motion;

(h) Obtain or provide for obtaining written, videotaped or audiotaped testimony or for evidence in other forms;

(i) Reprimand or exclude from any hearing any person for indecorous or improper conduct committed at or during any hearing or, if unable to obtain obedience to reasonable directions and as a last resort, to adjourn the hearing;

(j) Require a showing of authority by anyone purporting to appear in any representative authority;

(k) Arrange or request a party to arrange for the presence of interpreters or other measures to assist parties or witnesses; a party who needs such assistance shall notify the Hearing Officer in advance of the hearing;

(l) Arrange for and issue notices of the date, time and place of hearings or conferences;

(m) Rule on, admit, exclude, or limit evidence;

(n) Issue default dismissals for failure to attend or participate;

(o) Take such other action as might be required to facilitate the development of a complete record upon which to base a decision as long as such actions are not inconsistent with relevant laws and regulations.

(2) In considering the site for the conduct of the hearing, the Hearing Officer shall give due regard to the convenience and necessity of the parties and their representatives, the witnesses and the location of records. Where common questions of fact or law exist, group hearings may be scheduled for all parties to whom such commonalities apply.

(3) The Hearing Officer may conduct the hearing in whole or in part, including preliminary or collateral proceedings, by telephone unless the parties object. If the objecting party is the Department or its agents, the Hearing Officer may overrule the objection unless good cause is shown for the objection.

(4) Objections to the sufficiency of a Notice of Hearing must be made by a written motion for a more definite statement, delivered to the Hearing Officer at least five (5) days prior to the hearing date.

(5) The Hearing Officer may at any time and on his or her own motion determine the Hearing Officer's jurisdiction over the issues or parties. Hearings may be denied or dismissed if the sole issue is one mandated by law with no Departmental discretion, or if the Department has no authority to grant the relief requested.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.07
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-5, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 37-1-53, 49-4-3, 49-4-13, 50-13-13, 50-13-15.

History. Original Rule entitled "Adoption of the Rules" was filed on July 26, 1974; effective August 15, 1974. **Repealed:** New Rule entitled "Same; Contents of Hearing Records" adopted F. Aug. 19, 1993; eff. Sept. 8, 1993. **Amended:** Rule retitled "Hearing Officer's Authority to Conduct the Hearing". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.08. Procedures.

(1) The order of proof in the conduct of a hearing should be somewhat flexible. Generally the following procedure will be followed:

(a) The Department or its representative should examine its witnesses and present its proof first;

(b) The opposing party and its witnesses should then be heard;

(c) The giving of testimony by each party and its witnesses is subject to appropriate cross-examination by the opposite parties and questioning by the Hearing Officer;

(d) The Hearing Officer may call and examine witnesses to develop the record fully and to ensure all evidence favorable to an unrepresented party is presented.

(2) Each party will be given a reasonable time in which to complete its case. The hearing will not be considered complete until both sides have been given a reasonable opportunity to complete their arguments. The party against whom the action is to be taken will generally be allowed the last closing argument.

(3) Formality of pleadings or format shall not be required. Unless otherwise specified, all papers may be filed in the hearing record by mailing or delivery, suitably marked for identification, to the Hearing Officer.

(4) Unless otherwise specified all notices, pleadings, motions, etc. may be served by regular U.S. Mail. Mailed documents will be considered as timely if postmarked within the applicable time period. The Hearing Officer may at his or her discretion consider papers filed late, balancing the reasons for the delay against the prejudice to the other parties. The Hearing Officer may request that any Departmental employee or any party hand-deliver any paper if the circumstances require such.

(5) The rules of evidence as applied in the trial of civil nonjury cases in the superior courts of Georgia shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under such rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs or if it consists of a report of medical, psychiatric, or psychological evaluation of a type routinely submitted to and relied upon by the Department in the normal course of its business.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.08
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 49-4-3, 49-4-13, 50-13-13, 50-13-16, 50-13-17.
History. Original Rule entitled "Imminent Threat" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Hearing Officer's Authority to Decide Case" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Procedures". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.09. Contents of Hearing Records.

(1) A record of the hearing shall be kept and shall include:

(a) All pleadings, motions and rulings;

(b) A summary of the oral testimony and all other evidence received or considered, except that if the oral proceeding was recorded the recording or written transcript may be kept in lieu of the summary of the oral testimony;

(c) A state of matters officially noticed;

(d) Questions and offers of proof and rulings thereon;

(e) Initial, proposed or recommended findings of fact and conclusions of law, if applicable;

(f) Any decision, report or opinion by the Hearing Officer or Reviewing Official, except that the Hearing Officer's or Reviewing Official's personal notes, research or other work product shall not be part of the record; and

(g) All staff memoranda or data submitted to the Hearing Officer or members of the Department in connection with their consideration of the case.

(2) Official notice may be taken of Departmental records, including other hearing records, where relevant or helpful in developing the facts of any case.

(3) Recordation of oral hearings:

(a) Oral hearings will be recorded on magnetic tape at the Hearing Officer's discretion or where either party requests recordation sufficiently in advance to allow the Hearing Officer to arrange for recording equipment.

(b) The Hearing Officer may at his or her discretion allow any party to record the hearing at the party's own expense, provided the hearing will not be disrupted and confidentiality can be protected. In all cases recorded by the Hearing Officer, however, the Hearing Officer's recordation will be the official record of the hearing.

(c) Where the hearing is not recorded for any reason and a record of the oral hearing becomes necessary, the testimony and proceeding may be reconstructed by stipulation or by the recollection of the persons attending. Where the parties cannot agree, the Hearing Officer may reconstruct the proceeding and the Hearing Officer's reconstruction shall be final.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.09
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-4, 31-5-5, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 37-1-53, 49-4-3, 49-4-13, 50-13-13, 50-13-15.
History. Original Rule entitled "Effective Date of Rules" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Subpoenas and Discovery" adopted. F. Aug. 19, 1993; eff. Sept. 3, 1993.
Amended: Rule retitled "Contents of Hearing Records". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.10. Decisions.

(1) The Hearing Officer will issue a recommended decision, including findings of fact and conclusions of law, to the Commissioner within thirty (30) days of closure of the record, unless the Hearing Officer determines that additional time is needed for a full evaluation of the record. The recommended decision will be mailed or delivered to the parties. If no appeal is filed to the Commissioner within thirty (30) days after issuance of the recommended decision, the recommended decision will become the Department's final decision and will be binding on the Department. No further administrative relief will be available.

(2) Appeals to recommended decisions will be considered by the Commissioner or his designee, who will issue the Department's final decision within thirty (30) days of receipt of the appeal, unless an extension of time is necessary for a full evaluation of the record. The final decision will be binding on the Department upon issuance, and no further administrative relief will be available.

(3) Where fewer than all parties authorized to appeal a recommended decision do so, the Commissioner or his assigned designee may send notice of the appeal to the non-appealing parties. Said parties may then participate in the appeal as fully as the appealing parties, and will be as bound by the final decision.

(4) Clerical mistakes, oversights and omissions in decisions and proposed decisions may be corrected following issuance, provided that no rights of the parties are adversely affected.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.10
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-2, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 49-4-3, 49-4-13, 50-13-13, 50-13-16, 50-13-17.
History. Original Rule entitled "Promulgation of Rules" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Administrative Review" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.

Amended: Rule retitled "Decisions". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.11. Subpoenas and Discovery.

(1) The Hearing Officer may provide for examination of the hearing record by the parties as follows:

(a) All laws of confidentiality and privilege shall be respected by the parties, and the Hearing Officer may, by order, condition any party's access to the record so as to protect confidentiality and privilege;

(b) The Hearing Officer may arrange for examination by other parties prior to the hearing of any documents to be used by any party at the hearing, by directing the parties to make their documents available to the other parties for examination by appointment or to exchange copies, or by delivering the documents to the Hearing Officer prior to the hearing, or by other reasonable means;

(c) The Hearing Officer may recess, postpone, or continue the hearing to allow the parties to examine documents not previously disclosed. Where the recess or continuance will adequately protect the parties' rights, the mere failure to disclose a document prior to the hearing will not require its exclusion from the record;

(d) At the request of any party or on the Hearing Officer's own motion the Hearing Officer may mask or excise irrelevant, privileged or confidential parts of any document prior to its examination by the other parties. No consideration will be given to the masked or excised parts in the decision if the other party objects to such consideration. The Hearing Officer shall retain in the record a sealed copy of the document without the deletions, for consideration by the court in case of administrative or judicial review.

(e) If any party refuses to comply with the Hearing Officer's reasonable directions to make a document available to other parties, the Hearing Officer may as a last resort exclude the document and any evidence or testimony derived from or based upon it from the record.

(2) The Hearing Officer may issue subpoenas for witnesses and records at the request of any party or on his or her own motion, provided the request is made sufficiently in advance of the hearing date to permit good service.

(3) The Hearing Officer is authorized to direct any employee of the Department to attend the hearing or prehearing conference, and to receive custody of the Departmental records for presentation at the hearing.

(4) Prior to the issuance of any subpoena or discovery order, the Hearing Officer may require a preliminary showing of relevance of the evidence sought or need for the order, and may

also require a showing that alternate means of obtaining the evidence have been exhausted.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.11
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 49-4-3, 49-4-13, 50-13-13.
History. Original Rule entitled "Procedure for Hearing under AFDC and Medicaid Programs" was filed on July 26, 1974; effective August 15, 1974
Repealed: New Rule entitled "Same; Ex Parte Contacts with Hearing Official" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Subpoenas and Discovery". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.12. Ex Parte Contacts with Hearing Official.

The Hearing Officer or Reviewing Official may be contacted *ex parte* on matters of an informational or procedural nature, especially by any party not represented by counsel. At the discretion of the Hearing Officer or Reviewing Official, or upon request of a party, such contacts shall be made a part of the record.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.12
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 49-4-3.
History. Original Rule entitled "Informing the client" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Rule Making or Quasi-legislative Hearings" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Ex Parte Contacts with Hearing Official" F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.13. Rule Making or Quasi-legislative Hearings.

Rule making or quasi-legislative hearings are to establish, amend or repeal rules of general application. The establishment, amendment or repeal will operate prospectively.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.13
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-1, 37-1-22, 37-1-23, 37-1-40, 50-13-4.
History. Original Rule entitled "Reasons for Hearing Requests" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Procedure" adopted F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Rule Making or Quasi-legislative Hearings". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.14. Same; Procedure.

The Department shall adopt, amend or repeal rules or emergency rules in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-134 or its successor statute.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.14
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 37-1-40, 50-13-9.
History. Original Rule entitled "Hearing Requests" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Petitions for Rule-making" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Same; Procedure". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.15. Same; Petitions for Rule-making.

Interested persons may petition the Department requesting the promulgation, amendment or repeal of a rule. Such petition should be in the form of a letter addressed to the Commissioner of the Department setting forth the language of the proposed rule, amendment or repeal, and, where applicable, the language of the rule sought to be amended or repealed. Such letter should be sent to the Commissioner by certified or registered mail and should set forth the interest of the person petitioning the Commissioner. Within 30 days after submission of such petition, the Commissioner or the Board shall initiate rule-making procedures or deny the petition in writing stating the reason for the denial.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.15
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 50-1-1, 50-13-4.
History. Original Rule entitled "Denial and Dismissal of Hearing Requests" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Same; Mailing List" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Same; Petitions for Rule-making" F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.16. Same; Mailing List.

The Department shall maintain a mailing list of persons and organizations wishing to receive notice of intended actions in adopting, amending or repealing Rules. Persons or organizations wishing to be included thereon should submit their names and exact mailing addresses to the Commissioner's Office. Upon receipt of the request, the Department will promptly notify the requesting party of the amount to be paid to the Department to be placed on the mailing list.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.16
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.G.G.A. Secs. 31-2-4, 37-1-23, 50-13-11.
History. Original Rule entitled "Time and Place of Hearings" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Petitions for Declaratory Ruling" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Same; Mailing list" F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.17. Petitions for Declaratory Ruling.

(1) Petitions for declaratory rulings may be delivered by mail, and should be sent to the Commissioner.

(2) A petition may be filed with the Department for a declaratory ruling as to the applicability of any Departmental Rule or order, or statutory provision for which the Department has enforcement authority. The petition need not conform to any specific format, but must:

(a) Specify that it is a petition for a declaratory ruling, and identify the petitioner and his or her mailing address;

(b) Identify the specific statute, Rule or order involved, and describe the specific factual and non-hypothetical circumstances calling its applicability into question;

(c) Demonstrate an actual present need for said ruling, as opposed to a mere abstract desire for same;

(d) Identify all other known persons involved in or impacted by the factual situation causing the petition.

Petitions which do not contain the above information may be rejected by the Department.

(3) The Commissioner or his designee will issue the ruling within thirty (30) days of receipt of the petition unless the advice of the Attorney General or further investigation is needed, in which case the ruling will be issued as soon as possible. The Department may in the course of its investigation contact any other parties involved with or impacted by the statute, Rule or order.

(4) No petition for a declaratory ruling will be accepted where a hearing request is pending on the same subject matter, or where such a ruling would constitute the unauthorized practice of law.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.17
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-5, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 37-1-53, 49-4-3, 49-4-13, 49-9-11, 50-13-3, 50-13-13, 50-18-71, 50-18-72, 50-18-94.
History. Original Rule entitled "Group Hearings" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Hearings and Hearing Records: Confidentiality, Custody, Language, Access, Costs" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Petitions for Declaratory Ruling". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.18. Hearings and Hearing Records: Confidentiality, Custody, Language, Access, Costs.

(1) Hearings will be open to the public unless a law or other authority requires or authorizes closure.

(2) The Hearing Officer assigned to conduct any hearing will be the Department's custodian of that hearing record while the case is in hearing status, and for the duration of any

appeal time thereafter. Where the Hearing Officer's decision is appealed to the Commissioner, the Commissioner or his assigned designee will become the custodian upon receipt of the record after issuance of the recommended decision and for the duration of any appeal time thereafter.

(3) All hearing records will be assembled in the English language, as designated by Resolution No. 70, Georgia Laws 1986, Page 529. The Hearing Officer may require or arrange for translation into English of any testimony, arguments, documents or other matter presented in another language, and the English version will be the official record of the item. No person will be prevented from offering evidence or testimony for want of an English translation, however, and the original-language version will also be placed in the record.

(4) Access to hearing records will generally be as provided by Georgia's "Open Records Law", O.C.G.A. Chapter 50-18, Art. 4, or its successor statute, except where access to the record is governed by a specific law or other authority. The Department may exercise its statutory right to protect any record or part thereof from disclosure as authorized by O.C.G.A. §§ 31-5-5 or 37-1-53 or their successor statutes.

(5) Costs for transcripts and copies of records will be governed by the Department's general policy on costs for copies of its records as found in the Departmental *Administrative Procedure Manual* or its successor.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.18
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 31-5-5, 31-5-6, 37-1-22, 37-1-23, 37-1-50, 37-1-53, 49-4-3, 49-4-13, 49-9-11, 50-13-3, 50-13-13, 50-18-71, 50-18-72, 50-18-94.
History. Original Rule entitled "The Hearing Officer" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Certification of Hearing Records" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Hearings and Hearing Records: Confidentiality, Custody, Language, Access, Costs". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.19. Certification of Hearing Records.

The official assigned to issue the final decision in any hearing is authorized to certify copies of the record of such hearing as true, complete and correct, and such certification will constitute the certification of the Commissioner and the Department thereto. In the absence or unavailability of the assigned official, the appointing authority of that official or the Commissioner may so certify the hearing record.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.19
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 1-3-1, 31-2-4, 37-1-22, 37-1-23, 49-4-3, 50-13-3.
History. Original Rule entitled "Hearings Involving Medical Issues" was filed July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Substantial Compliance Only Required" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Certification of Hearing Records". F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by

the Agency.

Rule 290-1-1-.20. Substantial Compliance Only Required.

Exact compliance with this Chapter is desired. Unless a law, Federal regulation, court order or other authority requires otherwise, however, no proceeding under this Chapter will be voided because of a technical failure of compliance which does not harm substantive rights of the parties.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.20
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.* O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 49-4-3, 50-13-3.
History. Original Rule entitled "Content of the Hearing" was filed on July 26, 1974; effective August 15, 1974.
Repealed: New Rule entitled "Severability" adopted. F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: Rule retitled "Substantial Compliance Only Required" F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.21. Severability.

In the event that any Rule, sentence, clause or phrase of any of these Rules 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. 290-1-1-.21
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "The Hearing Record" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: New Rule entitled "Severability" adopted. F. Aug. 17, 1995; eff. Sept. 15, 1995, as specified by the Agency.

Rule 290-1-1-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.22
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Initial Decisions" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.23
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Final Decisions" was filed on July 26, 1974; effective August 15, 1974.

Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.24
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "County Department Responsibilities" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.25
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Special Consideration Concerning Fair Hearings Related to the Work Incentive Program" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.26
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Hearings Related to Level of Care in Medical Facilities" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.27
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Child Support Recovery Program Hearings" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Rule 290-1-1-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-1-.28
Authority: Ga. L. 1972, p. 1015 *et seq.* and p. 1069 *et seq.*
History. Original Rule entitled "Reviews Initiated by the State Department" was filed on July 26, 1974; effective August 15, 1974.
Repealed: F. Aug. 19, 1993; eff. Sept. 8, 1993.

Subject 290-1-2. HEARINGS AND PETITIONS FOR RULE-MAKING.

Rule 290-1-2-.01. Privacy and Seclusion of Records.

(1) WHEREAS, demands have been made upon the staff and employees of the Board of Human Resources by various persons to be allowed to inspect the records of the Board, and

(2) WHEREAS, the indiscriminate allowing of such search is not conducive to keeping such files in an orderly and clean manner, and

(3) WHEREAS, many of the files of the Board, notably birth and death certificates, must be kept as permanent records and it is incumbent upon such employees who have them in charge to maintain them in a clean and orderly condition, and

(4) WHEREAS, other files of the Board, notably laboratory findings and diagnoses, by their very nature are confidential and personal to the person on whom reports are made and their physicians, therefore,

(a) BE IT RESOLVED, that the files of the Board of Human Resources of Georgia are not open to public inspection, and the Commissioner of the Department of Human Resources and employees are instructed not to permit public inspection of any record which would violate the confidential relation between physicians and patients;

(b) BE IT FURTHER RESOLVED, that the public search of records of birth and death is prohibited and only authorized employees of the Department of Human Resources will search the files of the State Bureau of Vital Statistics for any applicant for certified copies of birth and death certificates only upon payment of the statutory fee by the applicant for such certificates, as provided in Section 88-1725 of the Georgia Health Code.

(c) BE IT FURTHER RESOLVED, that the foregoing paragraph shall apply to local registrars of vital statistics, who shall not permit any search of their records of birth and death certificates by any person except themselves or a person authorized in writing by the Commissioner of the Georgia Department of Human Resources.

Adopted by the State Board of Health on March 20, 1935 and subscribed to and readopted by the Board of Human Resources on January 16, 1974.

Cite as Ga. Comp. R. & Regs. R. 290-1-2-.01
Authority: Ga. L. 1964, p. 499 *et seq*, as amended; Ga . L. 1972, pp. 1015, 1046 *et seq*; and Ga. L. 1972, p. 1069 *et seq.* Effective February 19, 1974.
History. Original Rule was filed on January 30, 1974; effective February 19, 1974.

Subject 290-1-3. [Repealed].

Rule 290-1-3-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed an January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Forms" adopted. Filed 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Registrars: Qualifications and Duties" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Requirements for Preparation of Certificates" adopted. Filed 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Registration of Birth" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Designation of Additional Offices" adopted. Filed 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Delayed, Post Established, Reestablished Birth Certificate" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Infants of Unknown Parentage: Foundling Registration" adopted. Filed 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Correction of Records" was filed on January 30, 1974; effective February 19, 1974.

Amended: Rule repealed and a new Rule entitled "Registration of Birth" adopted. Filed May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Registration of Out of Institution Births" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013

Rule 290-1-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Who May Request the Registration of and Sign a Delayed Certificate of Birth" 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, 1995.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Facts to be Established for a Delayed Registration of Birth" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Registration Following a Legal Change of Status" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Documentary Evidence - Requirements for Delayed Registration" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 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.

Rule 290-1-3-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Abstraction of Documentary Evidence" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.12
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Certification by the State Registrar" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.13
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Dismissal After One Year" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.14
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Legitimation by Marriage" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.15
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Legitimation by Court Order" was filed on May 18, 1988; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Determination of Paternity" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.16
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "New Certificate" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Affidavit of Paternity" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 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.

Rule 290-1-3-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.18
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Acceptance of Incomplete Death Certificate - Post Mortem Examination" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Existing Certificate to be Placed in a Special File" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.19
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Hospital or Institution May Assist in Preparation of Certificate" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Acceptance of Incomplete Death Certificate" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.20
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Disposition of Reports of Induced Termination of Pregnancy" was filed an May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Hospital or Institution May Assist in Preparation of Death Certificate" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 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.

Rule 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.

Rule 290-1-3-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.23
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Amendment of Minor Errors on Birth Certificates During the First Year" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Permits for Disposition, Disinterment and Reinterment" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.24
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled All Other Amendments" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Amendment of Minor Errors on Birth, Death, and Spontaneous Fetal Death Certificates During the First Year" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.25
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Who May Apply to Amend a Vital Record" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "All Other Amendments" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.26
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Amendment of Registrants' Given Names on Birth Certificates Within the First Year" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Who May Apply to Amend a Vital Record" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.27
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Addition of Given Names on Birth Certificates" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Amendments of Registrants' Given Names on Birth Certificates Within the First Year" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 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.

Rule 290-1-3-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.29
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Amendment of the Same Item More than Once" was filed on May 18, 1988; 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.30
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Amendment of Date of Birth" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.31
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Methods of Amending Certificates" 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; off. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.32
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Record Preservation" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.33
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Disclosure of Records" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.34
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Copies of Data from Vital Records" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.35
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Fees for Copies and Searches" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.36
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Funeral Director's Records" was filed on May 18, 1981; 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.37
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Matching of Birth and Death Certificates" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.38
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Transmittal of Birth Certificate" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency.
Repealed: New Rule entitled "Transmittal of Certificates and Reports" adopted. F. Feb. 23, 1993; eff. Mar. 15, 1993.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.39. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.39
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Appeals and Hearings" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-1-3-.40. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-1-3-.40
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Service of Process" 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. Sep. 20, 2013; eff. Oct. 10, 2013.

Subject 290-1-4. DISCLOSURE OF INFORMATION ON MEDICAID PROVIDERS.

Rule 290-1-4-.01. Provisions for Disclosure.

Names and addresses of providers of services to Medicaid recipients shall be considered public information, subject to the conditions set forth in these rules. Information giving the names of such providers including total amounts of reimbursement may be released at the discretion of the Commissioner upon request therefor setting forth a legitimate purpose for such a disclosure. Such information shall not be released for purposes which in the opinion of the Commissioner are political or commercial.

Cite as Ga. Comp. R. & Regs. R. 290-1-4-.01
Authority: Ga. L. 1972, p. 1015 *et seq*; Ga. L. 1972, p. 1069 *et seq* and Ga. L. 1965, pp. 385, 390.
History. Original Rule was filed on December 15, 1975; effective January 4, 1976.

Rule 290-1-4-.02. Information Disclosed.

Such lists of information shall not contain any identifiable personal information about the recipient of the Medicaid services as such information is strictly confidential. Names of the recipients of Public Assistance and the amount of the respective grants may continue to be released under the policy established in the County Manual for Public Assistance.

Cite as Ga. Comp. R. & Regs. R. 290-1-4-.02
Authority: Ga. L. 1972, p. 1015 *et seq*; Ga. L. 1972, p. 1069 *et seq* and Ga. L. 1965, pp. 385, 390.
History. Original Rule was filed on December 15, 1975; effective January 4, 1976.

Rule 290-1-4-.03. Requests for Information.

Requests for information on providers must be in writing unless such requirement is waived by the Commissioner. Such requests must reflect the purposes for which the information is requested.

Cite as Ga. Comp. R. & Regs. R. 290-1-4-.03
Authority: Ga. L. 1972, p. 1015 *et seq*; Ga. L. 1972, p. 1069 *et seq* and Ga. L. 1965, pp. 385, 390.

History. Original Rule was filed on December 15, 1975; effective January 4, 1976.

Rule 290-1-4-.04. Enforcement.

Enforcement of these rules will be pursuant to Georgia Code Title 3A, Chapter 88-3 of the Georgia Health Code, as amended, Section 99-9903 of the Georgia Code Annotated.

Cite as Ga. Comp. R. & Regs. R. 290-1-4-.04
Authority: Ga. L. 1972, p. 1015 *et seq*; Ga. L. 1972, p. 1069 *et seq* and Ga. L. 1965, pp. 385, 390.
History. Original Rule was filed on December 15, 1975; effective January 4, 1976.

Subject 290-1-5. SCHEDULE OF FEES FOR FINGERPRINT RECORDS CHECKS.

Rule 290-1-5-.01. Definitions.

The following terms as used in these Rules have the meaning hereinafter respectively ascribed to them:

(a) "Center" means a day-care center, group day-care home, family day-care home, or child-caring institution which is required to be licensed or registered under Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated;

(b) "Center Director" means the chief administrative or executive officer of a center's real property at which children are received for care;

(c) "Center Employee" means any person, other than a director, employed by a center to perform at any of the center's facilities any duties which involve personal contact between that person and any child being at the facility and also includes any adult person who resides at the facility or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child being cared for by the center;

(d) "Personal Care Home" means a home which is required to be licensed, permitted or registered under Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated;

(e) "Personal Care Home Director" means the chief administrative or executive officer or manager of a facility;

(f) "Personal Care Home Employee" means any person, other than a director, employed by a personal care home to perform at any facilities of the personal care home any duties which involve personal contact between that person and any paying resident of the personal care home;

(g) "Records Search Fee" means the fee necessary to cover the costs of a fingerprint records check.

Cite as Ga. Comp. R. & Regs. R. 290-1-5-.01
Authority: O.C.G.A. Secs. 31-7-250, 49-5-60.
History. Original Rule entitled "Definitions" was filed on February 23, 1987; effective March 15, 1987.

Rule 290-1-5-.02. Applicability.

The records search fee shall be required of all center directors, personal care directors, center employees and personal care home employees who are required to submit to a fingerprint records check under Article 11 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated or under Article 3 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 290-1-5-.02
Authority: O.C.G.A. Secs. 31-7-252, 49-5-62.
History. Original Rule entitled "Applicability" was filed on February 23, 1987; effective March 15, 1987.

Rule 290-1-5-.03. Records Search Fee.

The records search fee collected by the Department shall equal the cost by the Georgia Bureau of Investigation to process a fingerprint records check.

Cite as Ga. Comp. R. & Regs. R. 290-1-5-.03
Authority: O.C.G.A. Secs. 31-7-250(14), 49-5-60(16).
History. Original Rule entitled "Records Search Fee" was filed on February 23, 1987; effective March 15, 1987.
Amended: F. Feb. 21, 1990; eff. Mar. 13, 1990.
Amended: ER 290-1-5-0.8-.03 has been adopted. F. Sept. 20, 1990; eff. Oct. 1, 1990, specified by the Agency, to be in effect for period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Amended: F. Nov. 16, 1990; eff. Dec. 6, 1990.

Rule 290-1-5-.04. Provisions.

(1) The records search fee shall be payable in the form of a cashier's check, certified check, or money order made payable to the Georgia Bureau of Investigation.

(2) The records search fee shall accompany the records check application.

Cite as Ga. Comp. R. & Regs. R. 290-1-5-.04
Authority: O.C.G.A. Secs. 31-7-250(14), 49-5-60(16).
History. Original Rule entitled "Provisions" was filed an February 21, 1987; effective March 15, 1987.

Subject 290-1-6. ENFORCEMENT OF LICENSING REQUIREMENTS.

Rule 290-1-6-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sections 31-2-6; 31-7-1, 31-13-1, 31-22-1, 31-23-1, 49-5-12*et seq.*

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.01
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Legal Authority" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.02. Title and Purposes.

These rules shall be known as the Rules and Regulations for Enforcement of Licensing Requirements. The purposes of these rules are to provide for actions by the department with respect to violations of licensing requirements by certain facilities subject to regulation by the department; to provide for inspections, investigations and examinations of such facilities; and to provide that certain facilities give notice of violations giving rise to the receipt of notice of the imposition of any sanction under federal or state laws or regulations.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.02
Authority: O.C.G.A. Secs. 31-2-6, 31-7-2.1, 31-7-3.2, 49-5-8.
History. Original Rule entitled "Title and Purposes" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.03. Definitions.

In these rules, unless the context otherwise requires, the terms set forth herein shall mean the following:

(a) "Administrative action" means the initiation of a contested case as defined in the Georgia Administrative Procedures Act (APA), O.C.G.A. Sec. 50-13-2(2).

(b) "Alter ego" means a person who acts pursuant to the control or influence of another while purporting to act independently.

(c) "Commissioner" means the Commissioner of the Department of Human Resources.

(d) "Department" means the Department of Human Resources, its agents and employees.

(e) "Document" means any book, record, paper, or other information related to initial and continued licensing.

(f) "Facility" means any agency, institution, entity or person subject to regulation by the department under Chapters 7, 13, 22, and 23 of Title 31, and under Chapter 5 of Title 49 of the Official Code of Georgia Annotated.

(g) "Final Adverse Finding" means

1) the issuance of a ruling by the Commissioner on any appeal from a decision of a hearing officer or hearing examiner pursuant to a contested case involving the imposition of a sanction;

2) when a decision of the hearing officers or hearing examiner becomes final by operation of law because no appeal is made to the Commissioner;

3) where the parties to a contested case dispose of the case by settlement; or

4) where a facility does not contest within the allotted time period a sanction imposed by the department.

(h) "Formal Order" means any ruling following an administrative or judicial hearing related to the initial or continued licensing of a facility which requires the facility to take or refrain from taking specified action. Formal orders include, but are not limited necessarily to final administrative hearing decisions and settlement agreements between the department and facilities. Additionally, formal orders, as defined herein, may include any orders issued by the Commissioner as authorized by current laws, such as O.C.G.A. Sec. 31-7-2.2 and O.C.G.A. Sec. 49-5-90*et seq.*, or as authorized by similar statutes enacted after the effective date of these rules.

(i) "Inspection" means any examination by the department or its representatives of a facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a facility is operating in compliance with licensing requirements. The term "inspection" includes any survey, monitoring visit, or other inquiry conducted for the purpose of making a compliance determination with respect to licensing requirements.

(j) "Investigation" means any examination, conducted in response to an allegation or allegations of noncompliance, by the department or its representative of a facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a facility has violated any licensing requirement.

(k) "License" means official authorization granted by the department pursuant to any of the provisions of law cited in Rule .01 to operate a facility. The term "license" includes any permit, registration, commission, or similar designation reflecting such authorization.

(l) "Licensee" means any person holding a license.

(m) "Licensing requirements" means any provisions of law, rule, regulation, or formal order of the department which apply to facilities with respect to initial or continued authority to operate.

(n) "Management or Control", for the purpose of imposing the sanction pursuant to Rule .04(1)(c) or .04(2)(b), means the exercise of or authority to exercise direction, administration, or oversight over a facility's operations by certain persons which include owners, directors, or administrators.

(o) "Person" means any individual, agent, representative, governing authority, firm, organization, partnership, agency, association, corporation, facility, or other entity.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.03
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Title and Purposes" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.04. Enforcement.

The department shall have the authority to impose any one or more of the sanctions enumerated in paragraphs (1) and (2) of Rule .05, Sanctions, upon a finding that an applicant or licensee has:

(a) Knowingly made any verbal or written false statement of material fact:

1) in connection with the application for a license;

2) on documents submitted to the department as part of any inspection or investigation; or

3) in the falsification or alteration of facility records made or maintained by the facility;

(b) Failed or refused, without legal cause, to provide the department with access to the premises subject to regulation or information pertinent to the initial and continued licensing of the facility.

(c) Failed to comply with the licensing requirements of this state; or

(d) Failed to comply with the provisions of O.C.G.A. Section 31-2-6 or with the provisions of these rules.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.04
Authority: O.C.G.A Sec. 31-2-6.
History. Original Rule entitled "Enforcement" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.05. Sanctions.

(1) Sanctions Against Licensees. When the department finds that any licensee has violated any provision of Rule .04, Enforcement, the department, subject to notice and opportunity for a hearing, may impose any one or more of the sanctions in subparagraphs (a) through (f) below.

(a) Administer a public reprimand.

1. If the sanction of public reprimand is finally imposed, as defined by a final adverse finding, the public reprimand shall consist of a notice prepared by the department that the facility has been reprimanded; such notice shall include a written report of the department's findings along with the facility's response and corrective action plan.

(i) Location of Notice. The facility shall post the notice in places readily accessible and continuously visible to persons in care and their representatives.

(ii) Timing of Notice. The facility shall post the notice on the day the notice is received by the facility and such notice shall remain posted for a period of ninety days.

(iii) During any period that the reprimand is required to be posted, the facility shall advise persons seeking services and representatives of persons seeking services of the reprimand. In response to a notice by the department of the imposition of a public reprimand, a facility may request that the department not require the facility to advise persons seeking services and representatives of persons seeking services of the reprimand if such requirement would compromise its ability to provide services, and is not feasible given the facility's range of services and the ways its services are provided. Such request must be made within ten calendar days from receipt of the notice from the department.

The department upon such a convincing showing, as well as a showing that the correction of the violation has been achieved and will be sustained by the facility, may elect not to enforce this requirement. If the department elects to enforce the requirement and the facility appeals the imposition of the sanction, the issue of this requirement may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

(b) 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 said license.

1. The department may impose the sanction of suspension for a definite period calculated by it as the period necessary for the facility to implement long-term corrective measures and for the facility to be deterred from lapsing into noncompliance in the future. As an alternative to suspending a license for a definite period, the department may suspend the license for an indefinite period in connection with the imposition of any condition or conditions reasonably calculated to elicit long-term compliance with licensing requirements which the facility must meet and demonstrate before it may regain its license.

2. If the sanction of license suspension is finally imposed, as defined by a final adverse finding, the department shall effectuate it by requiring the facility to return its license to the department. Upon the expiration of any period of suspension, and upon a showing by the facility that it has achieved compliance with licensing requirements, the department shall reissue the facility a license. Where the license was suspended for an indefinite period in connection with conditions for the re-issuance of a license, once the facility can show that any and all conditions imposed by the department have been met, the department shall reissue the facility a license.

(c) Prohibition of Persons in Management or Control.

1. The department may prohibit a licensee from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve months to be involved in the management or control of such facility. Any such person found by the department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the department of violations of licensing requirements giving rise to a revocation or denial action. This subparagraph shall not be construed to require the department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this Rule, the twelve months period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(d) Revoke any license.

1. If the sanction of license revocation is finally imposed, as defined by a final adverse finding, the department shall effectuate it by requiring the facility to return its license to the department.

(e) Impose a fine, not to exceed a total of $25,000, of up to $1,000 per day for each violation of a law, rule, regulation, or formal order related to the initial or continued licensing of a facility; provided, however, that no such fines shall exceed $25,000 for violations found during the same inspection and provided, further, that no fine may be imposed against any nursing facility, nursing home, or intermediate care facility which is subject to intermediate sanctions under the provisions of 42 U.S.C. Section 1396 r(h)(2)(A), as amended, whether or not those sanctions actually are imposed. If a violation is found on two consecutive inspections there shall exist a rebuttable presumption that the violation continued throughout the period of time between each inspection.

1. Categories of Violations. Violations shall be assigned a category based upon the following criteria:

   (i) Category I ($601-$1000 per violation per day): A violation or combination of violations of licensing requirements which has caused death or serious physical or emotional harm to a person or persons in care or poses an imminent and serious threat or hazard to the physical or emotional health and safety of one or more persons in care.

   (ii) Category II ($301-$600 per violation per day):A violation or combination of violations of licensing requirements which has direct adverse effect on the physical or emotional health and safety of a person or persons in care.

   (iii) Category III ($50-$300 per violation per day):A violation or combination of violations of licensing requirements which indirectly or over a period of time has or is likely to have an adverse effect on the physical or emotional health and safety of a person or persons in care, or a violation or violations of administrative, reporting, or notice requirements.

2. Fine Amounts. The specific amount of the fine for each violation in each category shall be determined based upon whether and when the particular or similar rule, law, or order, or the act, omission, incident, circumstance, or conduct giving rise to the violation of the same regulatory requirement, or one substantially similar thereto, has been cited by the department previously. In no case, however, shall a facility be sanctioned for a violation characterized as a subsequent or repeat violation unless the time frame identified in the acceptable plan of correction has passed and the facility nonetheless has failed to attain or maintain correction.

   (i) Initial violation. If the same or a substantially similar violation has not been cited previously by the department within the past twenty-four (24) months against the facility, it shall be considered to be an

initial violation. The fine amount for initial violations shall be the bottom figure in the appropriate category.

(ii) Subsequent violation. If the present violation or a substantially similar violation had been found and cited by the department as the result of the last inspection of the facility, or as the result of any one other inspection during the previous twenty-four (24) months, the violations shall be considered to be a subsequent violation. The fine amount for subsequent violations shall be in the range between the top and bottom figures of the appropriate category and other factors, such as the existence of mitigating or aggravating circumstances, shall be considered in determining the fine amount within the range.

(iii) Repeat violation. If the present violation or a substantially similar violation also had been found and cited any two other times during the past twenty-four (24) months, it shall be considered to be a repeat violation. The fine amount for repeat violations shall be the top figure in the category.

3. Limitation of Fines. A single act, omission, incident, circumstance, or conduct shall not give rise to the imposition of more than one fine even though such act, omission, incident, circumstance, or conduct may have violated more than one licensing requirement. In such a case, the fine shall be based upon the highest category in which any one violation resulting from the same act, omission, incident, circumstance, or conduct falls. Correction by the facility of cited violations tolls the continuation of the assessment of the daily fine, provided, however, that the department shall confirm that such cited violations were corrected.

4. Financial hardships. In response to a notice by the department of the imposition a fine, a facility may request that the department reduce the fine amount if the fine would cause significant financial hardship that would compromise its ability to provide care or services in compliance with licensing requirements. The department, in its discretion, upon such a convincing showing as well as a showing that correction of the violation has been achieved and will be sustained by the facility, may reduce the amount of the fine. If the department proceeds with the imposition of the fine as proposed, the issue of significant financial hardship may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

5. In taking any action to impose a fine against any licensed or registered child welfare agency, such fine shall not exceed those amounts authorized pursuant to Chapter 5 of Title 49 of the Official Code of Georgia Annotated.

(f) Limit or restrict any license as the department deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the department shall not be considered to be a limited or restricted license).

1. Limitation or restriction of a license may occur to:

1) prohibit the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

2) restrict the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and/or

3) prohibit a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements.

2. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the department its original license. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has sustained that action during the period of the sanction, the department shall fully restore the facility's license. The department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility is restored its license without delay.

(2) Sanctions Against Applicants. When the department finds that any applicant for a license has violated any provision of Rule .04, Enforcement, the department, subject to notice and opportunity for a hearing, may impose any one or more of the following sanctions in subparagraphs (a) through (c) below.

(a) Refuse to grant a license (denial); provided, however, that the department may refuse to grant an initial license without holding a hearing prior to taking such action.

1. The department may deny an application for a license where the facility has failed to demonstrate compliance with licensing requirements. Additionally, the department may deny an application for a license where the applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one year of the date of an application, or where the applicant has transferred ownership or governing authority of a facility 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. For the purpose of

determining the one year denial period, the period shall begin to run from the date of the final adverse finding, or the date any stay of enforcement ceased, whichever first occurs. In further determining whether to grant or deny a license, the department may consider the applicant's overall record of compliance with licensing requirements.

(b) Prohibition of Persons in Management or Control.

1. The department may prohibit an applicant from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve months to be involved in the management or control of such facility. Any such person found by the department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the department of violations of licensing requirements giving rise to denial action. This subparagraph shall not be construed to require the department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this rule, the twelve month period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(c) Limit or restrict any license as the department deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the department shall not be considered to be a limited or restricted license).

1. Limitations or restrictions of a license may occur to:

   1) prohibit the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

   2) restrict the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and/or

   3) prohibit a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements. Additionally, the department may restrict a license where any applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one year of the date of an application, or where the applicant has transferred ownership of governing authority of a facility 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. For the purpose of determining the one year denial period, the period shall begin to run from the date of the final adverse finding or the date any stay of enforcement ceased, whichever occurs first.

2. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the department its original license if one was granted. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has sustained that action during the period of the sanction, the department may issue the facility a license. The department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility may be issued a license without delay.

(3) Standards for Taking Sanctions. In taking any of the actions pursuant to subparagraphs (1) or (2) of this rule, the department shall consider the seriousness of the violation or violations, including the circumstances, extent, and gravity of the prohibited act or acts or failure to act, and the hazard or potential hazard created to the physical or emotional health and safety of the public.

(4) Non-Compliance with Sanctions. Failure on the part of any facility to abide by any sanction, including payment of a fine, which is finally imposed against it, shall constitute grounds for the imposition of additional sanctions, including revocation.

(5) Settlements. With regard to any contested case instituted by the department pursuant to this Chapter or other provisions of law or regulation which may now or hereafter authorize remedial or disciplinary grounds and action, the department may, in its discretion, dispose of the action so instituted by settlement. In such cases, the department, the facility, and those persons deemed by the department to be successors in interest to any settlement agreement, shall be bound by the terms specified therein. Violation thereof by any applicant or licensee, their agents, employees, or others acting on their behalf, shall constitute grounds for the imposition of any sanctions enumerated in this Chapter, including revocation.

(6) With respect to any facility classified as a nursing facility, nursing home, or intermediate care home, the department may not take an action to fine or restrict the license of any such facility based on the same act, occurrence, or omission for which:

(a) the facility has received an intermediate sanction under the provisions of 42 U.S.C. Section 1396 r(h)(2)(A), as amended, or 42 U.S.C. Section 1395i-3(h)(2)(B); or

(b) such facility has been served formal notice of intent to take such a sanction which the Department of Medical Assistance, based on administrative review, or any other appropriate body, based on administrative or judicial review, determines not to impose, provided however, that nothing in this subparagraph or subparagraph (6)(a) above shall prohibit the department from using the provisions authorized by law in paragraph (5) above.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.05
Authority: O.C.G.A. Secs. 31-2-6, 31-7-4, 49-5-12.
History. Original Rule entitled "Sanctions" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.06. Investigations and Inspections.

(1) The department shall have the authority to make public or private investigations inside or outside this state. Such investigations may be initiated at any time, in the discretion of the department, and may continue during the pendency of any action initiated by the department pursuant to Rule .05 of this Chapter.

(2) Consent to Entry and Access. An application for a license or the issuance of the same by the department constitutes consent by the applicant or licensee and the owner of the premises for the department's representatives, after displaying identification to any facility staff, to enter the facility for the purpose of conducting an investigation or an inspection.

(a) Department representatives shall be allowed reasonable and meaningful access to the facility's premises, and information pertinent to licensure including staff and persons in care. The department shall have the authority to require the production of any documents related to the initial and continued licensing of any facility.

(3) Cooperation with Inspection. Facility staff shall cooperate with any inspection or investigation conducted by the department and shall provide, without unreasonable delay, any documents which the department is entitled hereunder.

(4) Assessment of Expenses. Pursuant to the inspection, investigation, and enforcement powers given to the department by O.C.G.A. Section 31-2-6 and other applicable laws, and the provisions of this Chapter, the department may assess against a facility reasonable and necessary expenses incurred by the department pursuant to any administrative or legal actions required by the failure of a facility to fully comply with licensing requirements. Such expenses may be assessed only pursuant to the initiation of sanction actions under this Chapter and may only be collected if such actions result in final

adverse findings. A facility shall be notified of the department's action to assess expenses when the department sends a facility a notice of the sanction. If the sanction is appealed, the assessment may become an issue for consideration by the hearing examiner at any hearing held on the sanction.

(a) Reasonable and Necessary Expenses. Reasonable and necessary expenses, as used in this subparagraph, shall include, but not necessarily be limited to: hourly compensation of department representatives, commuting expenses (including mileage at the current state reimbursement rate), and lodging and meal expenses (at the rate approved for reimbursement by the state) associated with overnight out-of-town travel; and other similar costs. Assessments shall not include attorney's fees and expenses of litigation, shall not exceed actual expenses, and shall be made only if inspections, investigations, or enforcement actions result in final adverse findings.

(b) Payment of Assessed Expenses. Expenses assessed against a facility shall be paid within thirty days of receipt of a statement of expenses. In response to an assessment, a facility may request that the department reduce the assessment or agree to a payment plan if full payment within thirty days would cause significant financial hardship that would compromise its ability to provide care or services in compliance with licensing requirements. The issue of significant financial hardship caused by the assessment may become an issue for consideration by the hearing examiner at any hearing held on the sanction.

(5) When an investigation is initiated due to an allegation of noncompliance by any person acting on his or her own or another's behalf, the outcome of the investigation shall be provided by the department to that person and to the facility upon request after the investigation is completed; provided however, that the names and identifying information regarding the complainants are classified as confidential. Nothing in this rule shall be construed to require the department to release the name or identifying information regarding a complainant without first obtaining proper authorization from such complainant. Nor shall this rule be construed to require the department to release any other confidential or privileged information without first obtaining proper authorization.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.06
Authority: O.C.G.A. Secs. 31-2-6, 31-5-5.
History. Original Rule entitled "Investigations and Inspections" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.07. Immunity.

For any action taken or any proceeding held under this Chapter or under color of law, except for gross negligence or willful or wanton misconduct, the department, when acting in its official capacity, shall be immune from liability and suit to the same extent that any judge of any court of general jurisdiction in this state would be immune.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.07
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Immunity" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.08. Exemptions.

In an administrative or legal proceeding under this Chapter, a person claiming an exemption or an exception granted by law, rule, regulation, or formal order has the burden of proving this exemption or exception.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.08
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Exemptions" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.09. Applicability of Administrative Procedures Act.

This Chapter and all sanction actions resulting from its provisions shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the "Georgia Administrative Procedure Act." Any request for hearing in response to any sanction action undertaken pursuant to this Chapter shall be in writing and shall be submitted to the department no later than ten (10) calendar days from the date of receipt of any notice of intent by the department to impose a sanction setting forth the proposed sanction or sanctions and the basis therefore.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.09
Authority: O.C.G.A. Secs. 31-2-6, 50-13-18.
History. Original Rule entitled "Applicability of Administrative Procedures Act" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.10. Notice of Violations.

Where a nursing home or intermediate care home is required by the provisions of O.C.G.A. Section 31-7-3.2 to give notice of violations giving rise to the imposition of any sanction, the notice shall contain the information required by that code section and shall conform to the following requirements.

(a) Size and Format of Notice. The facility may post the Report of Licensure Inspection and Medicare/Medicaid Statement of Deficiencies, along with the notices by the department, the Department of Medical Assistance, and/or the Health Care Financing Administration of intent to impose any sanction. These may be posted in their original forms as the notice required by O.C.G.A. Section 31-7-3.2(a) and (b). If the facility chooses to post the notice of the agency taking the action and the Report of Licensure Inspection and Statement of Deficiencies, there shall be a conspicuous heading clearly visible from at least twenty feet

away, calling the attention of the observer to them. As an alternative, the facility may post its own notice which accurately and thoroughly reflects the violations found which give rise to the sanctions imposed or proposed and which describes each sanction or notice of sanction issued by any of the above-described agencies. Any such notice shall be at least 11 1/2 inches by 17 1/2 inches in size. Words and letters shall be in bold print and shall be at least one centimeter in size.

(b) Location of Notice. The facility shall post the notice in a place readily accessible and continuously visible to persons in care and their representatives.

(c) Timing of Notice. The facility shall post the notices within fourteen days after it receives notification of the imposition of a sanction for a violation which requires the notice. The notices shall remain in place until the department has determined that cited violations no longer exist, at which time the notice may be removed.

(d) Mailing of Notices. Where any person has made a written request for a copy of the notice or notices, the facility shall mail the same to the requester within five (5) business days of receipt of the request when such request is accompanied by a postage paid self addressed envelope.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.10
Authority: O.C.G.A. Secs. 31-2-6, 31-7-2.1, 31-7-3.2.
History. Original Rule entitled "Notice of Violations" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.11. Applicability of Other Laws.

The provisions of this Chapter shall be supplemental to and shall not operate to prohibit the department from acting pursuant to those provisions of law which may now or hereafter authorize remedial or disciplinary grounds and action for the department. In cases where those other provisions of law so authorize other disciplinary grounds and actions, but this Chapter limits such grounds or actions, those other provisions shall apply.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.11
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Applicability of Other Laws" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.12. Inspection Warrants.

In addition to the enforcement actions authorized by this Chapter with respect to refusal to provide the department with access to a facility, the department may make application to a court of competent jurisdiction for an inspection warrant if its representatives are denied meaningful access to the premises, staff, persons in care, and documents or other information of a licensed facility or of a facility which the department believes is required to have a license but which does not have one. Upon the grant of such a warrant, the department may gain entry and meaningful

access to such facility, its staff, persons in care therein, facility documents, and other information deemed pertinent by the department to making a compliance determination, unless the warrant specifically limits the entry or access allowed to department representatives. This rule shall not be construed to require the department to seek entry and be denied the same before it may apply for an inspection warrant.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.12
Authority: O.C.G.A. Secs. 31-2-6, 31-5-20*et seq.*.
History. Original Rule entitled "Inspection Warrants" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.13. Injunctive Relief.

The department may, without regard to the availability of other remedies, including the remedies set forth in this Chapter, seek an injunction against the continued operation of a facility without a license. The department likewise may seek injunctive relief against the continued operation of a facility in violation of licensing requirements.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.13
Authority: O.C.G.A. Secs. 31-2-6, 31-5-9, 49-5-12.
History. Original Rule entitled "Injunctive Relief" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Rule 290-1-6-.14. 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 adjudicated invalid or unconstitutional were not originally part of these rules.

Cite as Ga. Comp. R. & Regs. R. 290-1-6-.14
Authority: O.C.G.A. Sec. 31-2-6.
History. Original Rule entitled "Severability" adopted. F. Jul. 27, 1993; eff. Aug. 16, 1993.

Subject 290-1-7. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-1-8. RULES AND REGULATIONS AUTHORIZING CONSUMER REPORTS FOR FOSTER CARE YOUTH.

Rule 290-1-8-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) § 49-5-42 and § 49-5-43.

Cite as Ga. Comp. R. & Regs. R. 290-1-8-.01
Authority: O.C.G.A. §§ 49-5-42 and 49-5-43.
History. Original Rule entitled "Legal Authority" adopted. F. Jun. 19, 2013; eff. July 9, 2013.

Rule 290-1-8-.02. Consumer Reports (Credit Reports) To Be Obtained for Youth in Foster Care.

(1) In order to comply with Section 475(5)(I) of Title IV-E of the Social Security Act, 42 U.S.C.A. Section 675(5)(I), as amended, and to meet the requirements for the receipt of federal funds under Title IV-E of the Social Security Act, the Department is authorized to obtain for each child in foster care under the responsibility of the state, who has attained fourteen (14) years of age, a copy of any consumer report (as defined in Section 603(d) of the Fair Credit Reporting Act, 15 USCS Section 1681a(d)), pertaining to the child each year until the child is discharged from the custody of the Department. The Department shall obtain such consumer reports as are required by the federal Department of Health and Human Services to receive federal funds under title IV-E of the Social Security Act. Each consumer report is to be provided without cost to the child.

(2) Pursuant to its policies and procedures, the Department shall further ensure that each child in foster care under the responsibility of the state and who has attained fourteen (14) years of age receives assistance (including, but not limited to, any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

Cite as Ga. Comp. R. & Regs. R. 290-1-8-.02
Authority: O.C.G.A. Secs. 49-5-42 and 49-5-43.
History. Original Rule entitled "Consumer Reports (Credit Reports) To Be Obtained for Youth in Foster Care" adopted. F. Jun. 19, 2013; eff. July 9, 2013.
Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.

Rule 290-1-8-.03. Authorization to Provide Information to Obtain Consumer Reports.

(1) In order to prevent conflict with federal law and to prevent the loss of federal funds provided to the Department pursuant to Title IV-E of the Social Security Act, the Department is authorized to disclose such information from its child abuse and neglect records as is necessary to do the following:

a. Obtain consumer reports for the purpose of complying with Section 290-1-8-.02 of this Chapter; and

b. Ensure that the child receives assistance in interpreting and resolving any inaccuracies in the report

(2) In order to comply with the requirement of 290-1-8-.03(1) above, the Department may disclose such information to the following:

a. Entities providing consumer reports under the Fair Credit Reporting Act, 15 USCS Section 1681a(d);

b. Creditors or other persons or entities who have provided inaccurate information to entities providing such consumer reports; and

c. Individuals assisting youth in the custody of the Department to correct inaccurate information from consumer reports.

(3) Information disclosed by the Department in order to comply with this Rule will continue to remain protected and confidential in accordance with relevant state and federal laws. Further disclosure of such information by an entity referenced in 290-1-8-.03(2) above must be made pursuant to state and federal law.

Cite as Ga. Comp. R. & Regs. R. 290-1-8-.03
Authority: 42 U.S.C. 675(5)(I); O.C.G.A. §§ 49-5-42 and 49-5-43.
History. Original Rule entitled "Authorization to Provide Information to Obtain Consumer Reports" adopted. F.

Jun. 19, 2013; eff. July 9, 2013.

Subject 290-1-9. SAFE PLACE FOR NEWBORNS ACT SIGNAGE.

Rule 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.

Subject 290-1-10. RULES FOR POWER OF ATTORNEY FOR THE CARE OF A CHILD.

Rule 290-1-10-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sections 19-9-120*et seq.* ('Supporting and Strengthening Families Act'), relating to the power of attorney for the care of a child.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.01
Authority: O.C.G.A. §§ 19-9-120*et seq*
History. Original Rule entitled "Legal Authority" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.02. Title and Purpose.

These rules shall be known as the Rules for Power of Attorney for the Care of a Child. The purpose of these rules is to promote compliance with O.C.G.A. Sec. 19-9-123 by establishing annual reporting guidelines for nonprofit entities or faith-based organizations providing services under the 'Supporting and Strengthening Families Act.' These rules also provide guidelines for the referral of individuals seeking to execute a power of attorney to such nonprofit entities or faith-based organizations in accordance with the provisions of the 'Act.' Additionally, these rules promote compliance with O.C.G.A. Secs. 19-9-120*et seq.*, by providing general guidelines and highlighting specific provisions pertaining to rule applicability, maintenance of records and child abuse and neglect for child-placing agencies, nonprofit entities and faith-based organizations providing services under the 'Act.'

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.02
Authority: O.C.G.A. §§ 19-9-120*et seq.*
History. Original Rule entitled "Title and Purpose" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.03. Definitions.

Unless the context otherwise requires, the words and phrases set forth herein shall mean the following:

(a) "Agent" means an individual delegated caregiving authority regarding a child by the child's parent. For the purpose of these rules, an agent shall be an individual who is a nonrelative of a child and approved by a child-placing agency, a nonprofit organization or faith-based organization to provide caregiving services to a child pursuant to Chapter 9 of Title 19.

(b) "Child" means an unemancipated person who is under 18 years of age.

(c) "Child-Placing Agency" means an agency licensed as such pursuant to Chapter 5 of Title 49. A child-placing agency includes 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.

(d) "Department" means the Georgia Department of Human Services.

(e) "Foster care" means supervised care for a child in a home other than the child's own home on a 24-hour full-time basis for a temporary period of time.

(f) "Nonprofit entity or faith-based organization" means a business that provides child or family services and that is in good standing with the Internal Revenue Service, if applicable.

(g) "Parent' shall have the same meaning as provided in Code Section 19-3-37.

(h) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of these Rules.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.03
Authority: O.C.G.A. §§ 19-9-120*et seq.*, 49-5-12.
History. Original Rule entitled "Definitions" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.04. Applicability of Rules.

(a) A parent of a child may delegate caregiving authority of such child to an adult residing in this state who is the grandparent, great-grandparent, stepparent, former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of a child or to a non-relative of the child who is approved as an agent by a child-placing agency, a non-profit entity or a faith-based organization for a period not to exceed one year, except as provided in O.C.G.A. Sec. 19-9-132, by executing a power of attorney in accordance with the provisions of O.C.G.A. Secs. 19-9-120*et seq.*

(b) The Department shall not license or regulate a power of attorney for the care of a child delegation executed in accordance with the provisions of O.C.G.A. Secs. 19-9-120*et seq.*

(c) The parties subject to a power of attorney executed under O.C.G.A. Secs. 19-9-120*et seq.*, shall not be subject to any of the licensing requirements or regulations for foster care or other requirements or regulations relating to community care for children. A child subject to a power of attorney executed under O.C.G.A. Secs. 19-9-120*et seq.*, relating to the power of attorney for care of a child, shall not be considered placed in foster care under Chapter 5 of Title 49. The caregiving authority delegated under O.C.G.A. Secs. 19-9-120*et seq.*, relating to the power of attorney for care of a child, shall not constitute an out-of-home child placement.

(d) Although the parties subject to a power of attorney are not required to meet rules and regulations applicable to child welfare agencies licensed pursuant to Chapter 5 of Title 49, the parties shall make available to the Department's licensing authority any documentation required to confirm that services being provided are not subject to licensure pursuant to Chapter 5 of Title 49.

(e) The execution of a power of attorney under O.C.G.A. Secs. 19-9-120*et seq.*, relating to the power of attorney for care of a child, shall not delegate caregiving authority for more than one child unless such power of attorney delegates caregiving authority for children who are siblings or stepsiblings.

(f) If an agent ceases its role as a caregiving authority as delegated by the child's parent under O.C.G.A. Secs. 19-9-120*et seq.*, and wishes to become an alternative placement resource for the child, the agent must first be approved as a placement resource by a child-placing agency or the Department.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.04
Authority: O.C.G.A. §§ 19-9-120*et seq.*, 49-5-12.
History. Original Rule entitled "Applicability of Rules" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.05. Required Annual Reports to the Department.

(a) Each nonprofit entity or faith-based organization that is not licenses by the Department but is providing services under O.C.G.A. Secs. 19-9-120*et seq.*, shall submit an annual report to the Department.

(1) Annual reports shall be submitted by January 15th of each year and shall contain all powers of attorney executed during the prior calendar year.

(2) All reports shall be submitted on forms provided by the Department and include the following:

A. Its legal name, address, telephone number, e-mail address, and any other contact information;

B. The name of its director;

C. A list (names, addresses and offices held, if applicable) of its governing body;

D. The total number of approved volunteer families with which it works; and

E. The total number of children served in the previous calendar year.

(b) A listing of all faith-based organizations and non-profit entities who have met the reporting requirements of section (a) will be made available on the Department's website. The listing will be maintained and updated by the Department in accordance with established policies and procedures.

(c) If a faith-based organization or a non-profit entity does not execute a power of attorney during the previous calendar year but wishes to remain on the list of faith-based organizations and non-profit entities providing services under O.C.G.A. Secs. 19-9-120 et seq., the organization or entity must continue to submit the annual report as required in section (a) and indicate that no powers of attorney were executed during the previous calendar year.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.05
Authority: O.C.G.A. § 19-9-123.
History. Original Rule entitled "Required Annual Reports to the Department" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.06. Referrals.

(a) Individuals seeking assistance with identifying persons to delegate a power of attorney under O.C.G.A. Secs. 19-9-120*et seq.*, may be referred by the Department to the website that identifies the faith-based organizations and nonprofit entities that have met the annual reporting requirements of Rule 290-1-10-.05.

(b) The Department shall not be liable for civil damages or be subject to any claim, demand, cause of action, or proceeding as a result of referring persons seeking assistance to identify a nonprofit entity or faith-based organization that has met the annual reporting requirements of Rule 290-1-10-.05.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.06
Authority: O.C.G.A. § 19-9-123.
History. Original Rule entitled "Referrals" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.07. Maintenance of Records.

(a) Each nonprofit entity or faith-based organization that is not licensed by the Department but is providing services pursuant to O.C.G.A. Secs. 19-9-120*et seq.*, shall maintain records and submit annual reports to the Department in accordance with Rule 290-1-10-.05.

(b) Each child-placing agency, nonprofit entity or faith-based organization that assists with the execution of a power of attorney under O.C.G.A. Secs. 19-9-120*et seq.*, shall maintain

a record of all powers of attorney executed by agents approved by such agency, entity or organization for at least five years after the expiration of such powers of attorney.

(c) Each child-placing agency, nonprofit entity or faith-based organization that receives a revocation of a power of attorney or a resignation by an agent under O.C.G.A. Secs. 19-9-120*et seq.*, shall maintain a record of the revocation of power of attorney and/or resignation of the agent for at least five years after the expiration of such power of attorney and shall notify schools, health care providers, and others known to the agent to have relied upon such power of attorney within 48 hours of receiving such notification.

(d) Records of powers of attorney shall be kept confidential.

(e) Records of powers of attorney shall be kept current and accessible to the Department and any local, state, or federal authority that is conducting an investigation involving the agent or the individual who executed such power of attorney in accordance with O.C.G..A. Sec. 19-9-129.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.07
Authority: O.C.G.A. §§ 19-9-123, 19-9-124, 19-9-129, 19-9-130.
History. Original Rule entitled "Maintenance of Records" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.08. Child Abuse and Neglect.

(a) The execution of a power of attorney under O.C.G.A. Secs. 19-9-120*et seq.*, shall not, in the absence of other evidence, constitute abandonment, abuse, neglect, or any indication of unfitness as a parent.

(b) Whenever a child-placing agency, nonprofit entity or faith-based organization 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.

(c) Nothing in the provisions of O.C.G.A. Secs. 19-9-120*et seq.*, nor these rules shall prevent the Division of Family and Children Services of the Department or law enforcement from investigating and taking appropriate action regarding allegations of abuse, neglect, abandonment, desertion, or other mistreatment of a child.

(d) An individual shall not execute a power of attorney under this article for the purpose of subverting an investigation of the child's welfare initiated by the Division of Family and Children Services of the Department and shall not execute such power of attorney so long as the Division of Family and Children Services has an open child welfare and youth services case with regard to the child, his or her parent, or another child of the parent.

(e) Nothing in the provisions of O.C.G.A. Secs. 19-9-120*et seq.*, nor these rules shall be construed to diminish or limit any rights, power, or authority of or by the Department's Division of Family and Children Services for the protection of any child.

Cite as Ga. Comp. R. & Regs. R. 290-1-10-.08
Authority: O.C.G.A. §§ 19-9-126, 19-9-128.
History. Original Rule entitled "Child Abuse and Neglect" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-1-10-.09. Severability.

In the event that any rule, sentence, clause, or phrase of any of these rules 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 portion thereof. The remaining rules or portions of rules 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. 290-1-10-.09
Authority: O.C.G.A. §§ 19-9-120*et seq.*
History. Original Rule entitled "Severability" adopted. F. Nov. 15, 2018; eff. Dec. 5, 2018.

Subject 290-1-11. PERSONS WITH A DISABILITY.

Rule 290-1-11-.01. Legal Authority.

These rules are adopted and published pursuant Title II of the Americans with Disabilities Act of 1990, as amended (the "ADA"), 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794, and Chapter 30-4 of the Official Code of Georgia Annotated, O.C.G.A. § 30-4-1 et seq.

Cite as Ga. Comp. R. & Regs. R. 290-1-11-.01
Authority: O.C.G.A. § 30-4-5.
History. Original Rule entitled "Legal Authority" adopted. F. Nov. 26, 2019; eff. Dec. 16, 2019.

Rule 290-1-11-.02. Prohibiting Discrimination Against Persons with a Disability.

(1) The Department prohibits unlawful discrimination on the basis of an individual's disability, as proscribed by Title II of the Americans with Disabilities Act of 1990, as amended (the "ADA"), 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794, and applicable state laws.

(2) No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities provided by the Department. Such prohibitions include individuals who are considered legally blind under state and federal law.

(3) The Department will make reasonable modifications to its policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, as required by the ADA/Section 504. The Department is not required to provide modifications that would fundamentally alter the nature of the service, program, or activity or that would result in undue financial and administrative burdens.

Cite as Ga. Comp. R. & Regs. R. 290-1-11-.02
Authority: O.C.G.A. § 30-4-5.
History. Original Rule entitled "Prohibiting Discrimination Against Persons with a Disability" adopted. F. Nov. 26, 2019; eff. Dec. 16, 2019.

Chapter 290-2. FAMILY AND CHILDREN SERVICES.

Subject 290-2-1. REPEALED (290-2-1-.01 Thru 290-2-1-.21.

Rule 290-2-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.01
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Organization and Administration" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Legal Authority" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.02
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Definitions" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Applicability" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Title and Purpose" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.03
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Licensing" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Organization and Administration" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.04
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Petition for Adoption of Rule" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Reporting Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Governing Body" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.05
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Licensing" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Organization and Administration" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Licenses, Commissions and Exemptions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991
Amended: F. Apr. 17, 2009; eff. May 7, 2009.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Note: Correction of non-substantive typographical errors in History,"**Repealed:** New Rule entitled "Definitions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991." changed to "**Repealed:** New Rule entitled "Licenses, Commissions and Exemptions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991." to document correct Rule title. "**Amended:** F. Apr. 17, 2009; eff. May 7, 2009." added to document amendment effective May 7, 2009. Effective December 24, 2015.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.06
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Records" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Applications" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.07
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Children's Activities" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Inspections and Investigations" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.08
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Nutrition and Food Service" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Admission and Enrollment" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.09
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Health and Safety" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Administration and Staff Requirements" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Amended: F. Apr. 17, 2009; eff. May 7, 2009.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.10
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Equipment and Supplies" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Record Keeping and Reporting" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.
Repealed: New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.11
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Building and Grounds" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Operations, Health, Safety and Activities" adopted. F. Apr 1, 1991; eff. April 21,

1991.
Repealed: New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.
Repealed: New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010.
Amended: ER. 290-2-1-0.20-.11 entitled Operation, Health, Safety and Activities" adopted. F. July 20, 2011; eff. July 21, 2011, as specified by the Agency.
Repealed: ER. 290-2-1-0.20-.11 of the same title adopted. F. Nov. 18, 2011; eff. Nov. 18, 2011 the date of the adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the sane subject matter superseding this ER is adopted, as specified by the Agency.
Repealed: Permanent Rule of the same title adopted. F. Dec. 12, 2011; eff. Jan. 1, 2012.
Amended: F. May 16, 2013; eff. June 5, 2013.
Amended: F. Feb. 24, 2014; eff. Mar. 16, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.12
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Fire Safety Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Physical Environment and Equipment" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. May 16, 2013; eff. June 5, 2013.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.13
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Transportation" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Emergency Situations" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.14
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Applications for License" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Food Services and Nutrition" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.15
Authority: O.C.G.A. § 20-1A-1*et seq.*

History. Original Rule entitled "Inspections: Access by Department Staff" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: Rule entitled "Waivers and Variances" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.16
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Variances and Waivers" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.17
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Denial or Revocation of License" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Severability" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.18
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: F. Apr. 1, 1991; eff. Apr. 21, 1991.
Amended: ER. 290-2-1-0.16-.18 entitled "Notice of Revocation or Emergency Suspension Actions to Parents, Guardians, and Others" adopted. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Notice of Revocation or Emergency Suspension Actions" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.19
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Posting and Distribution of Notices of Revocation and Emergency Suspension Actions" adopted as ER. 290-2-1-0.16-.19. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Infant-Sleeping Safety Requirements" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Amended: New title "Safe Sleeping and Resting Requirements." F. May 16, 2013; eff. June 5, 2013.

Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.20
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Criminal Records Check" adopted. F. Dec. 13, 2013; eff. Jan. 2, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-1-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-1-.21
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Transportation" adopted. F. Feb. 24, 2014; eff. Mar. 16, 2014.
Repealed: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Subject 290-2-2. DAY CARE CENTERS.

Rule 290-2-2-.01. Legal Authority.

These rules are adopted and published pursuant to the Code of Georgia Annotated (O.C.G.A.) Sec. 49-5-1*et seq.***

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.01
Authority: O.C.G.A. Chapter 49-5-3 (1982 and 1982 Supp.); O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Administration" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "General Policies" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Legal Authority" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.02. Title and Purpose.

These rules shall be known as the Rules and Regulations for Day Care Centers. The purpose of these rules is to provide for the inspection, licensing and commissioning of day care centers within Georgia.**

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.02
Authority: O.C.G.A. Chapter 31-2-4 (1982 Supp.); O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Staff" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Administration" adopted. Filed October 1, 1974; effective

October 21, 1974.
Amended: Rule repealed and a new Rule entitled, "Applicability of Regulations" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Title and Purpose" adopted. F. Jan 18, 1991; eff. March 1, 1991, as specified by the Agency.

Rule 290-2-2-.03. Definitions.

In these rules, unless the context otherwise requires, the symbols, words and phrases set forth herein shall mean the following:** *

(a) "*" means that the rule after which the symbol appears must be complied with prior to the issuance of an initial license or commission and the acceptance of any children for care by the applicant for a license or commission.** *

(b) "**" means that the rule after which the symbol appears designates those rules, or parts thereof, that an after-school day care center must meet in lieu of compliance with all of the rules, in order to obtain a restricted day care center license to serve only school-age children.** *

(c) "Administrator" or "Director" or "Executive Officer" means the licensee or commission holder, or a person designated in writing by the licensee or commission holder, who is responsible for the daily on premises supervision, operation and maintenance of the center.** *

(d) "Adult" means any competent individual eighteen (18) years of age or older.** *

(e) "Chaperon" means any adult parent or other adult relative of a child enrolled in the center, who occasionally accompanies a group of children from the center on a field trip and assists the center's personnel in providing supervision of the children during the field trip. The chaperon must be under the direct supervision of center personnel at all times.** *

(f) "Child with special needs" means a child enrolled in the center who, due to a physical problem, mental health disorder, mental retardation or developmental disability, which is either permanent or temporary, requires some adaptation of the center's standard program of care or activities to accommodate the child's special needs. The special adaptations that the center agrees to provide must be in writing and the result of a mutual agreement between the center and the parents of the child with special needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the center or the parents.** *

(g) "Commission" means the document issued by the department in lieu of a license upon request of the governing body which authorizes the governing body of a local church ministry, religious nonprofit school or nonprofit religious charitable organization to operate a day care center in compliance with these rules. The requirements to obtain a

commission under these rules shall be identical in all respects to those for obtaining a license.** *

(h) "Commission holder" means the local church ministry, religious nonprofit school or nonprofit religious charitable organization which holds a commission from the department to operate a day care center at a particular location and which is responsible for the operation and maintenance of the day care center in accordance with these rules.** *

(i) "Correctable abuse, dereliction or deficiency" means any conduct of a licensee or commission holder which violates any of these rules wherein the department has determined that the rule violation is not the result of any of the following: flagrant and shocking intentional misconduct on the part of the licensee or commission holder or their employees, a reckless and serious disregard for the physical or mental health or the safety of a child in care whether or not a child sustains a physical injury; some causal connection between the rule violated and the death or serious injury of a child in care; or, a willful disregard of a particular rule where the licensee or commission holder has previously been cited for noncompliance with the particular rule(s) and has failed to maintain the remedial action(s) set forth in a previous plan of correction.** *

(j) "Crime" means any felony; a violation of O.C.G.A. Sec. 16-5-23, relating to simple battery, when the victim is a minor; a violation of O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor; a violation of O.C.G.A. Sec. 16-6-1*et seq.*, relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist; a violation of 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; or any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.** *

(k) "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; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1*et seq.*, relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1*et seq.* if such violation or offense constituted only simple possession; or** *

   (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1*et seq.* relating to controlled substances, or any

other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or** *

3. 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.*** *

(l) "Day Care Center" or "Center" means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age, and which is required to be licensed or commissioned by the department.** *

(m) "Department" means the Georgia Department of Human Resources.** *

(n) "Employee" means any person, other than a director, employed by a center to perform at any of the center's facilities any duties which involve personal contact between that person and any child being cared for at the facility and also includes any adult person who resides at the facility or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child being cared for by the center.** *

(o) "Employment history" means a record of where a person has worked for the past ten (10) years.** *

(p) "Evening care" means care provided to children at a center between the hours of 7:00 p.m. and 12:00 midnight.** *

(q) "Field trip" means an excursion or program activity with a specific destination away from the center. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries.** *

(r) "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.** *

(s) "Group" means a specific number of children assigned to specific staff throughout the day. More than one group may occupy the same physical space.** *

(t) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking.** *

(u) "License" means the document issued by the department to authorize the licensee to whom it is issued to operate a center under these rules. The requirements to obtain a license under these rules shall be identical to those for a commission.** *

(v) "Licensee" means the person, partnership, association, corporation or agency holding a license issued by the department to operate a day care center at a particular location and having responsibility for the operation and maintenance of the day care center in accordance with these rules.** *

(w) "Nighttime care" means care provided to children at the center between the hours of 12:00 midnight and 6:00 a.m.** *

(x) "Non-correctable deficiency" means an abuse, dereliction or violation of these rules which demonstrates any one the following: flagrant and shocking intentional misconduct by the licensee or commission holder or center staff where the licensee or commission holder knew or should have known of the staffs likelihood to commit such acts; an intentional or reckless disregard for the physical or mental health or the safety of a child in care which may or may not result in physical injury to the child by the licensee or commission holder or the center staff where the licensee or commission holder knew or should have known of the staff's likelihood to disregard; or some causal connection between the intentional violation of a rule and the death or major injury of a child in care; or an intentional disregard of a particular rule(s) which relates directly to the health and safety of a child in care where the licensee or commission holder has previously been cited for non-compliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous plan of correction within that twelve-month period.** *

(y) "Parent" means the parent(s) with lawful custody of the child or the legal guardian(s) of a child enrolled or in the process of being enrolled in a day care center.** *

(z) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.** *

(aa) "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.** *

(bb) "Personnel" or "Staff" means all persons including the administrator, all full or part-time employees and volunteers, who perform consistent services for the day care center and have direct or indirect contact with children at the center. Personnel does not include those relatives who function as chaperons on field trips occasionally nor does it include students in training for limited periods of time provided that these chaperons and students in training work under the direct supervision of center personnel at all times.** *

(cc) "Plan of correction" means a written plan prepared by the administrator submitted to and approved by the department which states the procedure(s), method(s) and time frame that will be used by the licensee or commission holder to correct the area(s) of non-compliance with these rules.** *

(dd) "Qualified or qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or be employed in a day care center. A person may be considered by the department to be qualified with respect to the minimum personal and health criteria when he or she: has no criminal record; is not suffering from a physical or mental condition which would interfere with the person's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the center in accordance with these rules; has not made any material false statements relating to any licensure requirement to the department or the licensee or commission holder and has not been shown by credible evidence, e.g. a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.** *

(ee) "Qualifying experience" means verifiable experience working directly with children.** *

(ff) "Satisfactory determination" means a written determination that a person for whom a records check was performed was found to have no criminal record.** *

(gg) "School-age children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school.** *

(hh) "School-age day care center" means a day care center, or part thereof with separate physical facilities and a separate license, which provides day-time care exclusively to school-age children before and/or after the normal school day. Such programs may operate a full-day program solely for the school-age children enrolled in the program during the regular school year during those periods when school is not in session. A school-age day care center which only serves school-age children shall be eligible to receive a restricted day care license and must meet only the rules after which the symbol,"**", appears.** *

(ii) "Students in training" means students enrolled in an educational course of study which requires or permits them to observe and participate in the care of children at a day care center during a limited period of time, i.e. one (1) quarter, one (1) trimester or (1) semester, provided that they are under the direct supervision of center personnel at all times.** *

(jj) "Substitute" means a person who is routinely used to replace regular personnel and performs consistent services for the day care center during the temporary or emergency absence of regular personnel and who has a satisfactory criminal records check determination and has received orientation training. If any substitutes serve in any one (1)

position longer than six (6) months, the substitutes so employed must meet all staffing requirements for that position.** *

(kk) "Supervision" means that the appropriate numbers of staff members are physically present in the area where children are being cared for and are providing watchful oversight to the children, chaperons and students in training. The persons supervising in the child care area must be alert, able to respond promptly to the needs and actions of the children being supervised, as well as the actions of the chaperons and students in training, and providing timely attention to the children's actions and needs.** *

(ll) "Unsatisfactory determination" means a written determination that a person for whom a records check was performed has a criminal record.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.03
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-5-60.
History. Original Rule entitled "Records" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Board Sponsored Centers" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: New Rule entitled "Organization and Administration" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.04. Governing Body.

Each center shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for license or commission on a form provided by the department. If the center is individually owned, then the owner(s) will complete the statement of responsibility.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.04
Authority: O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12.
History. Original Rule entitled "Children's Program" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Staff" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: New Rule entitled "Reporting Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Governing Body" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.05. Licenses, Commissions, and Exemptions.

No person, partnership, association, corporation or entity shall operate a day care center in the State without having first obtained a license or commission to operate the center by demonstrating compliance with the necessary requirements set forth in these rules.** *

(a) **Licenses and Commissions.** The department may issue a temporary license or temporary commission, a restricted license or restricted commission, or a license or commission in accordance with these rules.** *

1. **Temporary License or Commission.** The department may in its discretion issue a temporary license or temporary commission if the health and safety of the children to be served by the center will not be endangered. A temporary license or commission will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:** *

   (i) when it is found that a day care center complies with all of the rules which have the

   "*" designation but has not yet enrolled children; or** *

   (ii) when the day care center 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.** *

2. **Restricted License or Commission.** The department may in its discretion issue a restricted license or commission in lieu of a temporary or regular license or commission.

   The restricted license may be granted either in connection with the initial application process for a license or commission 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 or commission and shall restrict a center from providing care or services which are beyond the capability of the licensee or commission holder to provide.

   The restriction may also limit the number and/or age of the children served by the center.** *

3. **License or Commission.** A license or commission will be issued, upon presentation of evidence satisfactory to the department, that the center is in compliance with applicable statutes and these rules. The license or commission is valid for one year unless voluntarily surrendered by the holder, reduced to a restricted or temporary license or commission or suspended or revoked by the department.** *

(b) **Qualifications Requirement.** In order to obtain or retain a license or commission, the administrator of the center and its employees must be qualified, as defined in these rules, to administer or work in a day care center. The department may presume that the administrator and center employees are qualified, subject to satisfactory determinations on the criminal records checks. However, the department may require additional reasonable verification of the qualifications of the administrator and center employees

either at the time of application for a license or commission or at any time during the license or commission period whenever the department has reason to believe that an administrator or center employee is not qualified under these rules to administer or work in a day care center.** *

1. Reasonable verification which may be required by the department may include, but need not be limited to any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the applicant and/or staff member; letters of reference from designated persons in the community where the applicant and/or staff member intends to work or is working; certified copies of court orders and additional criminal records checks.** *

(c) **License or Commission is Non-transferable.** A license or commission to operate a day care center is not transferable in any way. Each license or commission shall be returned to the department immediately upon the expiration, suspension, revocation, restriction of the license or commission or termination of the operation.** *

(d) **Renewal of License or Commission.** A license or commission will be renewed upon the filing of a completed annual report and a determination by the department that the center presents satisfactory evidence of meeting the standards set forth in these rules.**

(e) **Exemptions.** All programs providing group care for children shall obtain either a license for an early care and education program or an exemption from the department. Any person or entity operating or planning to operate such a service believed to meet the criteria for exemption from licensure, as listed below, shall apply to the department for exemption by submitting the department's application for exemption.

1. The application for exemption shall be notarized and shall include:

   (i) A valid and current e-mail address,

   (ii) A written description of services, fees, ages of children to be served, months, days, and hours of operation and location,

   (iii) Copies of written policies, advertisements, parental agreement forms, and other materials to support the criteria for exemption as determined by the department.

   (iv) A sworn statement that the information provided to the department is accurate and truthful.

2. 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, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs

operated in a residence are not eligible for exemption. Additionally, the exemption is only valid at the address listed on the application.

3. A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the department and a notice provided by the department that will notify a parent or guardian that the program is not licensed and is not required to be licensed by the state. The notice shall be at least ½ inch letters and shall contain the department's telephone number and website address.

4. A program approved for exemption shall maintain attendance records for children. When a parent or guardian initially registers a child with an exempt program, the parent or guardian shall sign a form indicating the parent or guardian has been advised and understands that the program is not licensed and is not required to be licensed by the state. The program must maintain the attendance records and parental notification forms during the time the child is enrolled in the program and for one year after the child no longer attends the program. All records shall be made available to any authorized representative of the department upon request.

5. Any program granted an exemption from licensure that subsequently loses accreditation, closes and/or ceases operation shall notify the department in writing within five (5) business days of such a change. A program granted an exemption that has subsequent material changes in the operation of their program, such as, but not limited to, a change of physical location, a change inoperating months, days, and/or hours, or a change in the ages served shall be required to submit a new application for exemption to the department.

6. Programs granted an exemption may be required to periodically update the department on the status of their exemption and operating information such as but not limited to submitting an annual report that would contain information related to the exemption approval.

7. The department may rescind an approval for exemption when one or more of the following is determined by the department:

   (i) The program no longer meets the criteria for the exemption.

   (ii) The program provided false information during the exemption request process or during an investigation.

   (iii) The program failed to comply with local, regional, and state health department, fire marshal, fire prevention, and building/zoning guidelines/requirements.

   (iv) The program failed to provide the department with a valid and current e-mail address or with other information requested by the department, such as

but not limited to, the months, days, and hours of operation, ages of children served and operating address.

(f) **Exemption Categories.** The following types of programs shall be exempt from licensure:

1. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before and/or after school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.

2. Private non-public educational programs with an established curriculum for children five (5) years and older that operate during the school term for the customary school day, as defined by Georgia law.

3. A private non-public school which provides education in any grades from kindergarten through 12th grade, meets the requirements under Georgia law for private schools (See O.C.G.A. Sec. 20-2-690), and is accredited by one or more of the entities listed in O.C.G.A. Sec. 20-3-519(6)(A) and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service to such students during the regular school year only. The accrediting entities listed in O.C.G.A. Sec. 20-3-519(6)(A) are:

   (i) The Southern Association of Colleges and Schools;

   (ii) The Georgia Accrediting Commission;

   (iii) The Georgia Association of Christian Schools;

   (iv) The Association of Christian Schools International;

   (v) The Georgia Private School Accreditation Council;

   (vi) The Southern Association of Independent Schools;

   (vii) The Accrediting Commission for Independent Study. (O.C.G.A Section 20-3-519(6.1)(A).

4. Accredited private non-public educational programs with an established curriculum for four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full day child care learning center and are an integral part of an accredited private non-public school that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before and/or after school hours for four-year-old children who attend such a

program as described above, provided the children do not leave the premisesof the accredited private non-public school and the program is staffed with employees of that private non-public school.

5. Parent's Morning Out, Parent's Night Out, or similar programs which operate for no more than one session of up to four (4) consecutive hours per day and which limit attendance to no more than eight (8) hours a week per child.

6. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.

7. Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than twelve (12) hours per day.

8. Short-term educational or recreational activities or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects, such as, but not limited to, music lessons, dance classes, swim lessons, etc. The provider is not assuming responsibility for supervision and care of the children outside of the classes or activities the children' participate in and shall not advertise or otherwise represent that child care services are offered.

9. Any short-term child care service provided by an establishment, such as, but not limited to, a religious facility, health club, or retail store, and such program or service meets all of the following:

   (i) Operated on the premises of the establishment;

   (ii) Operated for the convenience of the parents, guardians, or custodians and for the use of on-duty employees or students attending classes;

   (iii) Parents, guardians, or custodians are participating in activities provided by the establishment on the premises of the establishment;

   (iv) Parents, guardians, or custodians are readily available;

   (v) Attendance of child in the short-term child care service is limited to no more than four (4) hours per day and no more than ten (10) hours per week, except in the instance of child care services offered at infrequent events such as, but not limited to, conferences and weddings.

10. Programs operated after the customary school day, as defined in Georgia law, for children five (5) years and older that are strictly instructional and skill-based in a

single talent, ability, expertise, proficiency or subject or in closely related skills, proficiencies or subjects, including but not limited to classes such as art, cheerleading, dance, drama, gymnastics, martial arts and music, and the programs comply with all of the following:

(i) Programs provide direct instruction in the single skill or subject and/or closely related skills or subjects to every child each day the child is present;

(ii) Programs do not provide services that are not directly related to the single skill or subject or to the closely related skills or subjects, such as but not limited to homework assistance. During the hours of operation, programs may provide services related to the instruction, such as transportation and giving children time to change into proper clothes/gear;

(iii) Programs shall not advertise or otherwise represent that the program is a child care facility, an after school program, or that the program offers child care services;

(iv) Programs shall not prepare meals and snacks, but may provide ready-to-eat snacks, such as pre-packaged snacks;

(v) The majority of the program staff responsible for instruction shall possess specialized qualifications to instruct in that skill or subject, and the program shall submit documentation of such specialized qualifications of staff to the department at the time of application for exemption or as requested by the department;

(vi) Programs shall inform parents or guardians about the physical risks a child may face while participating in the program;

(vii) Such programs shall not be an integral part of a licensed child care learning center or day care center;

(viii) Enrollment information shall clearly define the duration of the program.

11. Short term educational programs offered to school-aged children in which the supervision and care of the children are incidental to their participation in the short-term educational program, and the provider is not assuming responsibility for the provision of daily child care outside the scheduled program. The majority of staff responsible for the direct delivery of education services to children possesses specialized qualifications that are directly related to the short term educational programs being offered, and the program shall submit documentation of such specialized qualifications to the department at the time of application for exemption or as requested by the department. The sole or primary purpose of such short term educational programs is:

(i) To prepare children for advancement to the next educational level through a prescribed course of study or curriculum;

(ii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children with the passage of mandatory educational proficiency examinations;

(iii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children in specific academic areas, such as, but not limited to, foreign language, mathematics, science, etc.

12. Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements. Such national membership organizations include, but are not limited to, the Boys and Girls Clubs of America.

13. Any program providing group care for children for no pay.

14. A center that is licensed by the department may request an exemption from licensure if the center's program is an integral part of an established religious congregation or religious school that conducts regularly scheduled classes, courses of study, or educational programs and is a member of or accredited by or certified by a state, regional, or national accrediting agency for religious educational instruction or a state, regional, or national accrediting agency for educational instruction as recognized and approved by the department if such accrediting entityuses standards that are substantially similar to those established by the department. The following requirements shall apply to centers seeking an exemption from licensure:

(i) A center seeking such exemption from licensure shall be required to submit to the department documentation of certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and any other pertinent documentation as requested by the department, such as non-profit tax-exempt verification. The accrediting agency must conduct regularly scheduled visits to the center while such center remains accredited.

(ii) If such exemption is granted, the center shall submit annual documentation to the department verifying its continued certification or accreditation, including a copy of its most recent certification or accreditation inspection

report, and other pertinent documentation as may be requested by the department.

(iii) Such exemptions granted by the department are valid as long as the center remains certified or accredited. The program shall provide the department written notice within five (5) business days of the center's loss of certification or accreditation, including a copy of such notification from the certifying or accrediting entity. The department shall rescind the center's exemption granted herein upon notification of the loss of certification or accreditation.

(iv) Any center seeking such exemption shall comply with all applicable requirements for background checks for directors/employees as required in O.C.G.A. Section 20-1A-30*et seq.*, Chapter 290-2-2, Rules and Regulations for Day Care Centers, Chapter 591-1-1, Rules for Child Care Learning Centers, and department policies, as well as applicable local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements while such exemption is in effect. The department retains jurisdiction over centers granted suchexemption to conduct unannounced periodic background check audits and to conduct complaint investigations regarding compliance with background check requirements, as well as compliance with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.

(v) The department may rescind such exemption for a center's failure to comply with the requirements for background checks for directors/employees pursuant to O.C.G.A. Section 20-1A-30*et seq.*, Chapter 290-2-2, Rules and Regulations for Day Care Centers, Chapter 591-1-1, Rules for Child Care Learning Centers, and department policies.

(vi) The department may rescind such exemption for a center's failure to comply with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.

(vii) Any center applying for such exemption that is owned and/or under the legal control/direction of the certifying or accrediting entity shall not be approved by the department.

(viii) A center seeking such exemption shall adopt and comply with the minimum standards of its certifying or accrediting entity for the operation of the center's program. Such minimum standards adopted by the center shall be published and made available to parents of enrolled or prospective children upon request.

(ix) A center granted such exemption shall comply with the requirements of O.C.G.A. Section 49-5-5(t) regarding providing notice to parents of enrolled children if the center does not carry liability insurance.

(x) A center granted such exemption shall post in a conspicuous place in the facility a copy of the exemption granted by the department and shall notify the parent and guardian of each child under the care of the facility in writing that the center has been granted an exemption from licensure by the department. The copy of the exemption posted by the Center shall be at least 1/2 inch letters and shall contain the department's telephone number and website address in case any parent or prospective parent has any questions regarding the exemption.

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.05
Authority: Authority O.C.G.A. Secs. 20-1A-1*et seq.*, 49-5-8, 49-5-12.
History. Original Rule entitled "Health and Safety" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: New Rule entitled "Records" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: New Rule entitled "Staff Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Licenses, Commissions, and Exemptions" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.
Amended: F. Aug. 25, 2008; eff. Sept. 14, 2008.
Repealed: New Rule of the same title adopted. F. Jan. 10, 2012; eff. Jan. 30, 2012.

Rule 290-2-2-.06. Applications.

An application for a license or commission to operate a day care center shall be submitted to the department on the forms provided by the department.** *

(a) **Applicant Defined.** The individual completing the application for a license or a commission shall be competent and at least eighteen (18) years of age.** *

1. When the center is owned by a sole proprietorship, the individual proprietor shall apply for the license of commission, complete the statement of responsibility and serve as the licensee or commission holder;** *

2. When the center is owned by a partnership, the general partners shall apply for the license or commission, complete the statement of responsibility and serve as the licensee or commission holder;** *

3. When the center is owned by an association, the governing body of the association shall authorize the application for the license or commission and complete the statement of responsibility and the association shall serve as the licensee or commission holder;** *

4. When the center is owned by a corporation, the governing body of the corporation shall authorize the application for the license or commission and complete the statement of responsibility and the corporation shall serve as the licensee or commission holder.** *

(b) **Time for Filing.** An application for a license or commission shall be submitted at least thirty (30) days prior to the proposed opening date of the new day care center.** *

(c) **Criminal Records Check Required.** The director and employees of a center must submit to criminal records checks in connection with any application for a license or commission.** *

1. **Preliminary Records Check.** Before a license or commission to operate a day care center may be issued there shall be on file with the department:** *

   (i) A satisfactory preliminary criminal records check determination on the administrator; and** *

   (ii) A preliminary records check application for all employees.** *

2. **Ongoing Requirements.** Before a person may become a director or an employee in a licensed or commissioned day care facility, the holder of the license or commission shall cause the person to be employed to submit a preliminary records check application to the department.** *

   (i) No person having an unsatisfactory determination as to his or her criminal record may be a director or employee of a licensed or commissioned center.** *

3. **Penalties.** A license or commission is subject to suspension or revocation and the department may refuse to issue a license or commission if a director or employee does not undergo the records checks applicable to that director or employee and receive a satisfactory determination. A director of a center having an employee whom that director knows, or should reasonably know, to have a criminal record shall be guilty of a misdemeanor.** *

(d) **Amended License or Commission.** If there is to be a change in the name of the program or center, changes in the ages of the children to be served, an increase in the regular hours of operation such that the center would be providing evening or night-time care in addition to day time care, changes in the services provided, additions to or changes in the use of the building by the licensed or commissioned day care center, an application for an amended license or commission shall be submitted at least thirty (30) days prior to the change, except in the case of an emergency, if an emergency situation arises which makes it impossible to give thirty (30) days notice, the management of the center shall notify the department by telephone and shall submit an application for an amended license as soon

as management becomes aware of the change that will be necessitated by the emergency situation.** *

1. In no case, however, shall a new owner operate the day care center without first securing a new license or commission from the department.** *

(e) **Separate Licenses or Commissions.** A separate license or commission application is required for each address or location at which a center is proposed to be operated even when all of the proposed centers are owned by the same person or entity. A separate license or commission is also required for each center operated at a single location by the same or different persons or entities.** *

(f) **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 or commission and the opportunity for a hearing to the applicant.** *

(g) **False or Misleading Information.** The application for a license or commission, including the application for a criminal records check must be truthfully and fully completed. In the event that the department has reason to believe that the application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license or commission where false statements have been made in connection with the application or any other documents required by the department.** *

(h) **Designation as Licensed or Commissioned.** No center shall claim to be a licensed or commissioned center unless it has been issued a current and valid license or commission by the department.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.06
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Secs. 49-5-3; 49-5-8, 49-5-60*et seq*.
History. Original Rule entitled "Nutrition and Food Service" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Children's Program" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Records" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Applications" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.07. Inspections and Investigations.

The department is authorized and empowered to conduct investigations and on-site inspections of any day care center required by these rules to be licensed or commissioned. The proposed and current licensee or commission holder 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 the complete application package, the department may conduct an on-site inspection of the center to assess compliance with these rules.** *

(b) **Consent to Entry.** An application for a license or commission to operate a day care center or the issuance of a license or commission by the department constitutes consent by the applicant, the proposed holder of the license or commission and the owner of the premises for the department's representative, after displaying identification to any center staff, to enter the premises at any time during operating hours for the purpose of inspecting the facility, including 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. The department shall have the right to photocopy or reproduce by any means any record required by these rules to be maintained and as needed for any inspection or investigation.**

(c) **Other Inspections.** The department may conduct on-site inspections of a center 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 commission; or**

2. upon receiving a report alleging child abuse, neglect or deprivation which occurred while the child was in the care of the center director or employees; or**

3. upon receiving a complaint concerning the center which 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 or commission, where the department determines that an on-site 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 make an on-site 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 center personnel.**

(d) **Failure to Allow Access.** Failure to allow access of the department's representative to the center, center staff, or the children receiving care at the center, or the records required by these rules 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 commission.** *

(e) **False or Misleading Statements.** No licensee or commission holder shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation of inspection being conducted by the department.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.07
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Equipment" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Nutrition and Food Service" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Children's Activities" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Inspections and Investigations" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.08. Admission and Enrollment.

The center shall not accept a child for enrollment or continue the child's enrollment in the center where the center staff determines that services necessary to protect the health and safety of the child while at the center cannot be provided. No child shall be admitted for care to the center without enrollment records having been completed on the child in accordance with the requirements set forth in Rule 290-2-2-.10.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.08
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Building and Grounds" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Health and Safety" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Nutrition and Food Service" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Admission and Enrollment" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.09. Administration and Staff Requirements.

If the holder of the license or commission is not an individual serving as the actual administrator or director of the center, the holder of the license or commission shall appoint and identify to the department in writing an administrator or director who shall be responsible for the day-to-day operation and management of the center.** *

(a) If the administrator is absent from the center at any time during the hours of operation, there shall be an officially designated person on the center site to assume responsibility for the operation of the center who shall have full access to all records required to be maintained under these rules.** *

(b) **Staffing Requirements for Administrator.** The holder of a license or commission issued after the effective date of these rules who serves as the administrator of the center and the administrator of a center hired after the effective date of these rules must meet the following minimum requirements throughout employment:** *

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 deprived a child or 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** *

2. Be at least twenty-one (21) years of age; and** *

3. 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 and which dealt with the provision of emergency care to infants and children; and** *

4. Not be suffering from any physical handicap or mental health disorder, which would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the center in accordance with these rules; and** *

5. Not have a criminal record; and** *

6. Participate in the orientation and training required by these rules; and** *

7. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee; and** *

8. Meet one of the following sets of minimum academic requirements and qualifying experiences at the time of employment:** *

   (i) a high school diploma or general education diploma (G.E.D.) and one (1) year of qualifying child care experience; or** *

   (ii) a Child Development Associate credential, or a Child Development and Related Care Diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the department; or** *

   (iii) an associate's degree in early childhood education and six (6) months of qualifying child care experience; or** *

(iv) a bachelor's degree from an accredited college or university in a field other than early childhood education or child development and three (3) months qualifying work experience; or** *

(v) a bachelor's degree from an accredited college or university in early childhood education and child development.** *

(c) **Staffing Requirements for Teachers/Lead Caregivers.** The center shall have a designated teacher/lead caregiver for each group of children. The teacher/lead caregiver, hired after the effective date of these rules, shall meet all of the following minimum requirements:** *

1. Never have been found by credible evidence, e.g. a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as initially evidenced by an oral or written statement to this effect obtained by the administrator from the employee at the time of hiring; and** *

2. Be at least eighteen (18) years of age; and** *

3. 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 and which dealt with the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training; and** *

4. Not be suffering from any physical handicap or mental health disorder, which would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules; and** *

5. Not have a criminal record; and** *

6. Have either a high school diploma or general education diploma (GED) or one (1) year's qualifying child care experience if hired after the effective date of these rules; and** *

7. Participate in the orientation and training required by these rules; and** *

8. Not have made any material false statements concerning qualifications requirements either to the department or the licensee or administrator.** *

(d) **Staffing Requirements for Caregivers/Aides.** The center may employ caregivers/aides to assist the teacher/lead caregiver in the care of the children in any group within the

center. No caregiver/aide shall be solely responsible for a group of children. Caregivers/aides shall meet all of the following minimum requirements if hired after the effective date of these rules:** *

1. Never have been found by credible evidence, e.g. a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced initially by an oral or written statement to this effect obtained at the time of caregiver's employment; and** *

2. Be at least sixteen (16) years of age; and** *

3. 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 and which dealt with the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training; and** *

4. Not be suffering from any physical handicap or mental health disorder, which would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules; and** *

5. Not have a criminal record; and** *

6. Participate in the orientation and training required by these rules; and** *

7. Not have made any material false statements concerning qualifications requirements either to the department or the licensee or administrator.** *

(e) **General Staffing Requirements.** The center shall have qualified and sufficient direct-care, clerical, housekeeping and maintenance employees to insure full compliance with these rules without neglecting the supervision of the children. Staff shall supervise all independent contractors, volunteers, chaperons, and students in training whenever they are in the presence of the children. The center staffing policies shall comply with the following:

1. **Contagious Diseases.** Staff, or any other persons being supervised by the staff, shall not be allowed in the center who knowingly have, or present symptoms of a fever or diarrhea.** *

2. **Smoking Limited.** Staff, or other persons, shall not smoke or use tobacco except in designated enclosed rooms or areas which are totally separated from the child care areas either within the center premises, on the center playgrounds or on any vehicle being used to transport children during the hours that the center is in operation.** *

3. **Prohibited Substances.** Staff, chaperons and students in training shall not be under the influence of or consume alcohol, marijuana or other controlled substances on the center premises during the hours of operation or at any other time or place where there are children present for whom the center staff is responsible.** *

4. **Assignment of Employees.** Staff with diaper changing responsibilities shall not be simultaneously assigned to kitchen food preparation duties.** *

5. **Work Schedules.** Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period.** *

6. **Substitute Employees.** The center shall provide for substitute staff when regular staff is absent from work. All substitute employees shall be at least eighteen (18) years of age. Substitute caregiver staff shall be informed of these rules and the center's policies and procedures for the age group for which they will be providing care. Substitute service staff shall be informed of the center's policies and procedures necessary to the proper performance of their job duties in compliance with these rules.** *

7. **First Aid and CPR.** At least fifty percent (50%) of the caregiver staff shall have current evidence of first aid training and cardiopulmonary resuscitation. There must always be an employee with current evidence of first aid training and CPR on the center premises whenever children are present and on any center-sponsored field trip.** *

(f) **Staff Training.** Prior to assignment to children or task, all employees hired after the effective date of these rules shall be oriented in accordance with these rules. Employees continuing to be employed with the center after the effective date of these rules shall receive the on-going training set forth below in subsection (b).** *

1. **Orientation.** Orientation shall include instruction in:** *

   (i) The center's policies and procedures,** *

   (ii) Emergency weather plans,** *

   (iii) The employee's assigned duties and responsibilities,** *

   (iv) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries,** *

   (v) the rules and regulations set forth in Rule 290-2-2-.11, .12, .13 and .14. Such instruction shall require new staff to be generally familiar with the health and safety requirements for caring for the children that are set forth in the specified sections.** *

(vi) Childhood injury control,** *

(vii) Within the first year of employment, all employees hired after the effective date of these rules, who provide any direct care to the children, shall obtain ten (10) clock hours of training or instruction from an accredited school or department-approved source in child care issues. Custodial, maintenance personnel or volunteers, who provide no direct care to the children, do not have to meet this training requirement. At least six (6) of the clock hours must be divided as follows:** *

(I) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition and childhood injury control;**

(II) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children; and**

(viii) Within the first year of employment, the administrator and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.

2. **Ongoing Training.** Within one (1) year of the effective date of these rules and thereafter on an annual basis, all supervisory and caregiver personnel (regardless of the date of hiring) shall attend ten (10) clock hours of training which is task focused in early childhood education or child development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other department-approved source.** *

3. **Documentation of Training.** Evidence of orientation and training shall be documented in the personnel file of each staff member which shall be available to the department for inspection.** *

(g) **Grouping of Children and Staff: Child Ratios.** The center must establish groupings of children for care which comply with the staffing ratios and requirements set forth below. Staff, such as the director or service workers (food, maintenance, and clerical staff, etc.), shall be counted in the staff: child ratio only during the time that they are giving full attention to the direct supervision of the children. Service staff routinely acting as child care workers shall meet the qualifications of the respective caregivers.** *

1. Employees shall be assigned so that in so far as possible children receive care from the same employee each day;** *

2. Children shall be supervised at all times.** *

3. Unless otherwise provided in these rules the following staff: child ratios and maximum number of children in a group shall be maintained by the center whenever it is open as of the date specified:** *

   As of the effective date of these rules, the ratios shall be:

   Group Age No. of

   Adults No. of

   Children Infancy to 1-1/2 yrs 1 3-7 * 1-1/2 yrs to 2-1/2 yrs 1 4-10 * 2-1/2 yrs to 3-1/2 yrs 1 5-12 * 3 to 4 years 1 10-15 * 4 to 5 years 1 15-18 ** 5 to 6 years 1 15-20 ** * 6 years and older 1 20-25 ** * As of September 1, 1991, the ratios shall be:

   Ages of Children Staff:

   Child

   Ratio Maximum

   Group

   Size Infants less than one(1) year old or children under eighteen (18) months who are not walking 1:6 12 * One (1) years old who are walking 1:8 16 * Two (2) year olds 1:10 20 * Three (3) year olds 1:15 30 * Four (4) year olds 1:18 36 * Five (5) year olds 1:20 40 ** * Six (6) year olds 1:25 50 ** *

4. Children may be combined in mixed-age groups provided that infants and children younger than three (3) years are not grouped with children three (3) years and older except as set forth below. In mixed-age groups, the required staff: child ratios shall be based on the ages of the youngest children in the group if more than twenty percent (20%) of the children in the mixed-age group belong to younger age grouping(s).** *

   (i) During early morning times of arrival and late afternoon times of departure, infants and children younger than three (3) years may be grouped with older children so long as staff: child ratios and group size are met based upon the age of the youngest child in the group.

   (ii) Children who turn three (3) years of age during the regular school year may remain grouped with other two (2) year olds for the remainder of the school year provided that the continued placement in the younger group is with the agreement of the older child's parents and is developmentally appropriate for the child.

5. Maximum group size does not apply to outdoor play on the playground routinely used by the center or for special activities in the center lasting no more than two (2) hours. However, required staff: child ratios must be maintained.**

6. During day-time scheduled rest or sleeping periods for children ages three (3) years and older, the staff: child ratio may be double the number of children to each staff required by Rule 290-2-2-.09(g)3. provided that:

   (i) At least one (1) staff person is in each room providing direct supervision of the children; and

   (ii) All staff required by Rule 290-2-2-.09(g)3. relating to staff: child ratios are in the center and available to assure safe evacuation in an emergency.

7. Staff: child ratios as required in Rule 290-2-2-.09(g)3. shall be maintained during evening and nighttime care except when a majority of the children are sleeping when the ratios may be doubled in those areas where the majority of the children are sleeping. However, the staff required by the regular staff: child ratios set forth in Rule 290-2-2-.09(g)3. must be available on the premises of the center to resume supervision of the children whenever a majority of the children in care in an area are no longer asleep or an emergency situation arises.

(h) **Staffing Requirements for Water-Related Activities.** Whenever the center chooses to allow the children to participate in water-related activities, such as swimming, fishing, boating or wading, the center shall determine that the persons supervising the children for water-related activities meet the following training requirements, whether or not these persons are employed by the center. The center shall also provide for the following special staff: child ratios during the water-related activity.** *

1. **Staff and Training Requirements.** There must be a minimum of one (1) center staff member on duty directly supervising the children at all times when one (1) or more children are engaged in water-related activities. Where the water is over two (2) feet deep, either the center staff member or the employee provided by the water facility to supervise the use of the facility by children must have the following:** *

   (i) current evidence of having completed successfully a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or YWCA or other recognized standard-setting agency for water safety instruction. However, this advanced life saving training is only required if the children will be in water that is over two (2) feet in depth; and** *

2. **Staff:** Child Ratios for Water-Related Activities. The center shall also maintain the following staff: child ratios during any water-related activities:** *

(i) For water-related activities in water over two (2) feet in depth, the center staff shall provide continuous supervision of the children in accordance with the following:** *

Ages of Children Staff:Child Ratio Under two and one-half (2-1/2) yrs. 1:2 * Two and one-half (2-1/2) to four (4) yrs. 1:5 * Four (4) yrs. and older who cannot swim a distance of fifteen (15) yards unassisted 1:6 ** * Four (4) yrs. and older who can swim a distance of fifteen (15) yards unassisted 11:15 ** * In lieu of requiring each child to take a swimming test to determine whether the child can swim a distance of fifteen (15) yards unassisted, center staff may accept copies of certificates or cards from a recognized water safety instruction organization showing that the child has successfully completed a swimming class which required the child to swim a distance of fifteen (15) yards unassisted.

(ii) For water-related activities in water that is less than two (2) feet deep throughout, such as a self-contained wading pool less than two (2) feet in depth, continuous supervision must be provided by center staff in accordance with the staff: child ratio set forth in Rule 290-2-2-.09(g)3. ** *

(I) The wading pool shall be cleaned and filled with clean water for each day's usage and emptied when not in use.** *

(iii) At least one (1) additional staff member above the required staff: child ratio for water-related activities set forth in paragraphs (i) and (ii) shall be available to rotate among the groups as needed when any of the following circumstances are present:** *

(I) the majority of the children in a group are not accustomed to, or are afraid of the water; or** *

(II) the majority of the children in a group comprised of children who cannot swim a distance of 15 yards unassisted, cannot touch the bottom of the water-facility without submerging their heads; or** *

(III) the water-facility is particularly crowded; or**

(IV) the children have special needs which impact on their ability to participate safely in the water-related activity** *

(i) **Staffing Requirements for Transporting Children.** Whenever the center transports children for any reason, the driver of the vehicle shall be at least eighteen (18) years of age and possess a valid driver's license as required for the class of vehicle that the driver will be operating for the center; and** *

1. Either the driver or another staff person present on the vehicle must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid offered by certified or licensed health care professionals and which dealt with the provision of emergency care to infants and children; and** *

2. On field trips, in addition to the required staff: child ratio contained in Rule 290-2-2-.09(g)3., an additional employee, chaperon or student in training, who is at least sixteen (16) years of age shall be available to assist in the supervision of each group of twenty-five (25) children; and** *

3. When transporting children, the center shall provide:** *

   (i) A minimum of two (2) staff members (the driver and non-driver) in the following situations:** *

      (I) When three (3) or more children under three (3) years of age are transported, or*

      (II) When seven (7) or more children under five (5) years of age occupy the vehicle, or*

      (III) When eighteen (18) or more children five (5) years of age and older occupy the vehicle; and** *

   (ii) A third employee, who is at least eighteen (18) years of age, shall be provided in the vehicle when transporting children in the following situations:** *

      (I) When more than eight (8) children under three (3) years of age occupy the vehicle with other children, or*

      (II) When more than twenty (20) children under five (5) years of age occupy the vehicle with other children.*

   (iii) When more than thirty-six (36) children under the age of five (5) occupy the vehicle the staff: child ratios as set forth in Rule 290-2-2-.09(g)3. shall be met in lieu of the ratios set forth above.*

   (iv) Whenever more than thirty-six (36) children five (5) years and older are transported on the vehicle with no other children under the age of five (5), the staff: child ratio on the vehicle of one (1) staff for each additional twenty (20) children shall be maintained on the transporting vehicle.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.09
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Chapter 20-2-771 (1982); O.C.G.A. Secs. 40-5-23, 40-5-146, 49-5-3, 49-5-8.

History. Original Rule entitled "Outdoor Play Space" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Equipment" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Health and Safety" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Administration and Staff Requirements" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.10. Record Keeping and Reporting.

The following records shall be maintained on file at each center subject to the exceptions listed herein. The records shall be maintained in an organized manner and shall be accessible to the Department.** *

(a) **Records on Administrator and Employees.** The file for each administrator and employee shall contain:** *

1. Identifying information to include:** *
   - (i) Name,** *
   - (ii) Date of Birth,** *
   - (iii) Social Security number,** *
   - (iv) Current address, and** *
   - (v) Current telephone number;** *
2. Employment history;** *
3. Evidence of the following as applicable to the position held:** *
   - (i) Education,**
   - (ii) Qualifying work experience,** *
   - (iii) Orientation, which shall include the following:** *
     - (I) Date of orientation;** *
     - (II) Description of orientation;** *
     - (III) Signature of person or a representative of the organization providing the training; and** *
     - (IV) Signature of the person receiving the training;** *

(iv) All training required by these rules which shall include:** *

(I) Title of Training:** *

(II) Date of training;**

(III) Trainer's signature;**

(IV) Location of training; and**

(V) Number of clock hours obtained;**

4. Verification of a satisfactory criminal records check determination;** *

5. Daily attendance records or other employee payroll records for the employee for the preceding six (6) month period, which may be stored away from the center provided that the center notifies the Department of its intention to store these records off-site, provides the Department with the name, address and phone number of the custodian of these records and allows the Department, in its discretion, to have access to these records at the custodian's location immediately or access at the center within seven (7) business days of a department representative's request. The Department may, in its discretion, accept photocopies of the requested records which are provided within seven (7) business days of the department representative's request for the same.**

6. Statement completed by the staff member or other documentation regarding qualifications.** *

(b) **Records on Children.** The following records shall be maintained on file for each child enrolled in the center and shall be accessible to the department:**

1. Identifying information about the child to include: name, date of birth, sex, address, living arrangement if not with both parents and name of school, if any;**

2. Identifying information about the parents to include: names of both parents, home and work addresses, and home and work telephone numbers;**

3. Name(s) and addresses of the person(s) to whom the child may be released;**

4. Identifying information about the person(s) to contact in emergencies when the parent cannot be reached to include: name(s) and telephone number(s);**

5. Signed agreement between the holder of the license or commission or a person designated by the holder and the parent to include:**

(i) Description of general services to be provided by the center to the child including whether the center is providing meals and snacks;**

(ii) Identification of the child's primary source of health care to include:**

(I) Physician's or clinic's name, and**

(II) Telephone number;**

(iii) Authorization for obtaining emergency medical care for the child when the parent is not available;**

(iv) Statement regarding known allergies or other physical problems, mental health disorders, mental retardation or developmental disabilities which would limit the child's participation in the center's program and activities;**

(v) Description of any special procedures to be followed in caring for the child, including any special services which the center agrees to provide to a child with special needs;**

(vi) A description of the information that will be required of the parent before the center will dispense any medication and the parents' acknowledgment that they will provide all the necessary information. The authorization will include when applicable:**

(I) Date,**

(II) Full name of the child,**

(III) Name of medication,**

(IV) Prescription number, if any,**

(V) Dosage,**

(VI) The dates to be given,**

(VII) The time of day medication is to be dispensed,**

(VIII) Signature of parent,**

(IX) Verification that medication was dispensed according to parents' authorization, including the signature of staff member who dispensed the medication; and**

(vii) Parents' acknowledgment of the following:**

(I) that when the parents, or persons authorized by the parents, pick up or drop off their child at the center, they will not allow their child to enter or leave the center without being escorted and that the center will not permit the child to enter or exit the center without an escort; and**

(II) that the parents are responsible for keeping the center advised of any significant changes as the changes occur in the information that the parents provided at the time of enrollment concerning phone numbers, work locations, emergency contacts, family physician, etc.**

(III) that where the school-age day care center does not agree to provide routine meals and/or snacks, as appropriate, for the children, the parents agree that they shall provide the children with nutritious meals and snacks daily as appropriate.**

6. Documentation of incidents requiring professional medical attention, other than simple first aid performed by center staff, to include:**

   (i) Child's name,**

   (ii) Type of illness or injury,**

   (iii) Date of illness or injury,**

   (iv) How injury or illness occurred,**

   (v) Staff present,**

   (vi) Method of notifying parent, and**

   (vii) Services provided to the child;**

7. Written parental authorization for the child to participate in field trips, special activities away from the center and water-related activities occurring in water that is more than two (2) feet deep if the center participates in any such activities.**

8. Parental authorization if the center is to provide routine transportation for the child to or from school, home or center. The authorization shall specify the following:**

   (i) Routine pick up location,**

   (ii) Routine pick up time,**

(iii) Routine delivery location,**

(iv) Routine delivery time,**

(v) Name of any person authorized to receive the child; and the procedure to be followed if the authorized person is not present at the drop-off site to receive the child; and**

9. Evidence of age-appropriate immunizations or a signed affidavit against such immunizations shall be maintained for each child enrolled in the center on a form provided by the department;

   (i) No child shall continue enrollment in the center for more than thirty (30) days without such evidence; and

10. The child's daily attendance records for the six (6) preceding months which need not be filed in each child's record; and**

11. Transportation checklists which need not be filed in each child's record.**

(c) **Required Reports.** The administrator shall report or cause to be reported the following:**

1. **Child Abuse, Neglect or Deprivation.** Whenever there is reasonable cause to believe that a child has been physically injured or has suffered death by a parent or caretaker by other than accidental means; provided, however, that physical forms of discipline need not be reported where the same does not result in injury to the child; or a child has been neglected, exploited or deprived or sexually assaulted or sexually exploited. Sexual exploitation occurs when a parent or caretaker allows, permits, encourages or requires a child to engage in prostitution or when the parent or caretaker allows, permits, encourages or requires a child to engage in other sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct as defined in O.C.G.A. Sec. 16-12-100. Any suspected incident of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children Services in accordance with O.C.G.A. Sec. 19-7-5.**

2. **Communicable Diseases.** Any cases or suspected cases of notifiable communicable diseases shall be reported to the local county health department as required by the rules of the department regarding Notification of Disease, Chapter 290-5-3.**

3. **Death, Serious Injury or Emergency Situation.** Within twenty-four (24) hours or the next work day following the reportable situation to the Child Care Licensing Office, the following:**

(i) Any death of a child while in the care of the center;**

(ii) Any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the center;**

(iii) Any fire;**

(iv) Any structural disaster; and**

(v) Any emergency situation that requires temporarily relocating children.**

4. **Criminal Record.** The name of any employee who acquires a criminal record as defined in these rules if the director knows, or reasonably should know, of the employee's criminal record shall be reported to the District Child Care Licensing Office.**

5. **Annual Reports.** Within forty-five (45) days of the center's receipt of an annual report form from the department, the administrator shall submit to the department a complete annual report on the form provided. The annual report may be used in determining licensure requirements.**

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.10
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp); O.C.G.A. Sec. 19-7-5.
History. Original Rule entitled "Fire Safety" was filed on January 20, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Building and Grounds" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Equipment and Supplies" adopted. Filed February 21, 1983; effective March 23, 1983, as specified hy the Agency.
Repealed: New Rule entitled "Record Keeping and Reporting" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.11. Operations, Health, Safety and Activities.

Each center shall be operated in accordance with the following:** *

(a) **Policies and Procedures.** Each center shall establish policies and procedures which shall be kept current and made available to the parents and used to govern the operations of the center. The policies and procedures shall:** *

1. Be consistent with applicable laws, regulations and these rules;** *

2. Include a written description of services to be provided which specifies the following:** *

(i) Ages of children served,** *

(ii) Months of operation,** *

(iii) Days of operation,** *

(iv) Hours of operation,** *

(v) Dates center is closed,** *

(vi) Admission requirements, including parental responsibilities for supplying and maintaining accurate required record information and escorting child to and from center,** *

(vii) Standard fees, payment of fees, fees related to absences and vacations and other charges such as insurance, transportation, etc.** *

(viii) Transportation provided, if any;** *

3. The policies and procedures shall also include written procedures for the following:** *

(i) Guidance and discipline techniques,** *

(ii) Handling emergency medical care, including place(s) the children will be taken for emergency medical care,** *

(iii) Administering medication and recording noticeable adverse reactions to the medication,**

(iv) Notifying parents of their child's:** *

(I) Illness,** *

(II) Injury, and** *

(III) Exposure to a notifiable communicable disease,** *

(IV) Noticeable adverse reactions to prescribed medication(s),** *

(v) Exclusion of sick children,** *

(vi) Exclusion of children with communicable diseases as defined on the chart of communicable diseases which contains recommendations for the exclusion of sick children and their readmission and is provided by the department,** *

(vii) Protection of children in the event of:** *

(I) Severe weather,** *

(II) Fire, and** *

(III) Physical plant problems, such as a power failure, that affects climate control or structural damages, and** *

(viii) the center's transportation of children to or from school or home, if provided, to include the procedure to be followed if no one is home or at the designated drop-off site to receive a transported child.** *

(b) **Posted Notices.** Each center shall post in a designated area for public viewing near the front entrance the following:** *

1. The current day care center license or commission,** *

2. A copy of these rules,** *

3. A notice provided by the Department which advises parents of their right to review a copy of the center's most recent licensure or commission evaluation report upon request to the center director. The center shall provide any parent with a copy of this evaluation report upon request.** *

4. A copy of the current communicable disease chart, as provided by the department,** *

5. A statement allowing parental access to all child care areas upon notifying any staff member of his or her presence,** *

6. Names of persons responsible for the administration of the center in the administrator's absence,** *

7. The current week's menu for meals and snacks,** *

8. Emergency plans for severe weather and fire; and** *

9. A statement requiring visitors to check in with staff when entering the center.** *

(c) **Confidential Information.** Information pertaining to the children enrolled at a center is considered confidential and may not be released by center staff without first obtaining written permission signed by the parents except in the following situations. Relevant information relating to the children's family situations, medical status and behavioral characteristics on the children enrolled at the center at any time shall be shared by center staff among caregivers on the center caregiver staff, with members of the Department or

with other persons authorized by these rules or the law to receive such information, or with other persons in an emergency situation involving the child.**

(d) **Parental Access.** The custodial parent(s) of a child shall, at any time the child is in attendance, be permitted access to all child care areas of the center and shall make his or her presence known to center staff prior to removing the child from the center.**

(e) **Health and Hygiene.** The center shall meet the following minimum criteria:** *

1. The department's current communicable disease chart of recommendations for exclusion of sick children from the center and their readmission shall be followed.**

2. A child shall not be accepted nor allowed to remain at the center if the child has the equivalent of a one hundred and one (101) degree or higher oral temperature and another contagious symptom, such as, but not limited to, a rash or diarrhea or a sore throat.**

3. Parents of any child who becomes ill or is injured shall be notified immediately of any illness or injury requiring professional medical attention, or any illness which may not require professional medical attention but which produces symptoms causing moderate discomfort to the child, such as, but not limited to, any of the following: elevated temperature, vomiting or diarrhea.**

   (i) Parent's specific instructions shall be obtained, and followed if appropriate, until the child is picked up or is able to return to the child's group.**

   (ii) When a child shows symptoms of illness during the day, the child shall be moved to a quiet area away from other children where the child shall be supervised and provided the necessary attention until such time as the child leaves the center or is able to return to the child's group.**

4. If the child becomes ill or experiences an adverse reaction to a prescribed medication or is injured during the day and the illness, reaction or injury does not warrant professional medical attention or causes less than moderate discomfort to the child, the parents shall be notified of the illness, reaction or injury by the end of the day on which the illness, reaction or injury occurred.**

5. Parents of all children enrolled shall be notified, in writing, of the occurrence of any of the illnesses on the communicable disease chart, as provided by the department, within twenty-four (24) hours after the center becomes aware of the illness or the next working day.**

6. The center shall have a written plan which outlines how emergency medical services will be obtained. When a medical emergency arises involving a child, the center staff shall seek prompt emergency medical treatment and provide any

certified or licensed emergency medical persons with immediate access to the child.** *

7. Each building of the center and any vehicle used by the center for transportation of children shall have a first aid kit which shall at least contain:** *

   (i) Scissors,** *

   (ii) Tweezers,** *

   (iii) Gauze pads,** *

   (iv) Adhesive tape,** *

   (v) Thermometer,** *

   (vi) Syrup of ipecac (to be used only upon the advice of the physician or the poison control center),** *

   (vii) Ban-aids, assorted sizes,** *

   (viii) An anti-bacterial ointment,** *

   (ix) Insect-sting preparation,** *

   (x) An antiseptic cleansing solution,** *

   (xi) Triangular bandages,** *

   (xii) Rubber gloves, and** *

   (xiii) Cold pack.** *

8. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored so that it is not accessible to children but is easily accessible to staff.**

9. Except for first aid, personnel shall not dispense prescription or nonprescription medications to a child without specific written authorization from the child's physician or parent:**

   (i) Authorizations to dispense medications shall be limited to two (2) weeks, unless otherwise prescribed by a physician.**

10. Personnel shall only dispense medications that are provided by the parent and meet the following criteria:**

(i) The medication shall be in the original labeled container,**

(ii) The medication container shall be labeled with the child's full name, and**

(iii) Medicines which are no longer to be dispensed shall be returned to the child's parent immediately.**

11. Non-emergency injections shall only be administered by appropriately licensed persons unless the parent and physician of the child sign a written authorization for the child to self-administer the injection.**

12. the center shall maintain a record of all medications dispensed to children by personnel to include: the date, time and amount of medication that was administered, any noticeable adverse reactions to the medication and the signature or initials of the person administering the medication.**

13. 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, supplies or poisons.**

14. Medications requiring refrigeration shall be placed in a leakproof container in a refrigerator that is not accessible to the children.**

15. Personnel shall, to the extent possible, keep children clean, dry and comfortable.**

16. Children's hands shall be washed with soap and running water:**

    (i) Prior to eating meals or snacks, and**

    (ii) After toileting.**

17. Washcloth hand washing shall be restricted to children under the age of two (2) years and to those children with special needs who are not capable of washing their own hands.**

    (i) An individual washcloth shall be used for each child.**

    (ii) Washcloths shall be used only one time between laundering.**

18. Between each diaper change, unless the child is changed in his own crib, the diaper change surface shall be:**

    (i) Cleaned with a disinfectant, and**

    (ii) Dried with a single-use disposable towel.**

19. Personnel shall wash their hands with soap and warm running water immediately:**
    (i) Before feeding each child,**
    (ii) After:**
        (I) Each diaper change,**
        (II) Using tobacco products,**
        (III) Eating,**
        (IV) Drinking,**
        (V) Toileting,**
        (VI) Being contaminated by other means; and**
        (VII) Prior to eating.**

20. The diaper changing area shall be clear of:
    (i) Formulas,
    (ii) Food, food utensils and food preparation items, and
    (iii) Any items which a child could reach while being changed which might harm a child.

21. Separate containers shall be used for storing soiled disposable items, such as disposable diapers and disposable washcloths and soiled non-disposable items such as cloth diapers, washcloths and bed linens.

22. Soiled item storage containers shall be:
    (i) Waterproof or equipped with a leakproof disposable liner,
    (ii) Covered,
    (iii) Easily cleaned, and
    (iv) Maintained in such a manner so as the contents of the container are never accessible to the children.

23. Children's soiled or wet clothing shall be stored in individual plastic bags after having been rinsed thoroughly.

24. After each use, toilet potty chairs shall be:

    (i) Emptied by disposal in a flush toilet, and

    (ii) Cleaned with a disinfectant.

25. Soiled laundry shall be stored in covered containers and kept separate from clean laundry.**

26. If laundry is done on center premises, the laundry area shall:

    (i) Be located outside the children's activity rooms or areas, and

    (ii) Not be used as a passageway by children to travel from one area to another whenever any soiled or clean laundry is exposed.

27. All parts of the center shall be kept clean and in good repair.** *

28. Hygienic measures, such as, but not limited to, screened windows, covered containers for food and proper waste disposal procedures shall be utilized to minimize the presence of rodents, flies, roaches and other vermin at the center.** *

29. Floor coverings shall be tight, smooth, free of odors and washable or cleanable.** *

30. The following shall be cleaned with a disinfectant as specified:

    (i) Tubs after each use,

    (ii) Showers after each use,

    (iii) Bathroom areas daily, and

    (iv) Food service areas daily.

31. The following children's personal items shall be kept clean:** *

    (i) Combs,** *

    (ii) Toothbrushes, and** *

    (iii) Cloth towels.** *

32. Each child's personal items shall:**

    (i) Be kept on individually labeled racks, in cubbies or lockers,

(ii) Separated from the articles used by other children, and,**

(iii) Not used by any other child prior to being laundered or disinfected.**

33. No persons shall be permitted to use the same utensil for drinking or eating without the utensil having been thoroughly cleaned between uses.**

34. Drinking fountains, if available, shall;** *

(i) Be safe and kept clean,** *

(ii) Have regulated pressure,**

(iii) Not be mounted on sinks used for diaper changing activities, and** *

(iv) Have an angle jet with an orifice guard above the rim.** *

35. Single service drinking cups shall be provided when appropriate drinking fountains are not available.** *

(i) Cups shall be discarded after each use unless the cups are sanitized in a dishwasher between each use.** *

36. Garbage and organic waste shall be stored in containers lined with plastic liners and having tight fitting covers.** *

37. Trash and garbage shall be removed from the building daily, or more often if necessary, to maintain the premises in a clean condition.** *

38. Rooms with toilets and lavatories shall be equipped within easy reach of children with the following:** *

(i) Soap,** *

(ii) Toilet tissue, and** *

(iii) Single use towels or cloth towels used only once in between launderings.** *

39. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be placed in the children's area as follows:

(i) There shall be a minimum of a twenty-four inch (24") corridor between each row of sleeping or resting equipment,

(ii) There shall be a minimum of twelve inches (12") between each piece of sleeping and resting equipment in each row of equipment, and

(iii) Children shall be placed on sleeping equipment so that one child's head is toward another child's feet in the same row.

40. Sleeping equipment shall be arranged in the child care areas during evening and nighttime care so that the children's sleep will not be unnecessarily interrupted by delivery and pick-up of other children.

(f) **Activities.** The center shall provide a variety of daily activities appropriate for the children's chronological ages and developmental levels. Children with special needs shall be integrated into the activities provided by the center unless contraindicated medically or by parental agreement.**

1. **Variety of Activities.** Activities shall be planned for each group to allow for:**

(i) Indoor and outdoor play,**

(ii) A balance of quiet and active periods,**

(iii) A balance of supervised free choice and caregiver-directed activities,**

(iv) Individual, small group, and large group activities,**

(v) Large muscle activities, such as, but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging;**

(vi) Small muscle activities, such as, but not limited to, building with blocks or construction toys, use of puzzles, shapes, nesting or stacking toys, pegs, lacing, sorting beads, or clay;

(vii) Language experiences such as, but not limited to, listening, talking, rhymes, fingerplays, stories, use of film strips, recordings or flannel boards;

(viii) Arts and crafts, such as, but not limited to, painting, coloring, cutting, or pasting;

(ix) Dramatic play such as, but not limited to, play in a home center, with dolls, puppets, or dress up;

(x) Rhythm and music such as, but not limited to, listening, singing, dancing, or making music; and

(xi) Nature and science experiences such as; but not limited to, measuring, pouring, activities related to the "world around us" such as nature walks, plants, leaves or weather, or experiences in using the five senses through sensory play.

2. **Schedules.** A daily schedule for each group shall be developed to reflect routines and activities. Schedules shall be:*

   (i) Flexible but routinely followed to provide structure,*

   (ii) Posted in each group's room or area, and*

   (iii) Made available to parents upon request.*

3. **Outdoor Activities.** Outdoor activities shall be provided daily, weather permitting, in accordance with the following:**

   (i) Centers operating five (5) hours or more per day shall provide each child who is not an infant at least one and one half(1 ½) hours of outdoor activity per day:**

      (I) Infants shall spend at least one (1) hour daily out of doors; and

   (ii) Centers operating less than five (5) hours per day shall provide a brief outdoor period for the children daily.**

   (iii) A child may be excused from outdoor activities for a limited period of time if there is documentation that outdoor activity is medically contraindicated or there is an occasional written request by the parent that the child be excused from outdoor activities for a very limited amount of time because of special circumstances.**

4. **Individual Attention.** Personnel shall provide individual attention to each child as evidenced by:**

   (i) Responding promptly to the child's distress signals and need for comfort.**

   (ii) Playing with and talking to the children.**

   (iii) Providing and assisting the child with personal care in a manner appropriate to the child's age level, i.e. providing the child privacy in dressing, diapering and toileting functions as the chronological age of the child dictates.**

5. **Routines for Children.** Personnel shall provide routines for toileting, eating, resting, napping (depending upon the age of the children), intervals between activities, and doing school homework, if any.**

   (i) Children shall be allowed as they feel the need to:

      (I) Go to the toilet, and

      (II) Get drinking water;

   (ii) Supervised nap or rest periods during the day shall be provided for children under five (5) years of age;

   (iii) Quiet activities for school age children, and other children who are not asleep shall be provided.**

      (I) Children who do not sleep during nap or rest period shall not be required to remain lying down for more than one (1) hour during the day; and

   (iv) Opportunities for each child to make choices in a variety of activities shall be offered.**

      (I) The use of entertainment media, such as television, video taped programs or movies and video or computer games shall be limited to:**

         I. Television programs or computer software produced for the benefit of audiences comprised of young children;

         II. "G" - rated movies, i.e. movies that have been rated by the motion picture industry as suitable for a general audience which includes young children, or movies that have not been rated but which have been fully previewed by the administrator who has determined that the movies were produced for the benefit of young children and are appropriate for viewing by young children.

         III. No more than two (2) hours daily per child or group; and**

         IV. Provided only at times when alternative activities are available for children who choose not to participate.**

   (v) Staff shall assist and encourage each child to become independent in the development of self-help skills, such as washing hands and face, dressing, eating and toileting.

6. **Activities for Children under Three.** Children less than three (3) years of age shall:

   (i) Be allowed time to play on the floor daily;

   (ii) Not be routinely left in cribs or playpens except for rest or sleep; and

   (iii) Not spend more than one-half(½) hour of time consecutively in confining equipment, such as swings, highchairs,jumpseats, carriers or walkers.

7. Evening Activities. During evening and nighttime care, activities shall be provided based on children's ages, hours of care and length of time in care:

   (i) Quiet activities and experiences shall be available immediately prior to bedtime.

8. **Field Trips.** The center shall obtain written permission from the parent in advance of the child's participation in any field trip.**

   (i) The field trip permission notice shall provide details of the trip including:**

      (I) The name/address of the trip destination,**

      (II) The date of the trip,**

      (III) Time of departure, and**

      (IV) Estimated arrival time back at the center; and**

   (ii) The written parental approval shall include:**

      (I) Field trip destination,**

      (II) Parent's signature, and**

      (III) Date of approval.**

   (iii) A list of children and adults participating in the field trip and an emergency medical information card on each child to include allergies, special medical needs and conditions, current prescribed medications that the child is required to take on a daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the center uses in the area where the center is located and the telephone numbers where the parents can be reached, shall be:**

      (I) Left at the center; and**

(II) Taken on the trip and in the possession of the adult in charge of the trip.**

(iv) Each child on a field trip shall have on his person:

(I) His or her name; and

(II) The center's name, address and telephone number.

(g) **Safety.** Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the center shall not be detrimental to the physical or mental health of any child.**

1. Personnel shall not:**

(i) Physically or sexually abuse a child, or engage in or permit others to engage in sexually overt conduct in the presence of any child enrolled in the center, or**

(ii) Inflict corporal/physical punishment upon a child, or**

(iii) Shake, jerk, pinch or handle roughly a child, or**

(iv) Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity, or belittling remarks about a child or his family, or**

(v) Isolate a child in a dark room, closet, or unsupervised area, or**

(vi) Use mechanical or physical restraints or devices to discipline children, or**

(vii) Use medication to:**

(I) Control children's behavior without written medical authorization issued by a licensed professional and given with the parent's written consent, or**

(II) Discipline, or**

(viii) Restrict unreasonably a child from going to the bathroom, or**

(ix) Punish toileting accidents, or**

(x) Force feed a child or withhold feeding a child regularly scheduled meals and/or snacks, or**

(xi) Force or withhold naps, or**

(xii) Allow children to discipline or humiliate other children, or**

(xiii) Confine a child for disciplinary purposes to a swing, highchair, infant carrier, walker or jumpseat, or**

(xiv) Commit any criminal act, as defined under Georgia law which is set forth in O.C.G.A. Sec. 16-1-1*et seq.*, in the presence of any child enrolled in the center.**

2. Sleeping and resting equipment shall be arranged to:

   (i) Avoid obstructing access to exit doors,

   (ii) Provide the teacher-caregiver access to each child, and

   (iii) Prevent children's access to cords hanging from window treatments and other hazardous objects.

3. Children shall not be permitted:**

   (i) In the kitchen except as part of a planned, supervised learning experience, or**

   (ii) To wear around their necks or attached to their clothing, pacifiers or other hazardous items, or

   (iii) To participate in a swimming activity or any activity away from the center without the parents' written permission.**

4. Infants and children shall not be left unattended while being diapered or having their clothes changed on the diaper changing surface.

5. All unused electrical outlets within reach of children shall have protective caps specifically designed to prohibit children from placing anything in the receptacle. Electrical outlets in use which the children can reach shall be made inaccessible to the children.

6. Heating and cooling equipment shall be protected to prevent children from touching it.

7. Fans, space heaters, etc. shall be positioned or installed so as to be inaccessible to the children.**

8. An operable telephone shall be readily available in the center with the following telephone numbers posted in a conspicuous place next to each telephone. In those areas of the state serviced by the 911 emergency number, 911 may be posted in lieu of the phone numbers required for (ii), (iii) and (iv) below:** *

   (i) A physician or hospital,** *

   (ii) An ambulance or rescue squad service,** *

   (iii) The local fire department,** *

   (iv) The local police department,** *

   (v) The county health department, and** *

   (vi) The regional poison control center.** *

9. Construction and maintenance work shall take place only in areas that are not accessible to the children.** *

10 Interior center door locks shall permit personnel to open the locked room from the outside of the room in an emergency.

11. All floor level windows or full-length glass doors shall be constructed of safety glass with decals applied at the eye level of the children or such windows or doors shall have protective devices covering the glass designed to prevent the children from getting cut by the glass should it break for any reason.** *

12. Doors to rooms not approved for child care, other than the kitchen doors, shall be latched or locked so children cannot wander into those areas. Children shall not be permitted access to any area not approved for child care, including the kitchen.** *

13. The center premises shall be free of plants and shrubs which are poisonous or hazardous.** *

14. When permanent swimming or wading pools are located on the center premises, applicable local regulations regarding the design, construction, operation, and maintenance shall be followed.**

15. All swimming and wading pools shall be:**

   (i) Inaccessible to children except during supervised activities; and**

   (ii) Operated and maintained in accordance with acceptable health standards.**

16. The center shall have available at all times:** *

    (i) A licensed driver; and**

    (ii) A vehicle which meets vehicle safety rules; or** *

    (iii) A plan approved by the department for alternative emergency transportation.** *

17. Children shall not be transported in vehicles, or parts thereof, which are not designed for the purpose of transporting people, such as but not limited to truck beds, campers or any trailered attachment to a motor vehicle.**

18. The center shall develop a written transportation plan to ensure that children who are using transportation contracted for or provided by the center are accounted for in all situations arising from the use of the transportation.** *

    (i) The transportation plan shall include a checklist for accounting for the loading, and unloading of children at any location.

    (ii) All transportation checklists shall contain the signature of the person conducting the check.

    (iii) All transportation checklists shall be turned over to the person in charge of the center immediately upon arrival of the children at the center.

    (iv) Following delivery of children to homes/designated destinations, either an oral or written report, shall be submitted to the person in charge of the center.

        (I) When an oral report is given, the written checklist shall be turned over to the person in charge on the next day of operation.

    (v) Transportation checklists shall be maintained as part of the records of the center for one (1) year.

    (vi) At the completion of every trip, each vehicle shall be checked to assure that no child is left on the vehicle.**

    (vii) Immediate action shall be taken to locate children missing from the transporting vehicle, the field trip site, the center or the children's homes if the center was responsible for transporting the children to their homes and the children were not delivered to the physical possession of the parents or other designated adults.**

    (viii) Vehicles used for transporting children shall be maintained in accordance with these standards established by the department:** *

(I) Each vehicle shall have a satisfactory annual safety check of: tires, headlights, horn, tail-lights, brakes, suspension, exhaust system, steering, windshields and windshield wipers;** *

(II) A copy of the inspection report (Form #699), or its equivalent, shall be maintained in the center or in the vehicle.** *

(ix) The transportation plan shall require that an emergency medical information record be maintained in the vehicle on each child being transported by the center. The emergency medical information card for each child shall include a listing of the child's allergies, special medical needs and conditions, current prescribed medications that the child is required to take on a daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the center uses in the area where the center is located and the telephone numbers where the parents can be reached.** *

(I) Inspection reports shall include the name of the person performing the safety check and the date that the inspection was performed.** *

I. The interior of each transportation vehicle shall be;** *

A. Equipped with a fire extinguisher inaccessible to the children and a functioning heating system;** *

B. Clean;** *

C. Free of hazardous objects or other non-essential items which could impede the children's access or egress from the vehicle or could cause injury to the children if the items were thrown about the vehicle as a result of a collision;** *

D. In safe repair; and,**

II. No window, except the driver's in a transporting vehicle shall be opened to more than fifty percent (50%) of its capacity at any time children are on board.

III. Each vehicle used to transport children shall contain the following current information:**

A. Names of all children transported and each child's:**

(A) Pick up location,**

(B) Pick up time,**

(C) Delivery location,**

(D) Delivery time,**

(E) Length of time on the vehicle,**

(F) Alternate delivery location if parent is not at home, and**

(G) Name of person to receive the child:**

a. A child shall not be dropped off at any location if there is no one to receive the child; and**

B. Identification of the center's:**

(A) Name,**

(B) Driver, and**

(C) Telephone number.**

19. The motor shall be turned off, the brake set and the keys removed whenever the driver leaves the vehicle.**

20. Transporting vehicles shall be parked or stopped so that no child will have to cross the street in order to:**

(i) Meet the vehicle; or**

(ii) Arrive at a destination.**

21. Any vehicle used by the center to transport children shall have vehicle seats which are securely fastened to the body of the vehicle.** *

22. All children under three (3) years of age transported in a vehicle provided by or used by the center shall be secured in a child passenger restraining system approved by the United States Department of Transportation under Federal Motor

Vehicle Safety Standard 213 in effect on January 1, 1983. The child passenger restraining system must be installed and used in accordance with the manufacturer's directions for such system.*

23. There shall be no more than three (3) persons in the front seat of a transporting vehicle, including the driver. However, no child under the age of four (4) shall be permitted to ride in the front seat of the vehicle.**

24. In all vehicles required by federal or state law to be equipped with seat safety belts and those vehicles which have seat safety belts, all transported children three (3) years of age and older shall be secured with a safety seat belt installed in accordance with the manufacturer's directions and used in accordance with the manufacturer's directions with respect to restraining, seating or positioning the child being transported in the vehicle. No vehicle used by the center in transporting children shall exceed the manufacturer's rated seating capacity for the vehicle. The center shall maintain on file proof of the manufacturer's rated seating capacity for each vehicle the center uses.** *

25. A child shall not be left unattended in a vehicle.**

26. Unless accompanied by his parent, no child shall be required to travel more than forty-five (45) minutes on each trip between the day care center and destination point, excluding field trips.

27. The center shall assume responsibility for the child from the time and place the child is picked up until the child is delivered to his or her parents or to a responsible person designated by his parents.**

28. Animals shall be controlled to assure that:** *

    (i) Proper sanitation of the premises is maintained; and** *

    (ii) Animals are not a hazard to children, personnel or visitors at the center. No animals, such as, but not limited to, pit bull dogs, ferrets and poisonous snakes, which may have a vicious propensity, shall be permitted on the day care center premises at any time there are children on the premises; and**

    (iii) Horses or other farm animals shall not be quartered on any property over which center staff exercises any control that is located within five hundred (500) feet of the building in which the center is located.** *

29. All animals shall be confined in pens or covered areas except for specific teacher-directed learning experiences.** *

    (i) Animal pens and confinement areas shall be kept clean and,** *

(ii) Animals shall be properly vaccinated and documentation of the vaccinations shall be maintained at the center.**

30. Immediately prior to the center closing and being locked at the end of the business day, the staff member charged with the responsibility of locking the center shall make a physical inspection of the entire premises to verify that no child is left on the center's premises.**

31. The center shall not allow any person to remain on the center premises if the person does not have a legitimate reason for being on the premises.**

32. The center staff shall comply with all applicable laws and regulations.**

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.11
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Secs. 40-8-76, 49-5-1*et seq.*
History. Original Rule entitled "Transportation" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed and a new Rule entitled "Fire Safety Requirements" adopted. Filed October 1, 1974; effective October 21, 1974.
Amended: Filed June 17, 1976; effective July 7, 1976.
Amended: Rule repealed and a new Rule entitled "Building and Grounds" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Operations, Health, Safety and Activities" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.12. Physical Environment and Equipment.

A person planning the construction of a new center or any structural changes to an existing center shall obtain the following approvals and submit evidence of the same to the department:** *

(a) **Required Approvals.** The center shall be approved by the local zoning, authority,** *

(b) The center plans shall be approved prior to construction or renovation by:** *

1. The appropriate fire marshal or state inspector,** *

2. The local building official, and** *

3. The department.** *

(c) All water sources, if other than an approved city or county system, shall be approved by the proper authority having jurisdiction.** *

(d) In all new centers, all sewage disposal systems, if other than an approved city or county system, shall be approved by the local county health department and specify the number of persons the system is approved to serve.** *

(e) The center shall submit proof of a compliance with applicable laws and regulations issued by the state fire marshal, the proper local fire marshal or state inspector, including a certificate of occupancy if required prior to receiving any children for care.** *

(f) **Physical Plant Requirements.** The following spaces shall not be used as activity areas for children:** *

1. Basement areas in excess of twenty-five (25) linear feet from a window;*

2. Rooms with floor levels lower than three (3) feet or more below ground level on all sides; and*

3. Any area unapproved for use by authorities having jurisdiction.**

(g) The center shall be used only for the purpose of child care during the hours that the center is in operation.** *

(h) Ceilings in the center shall be at least seven (7) feet in height.*

(i) The center and the surrounding premises shall be kept clean and free of debris. The center shall be:** *

1. Maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit depending upon the season,** *

2. Lighted with a minimum of twenty-five (25) foot candles of illumination except during scheduled nap or rest periods. Areas used for napping shall be lit dimly, and** *

3. Ventilated either by mechanical or natural means to provide fresh air and control unpleasant odors.** *

(j) The indoor area, i.e. the room(s) used for the play, rest and eating activities, shall provide thirty-five (35) square feet of usable space per child:** *

1. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for staff use, other single use areas, and space occupied by adult size furniture shall be excluded in determining usable space.** *

(k) Upon approval by the department, licensees or commission holders may designate two (2) specific one (1) hour periods each day when only twenty-five (25) square feet of space per child is provided for children three (3) years of age and older in their assigned rooms or areas:**

1. Interested licensees or commission holders shall submit a written request for such designation on forms provided by the department.** *

(l) Child care rooms shall have outside windows which receive natural sunlight and equal not less than five percent (5%) of the floor area in each room, unless central heating and air conditioning are provided.*

1. Facilities which do not have a functioning central heating and airconditioning system shall make fifty percent (50%) of all required windows operable for ventilation. Any openings used for ventilation shall be screened.** *

2. For centers first licensed after the effective date of these rules and for centers that are renovated after the effective date of these rules, the diapering areas shall be ventilated by functioning exhaust fans and a duct system or by the required operable windows.*

(m) Children under three (3) years of age shall be housed in separate physical areas from older children except during the early morning times of arrival and late-afternoon times of departure when mixed-age groups are permitted.*

(n) For evening and nighttime care, separate changing areas shall be provided for children of the opposite sex eight (8) years of age and older.** *

(o) Toilets and lavatories which are accessible to the children shall be located on each floor, in or adjacent to the child care areas or rooms.*

(p) Flush toilets and lavatories (hand washing sinks) with running water shall be provided in the following minimum ratios for the use of all children:*

1. Number of Children Toilets and Lavatories

1 - 12	1	*
13 - 25	2	*
26 - 50	3	*
51 - 75	4	*
76 - 100	5	*
101 - 125	6	*
126 - 150	7	*
151 - 175	8	*

Each additional group of twenty-five (25) children shall require one (1) additional toilet and lavatory.

(i) For children being potty-trained, at least one (1) flush toilet shall be provided. Two (2) nursery potty chairs may be substituted for each subsequent required toilet.

2. In lieu of the ratios set forth in subsection 1. above, school age day care centers shall provide at least one (1) toilet and (1) lavatory for each group of twenty-five (25) children.**

(q) When child-size fixtures are not provided, platforms or sets of steps to assist children who are unable to use the fixtures comfortably shall be available at the toilets and lavatories.*

(r) In centers first licensed after the effective date of the rules and centers that remodel or add to existing plumbing facilities, the bathroom area shall be fully enclosed and ventilated to the outside of the building with either an open screened window or functioning exhaust fan and duct system. Centers without fully enclosed bathrooms shall ensure that there is adequate ventilation to control odors and adequate sanitation measures to prevent the spread of contagious diseases.*

(s) A copy of the hand washing chart, provided by the department, shall be posted above or beside each lavatory used by adults.*

(t) Diapers shall be changed in the child's own crib or on a diaper changing surface that is used for no other purposes other than changing clothes in each room where infants or any other children wearing diapers are served.*

1. The diaper changing surface shall be:*

   (i) Smooth,*

   (ii) Non-porous, and*

   (iii) Equipped with a guard or rail to prevent falls.*

(u) The following items shall also be provided at the diapering area:*

1. Soap,*
2. Individually dispensed, single-use hand towels,*
3. Single-use wash cloths, and*
4. Covered storage container for soiled items.*

(v) In centers first licensed after the effective date of these rules and centers that renovate existing plumbing facilities, a hand washing lavatory with running heated water shall be located adjacent to the diapering area. Flush sinks shall not be used for hand washing. Cleansing procedures in existing facilities shall be approved by the department.*

(w) Staff shall wash their hands after each diaper change they perform.*

(x) Individual storage spaces which are accessible to children who are not infants shall be provided for each child's:**

1. Outer garments, and**

2. Personal belongings.**

(y) Locked or securely fastened storage spaces or cabinets shall be used for the storage of supplies, seasonal toys, decorations and other excess equipment. Children shall not be permitted access to these storage spaces or cabinets.**

(z) The following shall be kept in a locked area out of the reach of children and separate from food storage areas and used by the staff in such ways as to be inaccessible to the children:**

1. All potentially hazardous equipment, such as, but not limited to, lawn and garden tools, repair equipment, maintenance and cleaning equipment, and razors;**

2. Non-food related products under pressure in aerosol dispensing cans;**

3. Flammable materials and liquids;**

4. Corrosive materials;**

5. Cleaning supplies;**

6. Insecticides;**

7. Poisons;**

8. Office supplies; and**

9. Industrial-sized or commercial buckets with a capacity of three (3) gallons or more or any other similar device with rigid sides which would be unlikely to tip over if a toddler fell into the container head first.

(aa) For centers first licensed after the effective date of these rules, the center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third (1/3) of the center's licensed capacity for children.** *

1. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time;** *

2. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times;**

3. Outside play areas shall be adjacent to the center or in an area which can be reached by a safe route or method approved by the department;** *

4. Play areas shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by the department;** *

   (i) Fencing material shall not present a hazard to children, and shall be maintained so as to prevent children from leaving the play area by any other means than through an approved access route;** *

   (ii) Fence gates shall be kept closed except when persons are entering or exiting the area;** *

5. The outdoor play space shall have a surface suitable for varied activities;*

   (i) Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (¼) of the total outdoor play area;*

6. Outside play areas shall be kept:** *

   (i) Clean,** *

   (ii) Free from litter,** *

   (iii) Free of hazards such as, but not limited to, non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment;** *

7. Shaded areas shall be provided in the outside play areas;*

8. All outside play equipment shall be arranged so as not to obstruct supervision of children; and** *

9. Climbing and swinging equipment shall be:** *

   (i) Anchored, and** *

   (ii) Have a resilient surface beneath the equipment and the fall-zone from such equipment which is adequately maintained by the center to assure continuing resiliency.** *

(bb) Any outside storage or equipment area shall be locked or separated from the children by a barrier or be enclosed and shall not be accessible to the children.** *

(cc) Sufficient parking areas shall be provided to permit safe discharge and pick up of children.** *

(dd) The center shall provide outside lighting at entrances and exits used by children when the center provides evening or nighttime care.** *

(ee) **General Requirements.** All equipment shall be used only by the age-appropriate group of children and shall be:**

1. Free from hazardous conditions such as, but not limited to, sharp, rough edges or toxic paint;** *
2. In safe operating condition;** *
3. Placed so as to minimize danger of accident or collision;** *
4. Placed so as to permit the children's freedom of movement; and** *
5. Kept clean.** *

(ff) **Toys For Children Under Three.** All toys used by children less than three (3) years of age shall be appropriate for the age of the children using the toys. These toys shall be:

1. Easily cleaned;
2. Non-toxic and lead-free;
3. Too large to be swallowed by a child and not capable of causing asphyxiation or strangulation;
4. Have no sharp pieces, edges or points or small parts which may be pried off by a child;
5. Be free of rust; and
6. Cleaned with a disinfectant daily.

(gg) **Accessibility Of Toys.** A variety of age-appropriate toys and play materials shall be stored on low open shelves accessible to children in each room or assigned area. Infants and children shall not be permitted to play with toys which are not designed for their particular age group or younger. Projectile launchers of any sort, such as dart guns, pop guns, and slingshots etc. shall not be allowed at the center. Balloons shall not be accessible to preschool children.**

(hh) **Outdoor Equipment.** The outdoor play equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for school-age children. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children.*

(ii) **Tables.** There shall be table space provided for each child who is able to sit at a table unassisted.** *

1. An appropriately-sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.** *

(jj) **Feeding Chairs.** A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who is capable of sitting up but who is unable to sit unassisted at a table.*

1. High chairs or similar equipment shall have:*

   (i) A broad base to prevent tipping;*

   (ii) A surface that the child cannot raise;*

   (iii) A strap or other device which prevents the child from sliding out of the chair; and*

   (iv) A feeding surface; free of cracks.*

(kk) **Cleaning of Tables and Feeding Chairs.** After each use, table tops and high chairs or similar equipment shall be cleaned with a disinfectant.*

(ll) **Sleeping Equipment.** Individual sleeping equipment shall be available for each child.*

1. A crib with a mattress shall be available for each infant.*

   (i) Cribs shall be of sturdy construction with bars no more than two and three-eighths inches (2 3/8") apart.*

      (I) Stack cribs shall not be used.*

      (II) If crib mobiles or other mobiles are used in the center, the mobiles shall be placed or installed in such a manner so as to be incapable of being touched by any infant or child.*

   (ii) Each crib mattress shall be at least two inches (2") thick and covered with a waterproof, washable material.*

   (iii) Locks and latches on the dropside of the crib shall be safe and secure from accidental release.*

   (iv) Crib sides shall always be up and the fastenings secured when a child is in the crib, except when personnel are standing at the side of the crib giving the child personal attention.

(v) There shall be no restraining devices of any type used in the crib unless prescribed in writing by a physician. Staff shall be responsible for using the restraints safely and in accordance with the prescription.

(vi) Loose plastic materials shall not be used in cribs.

(vii) Each crib shall have individual crib-size bedding, including a sheet and cover which is:

(I) Changed daily or more often if necessary, and

(II) Changed prior to a change of occupant.

(viii) Before a change of occupant, each crib and mattress shall be cleaned with a disinfectant.

2. Depending on the developmental stage of the one (1) year old child, a crib or playpen or mat or cot shall be available for resting or sleeping. A crib shall not be used with an infant who has learned how to climb out of the crib.*

(i) Playpens shall have a two inch (2") mat.*

(ii) Playpens shall be stored outside of children's activity room or area when the children are not napping or resting.*

3. A cot or mat shall be available for each child who is two (2) years or older who is required to take a nap.*

(i) Cots and mats, if stored in the children's activity room or area, shall be arranged so as to:*

(I) Prevent children's access to them, and*

(II) Allow maximum use of play space.*

(ii) Mats shall be:*

(I) Covered with waterproof material,*

(II) Washable, and*

(III) At least two inches (2") thick.*

4. For nighttime care, each child, except infants who require individual cribs, shall be provided an individual:*

(i) Bed with four inch (4") mattress, or*

(ii) Cot with a two inch (2") pad.*

5. Sleeping and resting equipment shall be:*

(i) Of sound construction,*

(ii) Of sufficient size to accommodate comfortably the size and weight of the child,*

(iii) Marked for individual use and used by the same child daily, and*

(iv) Kept clean.*

6. Sleeping equipment shall be covered with a clean sheet or similar covering.*

(i) Sheets shall either be individually marked or laundered daily, and*

(ii) Individually marked sheets shall be laundered weekly, or more frequently as needed;*

7. A light weight cover shall be available for each child's use.*

(i) Covers shall either be individually marked or laundered daily, and*

(ii) Individually marked covers shall be laundered weekly, or more frequently as needed.*

8. Pillows shall not be used by children under two (2) years of age.*

9. When used for older children, pillows shall be:*

(i) Assigned for individual use, and*

(ii) Covered with individually marked pillow cases or covered with cases that are laundered daily; and*

(iii) Individually marked pillow cases shall be laundered weekly, or more frequently as needed.*

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.12
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.) O.C.G.A. Chapter 49-5-14 (1982 Supp.) O.C.G.A. Sec. 49.5-8.
History. Original Rule entitled "Transportation" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed and a new Rule entitled "Fire Safety Requirements" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Repealed: New Rule entitled "Physical Environment and Equipment" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.13. Emergency Situations.

A center shall have a written plan for handling emergencies, including but not limited to severe weather, loss of electrical power or water and death, serious injury or loss of a child, which may occur at the center. No center personnel shall impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.** *

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.13
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.) O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Transportation" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Emergency Situations" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.14. Food Services and Nutrition.

The center shall ensure that the children receive nutritious meals and snacks in accordance with the following:**

(a) A written feeding plan for children under one (1) year of age shall be obtained from parents:

1. Instructions from the parents shall be updated regularly as new foods are added or other dietary changes are made; and

2. The parent shall sign the feeding plan.

(b) The feeding plan shall be posted in the child's assigned room and shall include:

1. The child's feeding schedule;

2. The amount of formula to be given;

3. Instructions for the introduction of solid foods;

4. The amount of food to be given; and

5. Notation of any type(s) of commercial premixed formula which may not be used in an emergency because of food allergies.

(c) When formula is provided by the center, only commercially prepared, ready-to-feed formula shall be used. When formula or expressed milk is provided by the parents, it shall

be provided in individually marked baby bottles. Any unused formula or milk shall be discarded or returned to the parent at the end of the day.

1. All baby bottles shall be clearly labeled with the individual child's name and marked with the current day's date.

   (i) Only the current day's dated formula shall be served; and shall be refrigerated at a temperature of forty-five (45) degrees Fahrenheit or below.

(d) Center personnel shall hold and feed infants under six (6) months of age and older children who cannot hold their own bottles or sit alone:

1. Baby bottles shall never be propped; and

2. The infant's head shall be elevated while feeding.

(e) Honey shall not be served to children under one (1) year of age.

(f) As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes.

1. A child shall not be fed directly from the original baby food container if the contents are to be fed to the child at more than one (1) meal or to more than one (1) child.

(g) As soon as the children exhibit a desire to feed themselves, the children shall be assisted and encouraged to:

1. Feed themselves, and

2. Drink from individual cups.

(h) Food shall be served:

1. In individual plates or bowls for each child, and**

2. With individual utensils of a size appropriate for the age of the child.**

(i) Beverages shall be served in individual glasses or cups.**

(j) Children shall be encouraged but not forced to eat.**

(k) Children shall be:

1. Given necessary assistance in feeding;

2. Encouraged to try a variety of foods in order to develop good nutritional habits.

(l) Powdered non-fat dry milk shall only be used for cooking purposes.

(m) Food and drinks shall be prepared in an area that is not used for diaper-changing and as close to serving time as possible to protect children and personnel from food-borne illnesses.

(n) Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away.

(o) The center shall provide a menu listing all meals and snacks to be served during the current week except for school-age day care centers where the food may be provided by the parents by agreement between the school-age day care center and the parents. The menu shall be:*

1. Dated, and*

2. Posted near the front entrance of the center in a location conspicuous to parents.*

(p) Menu substitutions shall be recorded on the posted menu.

(q) Menus shall be retained at the center for six (6) months.

(r) When a child requires a modified diet for medical reasons, a written statement from a medical authority shall be on file. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's parents shall be on file.**

1. All caregiver personnel shall be informed of the diet restrictions for the child; and

2. Only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.

(s) Each center shall have designated space for food preparation and storage areas separate from rooms used by children.*

(t) Food preparation surface areas shall be nonporous with no unsealed cracks or seams.*

(u) Kitchen lights shall be shielded.*

(v) Ventilation shall be provided either by mechanical or natural means so as to provide fresh air and control of unpleasant odors in the food preparation area.*

(w) Water supply and sewage disposal systems, if other than community systems, shall be approved by the local county health authorities.** *

(x) Staff shall wash their hands and arms thoroughly with soap and warm water before starting food service work and shall wash hands during work hours as often as may be necessary to remove soil and contamination as well as after visiting the toilet room.** *

(y) Food purchased from a caterer shall be prepared in a facility with a current food service permit, and shall be maintained at a safe temperature (forty-five (45) degrees Fahrenheit or below for foods requiring refrigeration or one hundred forty (140) degrees Fahrenheit for foods which must be heated prior to serving) until served.*

(z) 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.** *

(aa) Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption.**

(bb) 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.**

(cc) Containers for food storage other than the original container or package in which the food was obtained shall be impervious and non-absorbent, have tight fitting lids or covers and labeled as to contents.**

(dd) Containers of food shall be stored above the floor on clean surfaces, in such a manner as to be protected from splash and other contamination.**

(ee) Eggs, pork, pork products, poultry, and fish shall be thoroughly cooked.**

(ff) Meats, poultry, fish, dairy products, bakery products and processed foods shall have been inspected under an official regulatory program.**

(gg) Hot foods shall be maintained at a temperature of one hundred forty (140) degrees Fahrenheit or above except during serving. Hot foods shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food.

(hh) Staff shall not use tobacco in any form while engaged in food preparation or service, or while in the food preparation area or while cleaning equipment and utensils.

(ii) Chipped or cracked dishes shall not be used.**

(jj) Food service equipment and preparation areas shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits.**

(kk) Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying. A three (3) compartment sink or a dishwasher with a sani-cycle or capability of maintaining a rinse water temperature of a minimum of one hundred fifty (150) degrees Fahrenheit and a two (2) compartment sink shall be available. Dishes, glasses and silverware shall be rinsed in the approved dishwasher or rinsed in a chemical sanitizing agent and air dried.** *

(ll) Garbage shall be stored in trash containers with lids. Containers shall be emptied and cleaned as needed. Acceptable facilities, including water and detergent or steam, shall be provided and used for cleaning containers. Areas around outside containers shall be kept clean.** *

(mm) Poisons, medicines, cleaning chemicals, razors, aerosol cans, etc. shall be kept in a safe, or locked location that is inaccessible to the children.** *

(nn) Children shall be served all meals and snacks scheduled for the period during which they are present. In those school-age day care centers where the parents of children enrolled provide the meals and snacks, the center shall ensure that no child remains at the center without receiving the scheduled nutritious meals and snacks. The following meals and snacks shall be scheduled and served by the center when appropriate:** *

1. Breakfast or a morning snack shall be served to each child;** *
2. Lunch;** *
3. An afternoon snack;** *
4. Supper shall be served during evening care;** *
5. An evening snack shall be served prior to bedtime; and*
6. There shall be a period of at least two (2) hours between each required meal or snack.

(oo) Meals and snacks with serving sizes dependent upon the age of the child shall meet nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.** *

(pp) Meals and snacks shall be varied daily.

(qq) Additional servings of nutritious food shall be offered to children over and above the required daily minimum, if not contraindicated by special diets.

(rr) Soft drink vending machines and other food dispensers shall not be maintained on center premises for the children's use:*

1. Dispensers for personnel use shall be outside of the children's areas.

(ss) Drinking water shall be available to all children.** *

1. Drinking water shall be offered at least once between meals and snacks to children under three (3) years of age.

(tt) Peanuts, hot dogs, raw carrots, popcorn, fish with bones and grapes shall not be served to the children under three (3) years of age. Children older than three (3) years of age may

be served these foods provided that the foods are cut in such a way as to minimize choking.

(uu) Foods and drinks with little or no nutritional value, i.e. sweets, soft drinks, etc. shall be served only on special occasions and only in addition to the required nutritious meals and snacks.

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.14
Authority: O.C.G.A. Chapter 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Additional Requirements for Centers Providing Night Care" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Food Services and Nutrition" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the agency.

Rule 290-2-2-.15. Waivers and Variances.

The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed on forms provided by the department. The department may establish conditions which must be met by the center in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:**

(a) **Variance.** A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulation in question.**

(b) **Waiver.** The department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.**

(c) **Experimental Variance or Waiver.** The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.**

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.15
Authority: O.C.G.A. Chapter 49-5-12 (1982); O.C.G.A. Secs. 31-2-4, 49-5-8.
History. Original Rule entitled "Application for License" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Waivers and Variances" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by

the Agency.

Rule 290-2-2-.16. Enforcement and Penalties.

No day care center shall operate in the State without a license or commission unless the department determines that it is exempt from licensure or commission requirements. A license or commission to operate a day care center may be denied, revoked, restricted or suspended in accordance with the following:**

(a) **Refusal of a License or Commission.** The department shall refuse to issue any license or commission upon a showing of:**

1. Noncompliance with the Rules and Regulations for Day Care Centers which are designated in writing to the center as being related to children's health and safety; or, flagrant and continued operation of an unlicensed facility in contravention of the law; or prior license denial or revocation within one (1) year of application; or,**

2. the department may refuse to issue a license or commission where the applicant, or the agent of the applicant, denies the department's representative access to the center for the purposes of determining whether a license or commission will be granted; or,**

3. the department may refuse to issue a license or commission where the director or employees of the center do not undergo the applicable records check and receive satisfactory determinations.**

(b) **Revocation of a License or Commission.** The department may revoke any license or commission in the following instances:**

1. where the department's representative is refused access to the center for the purpose of determining whether the center is in compliance with these rules; or,**

2. where the department determines that a non-correctable deficiency, abuse or dereliction exists in the operation or management of the center; or,**

3. where the department determines that a correctable abuse, dereliction or deficiency in the operation or management of the center has not been corrected within a reasonable time after:**

   (i) having been brought immediately to the attention of the administrator of the center by a department representative; and,**

   (ii) having been advised in writing of the deficiencies and setting a time not to exceed ten (10) working days for the filing of an acceptable plan of correction; and,**

(I) the licensee or commission holder fails to submit an acceptable plan of correction to the department within the specified time limits. In determining whether a plan of correction is acceptable, the department will consider the extent of the deficiencies, whether the licensee or commission holder has previously been cited for the same deficiencies, the history of compliance including whether the licensee or commission holder has sustained compliance with previous plans of correction, and whether the correction required can be maintained over time; or**

(II) the licensee or commission holder fails to follow the accepted plan of correction;**

4. where the director or employees of a center do not undergo the applicable records checks and receive satisfactory determinations;**

5. where there is a flagrant abuse, dereliction or deficiency that constitutes shocking intentional misconduct.**

(c) **Suspension of a License or Commission.** The department may suspend the license or commission to operate a center in the following instances:**

1. where the director or employees of a center do not undergo the applicable records checks and receive satisfactory determinations or**

2. where the department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to this effect in its order summarily suspending the license pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined.**

(d) **Restriction of a License or Commission.** The department may restrict or limit the holder of a regular, restricted or temporary license or commission from providing certain kinds of care or services to children or limiting the number and/or age of the children who may be served if the department determines that the holder of the license or commission either cannot comply with these rules or has not complied with these rules.**

(e) **Emergency Order.** Notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his designee may order the emergency placement of a monitor or monitors in a center in accordance with the following:**

1. 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:**

(i) the center is operating without a license or commission; or,**

(ii) the department has denied the application for the license or commission or has initiated action to revoke the existing license or commission of the center; or,**

(iii) 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.**

2. A monitor may be placed in the center for no more than ten (10) consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the department. Upon expiration of the ten (10) day period, should conditions warrant, the initial ten (10) day period may be extended for an additional ten (10) day period. The monitor shall report to the department. The monitor shall not assume any administrative responsibility within the center, nor shall the monitor be liable for any actions of the center. The salary and related costs and travel and subsistence allowance as defined by department policy of placing a monitor in a center shall be reimbursed to the department by the center, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the costs associated with the monitor shall be paid by the department.**

3. The emergency order shall contain the following:**

   (i) The scope of the order;**

   (ii) The reasons for the issuance of the order;**

   (iii) The effective date of the order if other than the date the order is issued;**

   (iv) The person to whom questions regarding the order are to be addressed; and**

   (v) Notice of the right to a preliminary hearing.**

4. Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner of the center, the director of the center, or any other agent, employee, or person in charge of the center at the time of the service of the order.**

5. The request for a preliminary hearing shall be made in writing within five (5) days from the time of service, excepting weekends. The request must be made to the representative of the department designated in the order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative

review of the record, written evidence submitted by the center affected, and a preliminary written argument in support of its contentions.**

6. If a request is made to appear in person at the preliminary hearing, the center shall provide the name and address of the person or persons, if any, who will be representing the center in the preliminary hearing.**

7. Upon receipt of a request for a preliminary hearing, the department shall set and give notice of the date, time and location of the preliminary hearing. The preliminary hearing shall be held as soon as possible after a request therefor but in no event later than seventy-two (72) hours after such request, provided that a center may request that such hearing be held earlier; provided, however, that in no event will a hearing be held on a weekend or holiday.**

8. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record, any additional evidence introduced at the hearing, and any arguments made. A recording shall be made of the hearing.**

9. The department shall, where practicable, issue an immediate oral order and shall, in all instances, issue a written order within four (4) business days after the close of the hearing.**

10. Pending final appeal of the validity of any emergency order issued as provided for pursuant to O.C.G.A. Sec. 49-5-90*et seq.*, such emergency order shall remain in full effect until vacated or rescinded by the commissioner or his designee.**

11. The department is not precluded from taking any actions permitted by other laws or regulations during the time that an emergency order is in force.**

(f) **Right to a Hearing.** The department's action revoking or refusing to renew or issue a license or commission required pursuant to O.C.G.A. Sec. 49-5-12 shall be preceded by notice and opportunity for a hearing and shall constitute a contested case within the meaning of the "Georgia Administrative Procedure Act", O.C.G.A. Sec. 50-13-1*et seq.* except that only thirty (30) days' notice in writing from the commissioner's designee shall be required prior to license or commission revocation and except that the hearing held relating to such action by the department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.**

1. In connection with the department instituting proceedings to revoke, suspend, refuse to renew or restrict a previously issued license or commission, the department shall provide notice sent by certified mail setting forth the facts or conduct which has warranted the department's action. The notice shall inform the licensee or commission holder of the opportunity to demonstrate that the licensee or commission holder was in full compliance with all lawful requirements for the retention of the license or commission at the time that the facts or conduct

warranting the revocation, suspension or restriction action allegedly occurred. However, this notice shall not be required in the following instances:**

(i) The department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of the license may be ordered pending proceedings for revocation or suspension or other action, which proceeding shall be promptly instituted and determined; or**

(ii) The department's order is expressly required, by judgment or a statute, to be made without the right to or hearing or continuance of any type.**

2. The notice of revocation, suspension or restriction of a license or commission becomes effective thirty (30) days from the day of notice unless the licensee or commission holder requests a hearing. A request for a hearing must be made in writing within ten (10) days of receipt of the notice of revocation, suspension or restriction.**

(g) **Notice of Hearing.** If the licensee or commission holder requests a hearing, a notice of hearing shall be mailed or served personally on the licensee or commission holder. The notice shall contain the following:**

1. a statement of the date, time, place and nature of the hearing;**

2. a statement of the legal authority and jurisdiction under which the hearing is to be held;**

3. a reference to the particular section of the statutes and rules involved;**

4. a short and plain statement of the matters asserted. The department may refer to any child that is the subject of a deficiency or violation in the notice by the child's initials. The name of the child so referenced will be released orally to the licensee or commission holder upon written request to the department. If the department is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application approved by the hearing officer, a more definite and detailed statement shall be furnished; and**

5. a statement as to the right of any party to subpoena witnesses and documentary evidence through the department.**

(h) **Inspection Warrants.** If a department representative is denied entrance to a center which is believed to be subject to licensure, an application for an inspection warrant may be made by the department to a court of competent jurisdiction and, if granted, used to gain entry to that center.**

(i) **Injunctive Relief.** The department may, without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a center without a license or commission or the continued operation of a center in willfull violation of O.C.G.A. Sec. 49-5-1*et seq.* or of any regulation of the department or in violation of any other order of the board of the department.**

(j) **Criminal Penalties.** The criminal penalties which may be imposed for violation of these rules are as follows:**

1. Any person who violates the provisions of O.C.G.A. Sec. 49-5-12 or who hinders, obstructs, or otherwise interferes with any representative of the department in the discharge of that person's official duties in making inspections or in investigating complaints shall be guilty of a misdemeanor.**

2. Any person who shall make, utter, execute, or submit to the department any oral or written representation, knowing the same to be false, for the purpose of obtaining anything of value, including any service, shall be guilty of a misdemeanor.**

3. Any day care center which operates without a currently valid license or commission issued by the department is subject to the provisions of O.C.G.A. Sec. 49-5-12(p) which provides upon conviction of operating a day care center without a license or commission, for a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200) for each offense. Each day of operation without a license or commission constitutes a separate criminal offense.**

(k) **Civil Penalties.** The department may assess civil penalties in accordance with the following:**

1. A fine, not exceeding five hundred dollars ($500) may be assessed by the department against any person who**

   (i) violates any licensing or commissioning provision of O.C.G.A. Sec. 49-5-1*et seq.* or any rule, regulation, or order issued under O.C.G.A. Sec. 49-5-1*et seq.* or any term, condition, or limitation of any license, commission or registration certificate under O.C.G.A. Sec. 49-5-1*et seq.* thereby subjecting a child in care to injury or a life-threatening situation; or,**

   (ii) commits any violation for which a license or commission may be revoked.**

2. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable civil penalty.**

3. Whenever the department proposes to subject a person to the imposition of a civil penalty, it shall notify such person in writing. The notice shall set forth the following:**

(i) the date, facts, and nature of each act or omission with which the person is charged;**

(ii) the specific and particular provisions of the Official Code of Georgia Annotated section, the rule, regulation, order, license, or commission certificate involved in the violation;**

(iii) each penalty which the department proposes to impose and its amount;**

(iv) that the person has an opportunity to show in writing, within ten (10) days of the receipt of the notice, why such penalty should not be imposed;**

(v) that the failure to pay the civil penalty, subsequently determined by the department, if any, may result in collection through a civil action (lawsuit); and**

(vi) that the person also has the right to appeal the imposition of the civil penalty pursuant to the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1*et seq.* by filing a timely request for a hearing.**

4. The written notice of the intention to impose a civil penalty shall be sent by registered or certified mail by the department of the last known address of such person.**

5. The amount of the civil penalty will be assessed in accordance with the following:**

   (i) a penalty of five hundred dollars ($500) may be assessed for any violation of these rules which has resulted in a disabling or permanent injury or the death of a child;**

   (ii) a penalty ranging from three hundred one dollars ($301) to four hundred ninety-nine dollars ($499) may be assessed for any violation of these rules which has resulted in an injury or harm to a child but has left no disabling or permanent physical damage;**

   (iii) a penalty ranging from fifty dollars ($50) to two hundred ninety-nine dollars ($299) may be assessed for any violation of these rules which demonstrates a reckless and serious disregard for the physical or mental health or safety of a child in care but which may or may not result in physical injury to a child or for any other violation of these rules for which a license may be revoked.**

6. The department will consider in assessing a civil penalty the severity of the rule violation, the duration of non-compliance, the licensee's or commission holder's

prior licensure or commission history and the voluntary reporting of the violation for which the fine is being imposed by the licensee or the commission holder.**

7. The assessment of a civil penalty will not preclude the department from taking any additional actions authorized by law or regulation including but not limited to license or commission restriction, suspension, revocation, emergency monitors or the seeking of an injunction against the continued operation of the center.**

(l) **Complaints.** All complaints concerning a licensed or unlicensed day care center may be submitted to the department by telephone, letter or personal conference. Complaints will be investigated by a department representative, if appropriate. A written report of the findings of the investigation will be sent to the complainant upon request where authorized by law.**

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.16
Authority: O.C.G.A. Chapter 49-5-12 (1982); O.C.G.A. Secs. 31-1-4, 49-5-1*et seq.*, 50-13-1 *et seq.*
History. Original Rule entitled "Inspections: Access by Department Staff" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.17. 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. 290-2-2-.17
Authority: O.C.G.A. Chapter 31-2-4 (1982 Supp.); O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Variances and Waivers" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Severability" adopted. F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.

Rule 290-2-2-.18. Notice of Revocation or Emergency Suspension Actions.

(1) The Department shall provide notice of its actions to revoke the license or seek an emergency suspension of the center's license to operate to parents, guardians, and others who may have children in the care of the center. This notice, together with the Department's complaint intake phone number and website, shall be provided to parents, guardians, and others through the following methods:

(a) The posting of the official notice of the revocation or emergency suspension action and any final resolution at the center by Departmental staff in an area that is visible to the parents and guardians whose children attend the center;

(b) The posting of the official notice of the revocation or emergency suspension action and any final resolution on the Department's website; and

(c) The distribution by Departmental staff of a brief notice of the initial filing of action to revoke or suspend the center's license to the parents or guardians, or persons authorized to pick up the children from care for the parents or guardians, who are at the center at the time that the notice of revocation or emergency suspension is posted by the Department.

(2) In addition, the Department may share any notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the center.

(3) When the Department has posted a notice of revocation and/or emergency suspension actions in the center, the center shall ensure that the notice at the center continues to be visible to the parents, guardians, and others throughout the pendency of the revocation and emergency suspension actions including any appeals. Where the center provides transportation of the children in care to and from the center and the parents, guardians, or others responsible for the care of the children do not come to the center on a regular basis, the center shall send home with the children on the day that it is delivered by Departmental staff copies of the brief notice of the revocation or emergency suspension action to the parents, guardians, or others who are responsible for the care of the children enrolled in the center.

(4) The center shall have posted at the center in an area that is readily visible to the parents, guardians, and others any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(5) It shall be a violation of these rules for the center to permit the removal or obliteration of any notices of revocation, emergency suspension action, resolution, or inspection survey reports posted by the Department on the premises of the center during the pendency of any revocation or emergency suspension action.

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.18
Authority: O.C.G.A. Secs. 49-5-1*et seq.*, 49-5-12, 50-13-4.
History. Original Rule entitled "Denial or Revocation of License" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.
Amended: ER. 290-2-2-0.17-.18 entitled "Notice of Revocation or Emergency Suspension Actions to Parents, Guardians, and Others" adopted. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Notice of Revocation or Emergency Suspension Actions" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.

Rule 290-2-2-.19. Infant-Sleeping Safety Requirements.

In order to reduce the risk of Sudden Infant Death Syndrome (SIDS), staff shall put an infant to sleep on the infant's back unless the center has been provided a physician's written statement authorizing another sleep position for that particular infant. The infant shall be placed for sleeping on a firm, tight-fitting mattress in a sturdy and safe crib. If the crib has side bars, the bars shall be no more than two and three-eighths inches (2 $^{3}/_{8}$") apart. Any crib used for sleeping shall have a tight-fitting bottom crib sheet with no pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items in the crib. If a blanket is required for the comfort of the infant, the infant's feet shall be placed at the foot of the crib and the infant shall be covered with the blanket only to chest level with the blanket tucked firmly under the crib mattress. The infant's sleeping area shall be maintained within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. When an infant can easily turn over onto his or her stomach, staff shall continue to put the infant to sleep initially on the infant's back but allow the infant to roll over onto his or her stomach as the infant prefers. Positioning devices that restrict an infant's movement in the crib shall not be used unless a physician's written statement authorizing its use is provided for that particular infant.

Cite as Ga. Comp. R. & Regs. R. 290-2-2-.19
Authority: O.C.G.A. Secs. 49-5-1*et seq.*, 49-5-12, 50-13-4.
History. Original Rule entitled "Enforcement" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1991, as specified by the Agency.
Repealed: F. Jan. 18, 1991; eff. Mar. 1, 1991, as specified by the Agency.
Amended: ER. 290-2-2-0.17-.19 entitled "Posting and Distribution of Notices of Revocation and Emergency Suspension Actions" adopted. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Infant-Sleeping Safety Requirements" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.

Subject 290-2-3. RULES AND REGULATIONS FOR FAMILY CHILD CARE LEARNING HOMES.

Rule 290-2-3-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 20-1A-1*et seq.*

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.01
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Organization and Administration" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule entitled "Definitions" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Legal Authority" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.

Rule 290-2-3-.02. Title and Purpose.

These rules shall be known as the Rules and Regulations for Family Child Care Learning Homes.

The purpose of these rules is to provide for the licensure of Family Child Care Learning Homes within Georgia.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.02
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Administrator Director" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.
Amended: Rule entitled "Applicability of Regulations" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Title and Purpose" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-3-.03. Definitions.

In these rules, unless the context otherwise requires, the capitalized words and phrases set forth herein shall mean the following:

(a) "Adult" means any competent individual eighteen (18) years of age or older.

(b) "Adverse Action" means any Intermediate or Closure Action issued as a result of one or more rule violations.

(c) "Child" or "Children" means any person(s) under 18 years of age for whom child care service(s) is (are) provided in a Home. For purposes of these rules, the terms shall not include Children that are related to the License Holder or applicant as defined in these rules or Children whose Parent(s) reside in the same residence as the License Holder or applicant.

(d) "Closure Action" means the most restrictive category of Enforcement Actions including emergency closure, long-term suspension and revocation.

(e) "Comprehensive Records Check Determination" means a satisfactory or unsatisfactory determination by the Department, based upon a Federal Bureau of Investigation fingerprint check, a search of the National Crime Information Centers National Sex Offender Registry, compliance with relevant state and federal law, and a search of the following registries, repositories or databases in the state where the actual or potential employee or provider resides and in each state where such individual resided during the preceding five years: criminal registry or repository; state sex offender registry or repository; and state based child abuse and neglect registry and database.

(f) "Crime" means:

1. Any felony pursuant to O.C.G.A. § 20-1A-30 and in accordance with 42 U.S.C. § 9858f(c)(1)(E);

2. A violation of O.C.G.A. § 16-5-23, relating to simple battery, where the victim is a minor;

3. A violation of O.C.G.A. § 16-5-23.1, relating to battery, where the victim is a minor;

4. A violation of O.C.G.A. § 16-21-1, relating to contributing to the delinquency of a minor;

5. A violation of O.C.G.A. § 16-6-1*et seq.* relating to sexual offenses;

6. A violation of O.C.G.A. § 16-5-29, relating to battery of an unborn child;

7. A violation of O.C.G.A. § 16-5-60, relating to reckless conduct causing harm when the victim is a minor;

8. A violation of O.C.G.A. § 16-5-70, relating to cruelty to children;

9. A violation of O.C.G.A. § 16-12-1.1, relating to child care facility operators being prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations;

10. A violation of O.C.G.A. §§ 16-12-100, 16-12-100.1, 16-12-100.2, 16-12-100.3, relating to obscenity and related offenses where the victim is a minor;

11. A violation of O.C.G.A. § 40-6-391, relating to endangering a child while driving under the influence of alcohol or drugs;

12. A violation of O.C.G.A. § 19-7-5, relating to a failing to report if mandated to do so by law;

13. Child pornography, in accordance with 42 U.S.C. § 9858f(c)(1)(E);

14. Abuse of, endangerment of, or sexual assault against a child by an adult, in accordance with 42 U.S.C. § 9858f(c)(1)(E);

15. Any other violent misdemeanor against a child by an adult, in accordance with 42 U.S.C. § 9858f(c)(1)(E);

16. A violation of O.C.G.A. § 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or

17. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

(g) "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; provided, however, that this division shall not apply to a violation of O.C.G.A. § 16-13-1*et seq.*, relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. § 16-13-1*et seq.* if such violation or offense constituted only simple possession; or

   iii. Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. § 16-13-1*et seq.* relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or

3. 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. § 17-3-1*et seq.*

(h) "Department" means Bright from the Start: Georgia Department of Early Care and Learning.

(i) "Employee" means any person, other than the Provider or Provisional Employee, who has submitted a Records Check Application and has received a satisfactory Comprehensive Records Check Determination and who:

1. Regardless of age, is compensated by a Home for the care of children;

2. Regardless of age, cares for, supervises or has unsupervised access to children at the Home; or

3. Is 17 years of age or older and resides at the Home; or

4. Regardless of age, performs duties for or services that benefit the Home, with or without compensation, which involve personal contact between that person and any child being cared for by the Home, including but not limited to volunteers that

perform consistent services for the Home, where services are considered consistent when provided more than once in a ninety calendar day period; or

5. Regardless of age, is a parent or legal guardian of a child in care who is deemed an employee by the Home or either resides at the Home and is age 17 or older, or is compensated in any fashion by the Home except through appropriate state or federal funds; or

6. Regardless of age, is an independent contractor hired by the Home to offer supplemental educational or physical activities for Children in care; or

7. Regardless of age, is a Student-in-Training.

(j) "Enforcement Action" means any action issued as a result of one or more rule violations ranging from technical assistance to a Closure Action.

(k) "Family Child Care Learning Home" or "Home" means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider and which is required to be licensed; provided, however, that the total number of unrelated Children cared for in such Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by the Department.

(l) "Fingerprint" means any inked fingerprint card or an electronic image of a person's fingerprint.

(m) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department that is based on national criminal history record information obtained by the use of Fingerprints.

(n) "Intermediate Action" means a moderately restrictive category of Enforcement Actions including public reprimands, fines, per rule fines, per day fines, restrictions, emergency monitoring and short-term suspension.

(o) "License" means the document issued by the Department to authorize the License Holder to whom it is issued to operate a Family Child Care Learning Home in accordance with these rules.

(p) "License Holder" means the individual issued a License by the Department to operate a Home at a particular location who is responsible for the operation and maintenance of the Home and who primarily provides care in the Home in accordance with these rules.

(q) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent shall not be considered an Employee unless such Parent is deemed an Employee by the Home or either resides in the Home or is compensated in any way by the Home other than through appropriate state or federal funds.

(r) "Plan of Correction" means a written plan prepared by the License Holder or applicant and submitted to and approved by the Department which states the procedure(s), method(s) and time frame(s) that will be used to correct the area(s) of noncompliance with these rules.

(s) "Prevention Action" means the least restrictive category of Enforcement Actions including technical assistance, citation, formal notice letter and office conference.

(t) "Provider" means the License Holder or applicant of a Family Child Care Learning Home who has submitted a Records Check Application and has received a satisfactory Comprehensive Records Check Determination and who is also the person that primarily provides care in the Home.

(u) "Provisional Employee" means a person other than the Provider or Employee, who has submitted a Records Check Application to become an Employee and has not received a Comprehensive Records Check Determination but who has received a satisfactory Fingerprint Records Check Determination and who must be supervised at all times by another Staff member who has a current and valid satisfactory Comprehensive Records Check Determination on file.

(v) "Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Provider, Employee and Provisional Employee of the Home that indicates such information as the Department deems appropriate and which authorizes the Department to receive any sex offender registry, child abuse and neglect registry and criminal history record information pertaining to the individual from any local, state or national agency of appropriate jurisdiction and render a Fingerprint or Comprehensive Records Check Determination.

(w) "Records Check Clearance Date" means the date upon which an individual's fingerprint report was generated.

(x) "Related" or "Related Children" means children that are related to the Provider within the third degree of consanguinity or affinity by either blood or marriage (i.e. sons, daughters, grandchildren, nieces, nephews, first cousins), or under the legal guardianship, custody or state-regulated foster care of the Provider.

(y) "Staff" or "Personnel" means all persons including the Provider, Employees and Provisional Employees.

(z) "Supervision" and "Supervised" means that the Provider or authorized Adult providing care is alert, is providing watchful oversight to the Children, is able to respond promptly to the needs and actions of the Children and can intervene promptly in the case of an emergency.

(aa) "Student-in-Training" means a student currently enrolled in either a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education which requires or permits the student to observe and participate in the care of Children at a Home during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Home personnel at all times.

(bb) "Valid Evidence" means electronic proof of a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination as follows:

1. Providers - a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department; provided that the letter for the Provider must have a Records Check Clearance Date that is no older than the immediate preceding 12 months of the date of licensure of the Home, and the Provider has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer;

2. Provisional Employees - a valid and current satisfactory Fingerprint Records Check Determination issued by the Department; provided that the letter for a newly hired Provisional Employee must have a Records Check Clearance Date that is within the immediate preceding 12 months of the Provisional Employee's date of hire, and the Provisional Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer;

3. Employees - a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department; provided that the letter for a newly hired Employee must have a Records Check Clearance Date that is within the immediate preceding 12 months of the Employee's date of hire, and the Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer.

(cc) "Violation Class" means the category on the compliance and enforcement chart that corresponds with the level of risk of harm or actual harm as a result of a rule violation.

(dd) "Violation History Level" means the category on the compliance and enforcement chart that corresponds with the prior history of continued rule violations.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.03
Authority: O.C.G.A. § 20-1A-1*et seq.*, 42 U.S.C. § 9857 *et seq*.
History. Original Rule entitled "Other Requirements" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974.
Repealed: F. Oct. 1, 1974; eff. Oct. 21, 1974.

Amended: New Rule entitled "Staff Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Amended: F. Aug. 16, 2013; eff. Sep. 5, 2013.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 17, 2018; eff. Sep. 6, 2018.
Amended: F. Aug. 28, 2019; eff. Sep. 17, 2019.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Rule 290-2-3-.04. Requirements for Applications and Licenses.

(1) General

(a) No person shall operate a Family Child Care Learning Home in the State of Georgia unless a License has been obtained from the Department.

(b) A License is nontransferable. A License to operate a Home is not transferable in any way. A change of residence or address or Provider requires a new License. Each License shall become invalid immediately upon the final closure of the Home, or the final suspension, revocation, or restriction of the License in accordance with Georgia law.

(c) Any person that provides care for at least three but not more than six Children for pay under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider shall make application to the Department for a License to operate a Family Child Care Learning Home.

(d) Any person that provides care for more than six children for pay, related or unrelated, as defined in these rules, shall make application to the Department for a License to operate a Child Care Learning Center, except as provided in 290-2-3-.07(15).

(e) No home shall claim to be a licensed Family Child Care Learning Home unless it has been issued a current and valid License by the Department.

(f) License Fees. Every License or Commission issued by the Department to operate a Family Child Care Learning Home shall be subject to an annual fee of $50.00. If such annual fee is not paid by the date set forth by the Department, the Department may issue a late fee of up to $250.00 within 30 days of the due date. If such annual fee and any imposed late fees are not paid within 30 days of the due date, the Department shall revoke the License or Commission.

(2) License Applications and Requirements

(a) An application for a License to operate a Family Child Care Learning Home shall be submitted to the Department on the forms provided by the Department.

(b) Pre-Service Training. Prior to the submission of the License application, the applicant who will be responsible for the day-to-day operations shall complete the pre-service training listed below that has been approved by the Department and which will include:

1. Licensure orientation that provides, at a minimum, instruction on the application process and gives an overview of the Department's rules and regulations that relate to the operation of the Family Child Care Learning Home;

2. Pre-licensure training course on Provider competencies that serve as a framework for professional development, which includes, but is not limited to, early learning standards, communication, developmentally appropriate practices, professional and leadership development, business management, and advocacy for the Family Child Care Learning Home, Parents, Children, and Staff;

3. Cardiopulmonary resuscitation (CPR) and first aid training programs offered by certified or licensed health care professionals or trainers and approved by the Department, which include emergency care for infants and children.

(c) Pre-Licensing Visit. Following receipt and review of the complete license application package, the Department shall conduct an on-site inspection of the potential Family Child Care Learning Home to assess compliance with these rules. The Department may deny the application for License if conditions are found during the on-site inspection that pose health and/or safety risks to children.

(d) Criminal Records. Before a License to operate a Home may be issued there shall be on file a valid, current satisfactory Comprehensive Records Check Determination issued by the Department for the Provider and every potential Employee of the Home, including persons age 17 or older who reside at the Home or who, with or without compensation and regardless of age, perform duties at the Home which include personal contact between that person and Children in care.

(e) Qualifications. Before a License to operate a Home may be issued the Provider of the Home and all Employees must be qualified, as defined in these rules, to administer or work in a Home. The Department may require additional reasonable verification of the qualifications of the Provider and Employees at the time of application for a License or at any other time the Department has reason to believe or is shown by credible evidence that a Provider or Employee is not qualified under these rules to administer or work in a Home. Reasonable verification which may be required by the Department may include, but need not be limited to, any or

all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the Provider or Employee; letters of reference from designated persons in the community where the Provider and/or Employee intends to work or is working; certified copies of court orders and additional records check submissions.

(f) A License will be issued, upon presentation of evidence satisfactory to the Department that the Home is in compliance with applicable statutes and these rules. The License is valid for one year unless voluntarily surrendered, reduced to a restricted License or suspended or revoked by the Department.

(g) Denial of License. The Department may deny a License to an applicant for knowingly making any false statement in connection with the application for a License, for failing to comply with these rules and regulations, for flagrant and continued operation of an unlicensed Home in contravention of the law, for prior denial or revocation of any License within one year of the date of the application, or for failure to provide the Department access to the Home or to information pertinent to the initial License of the Home.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.04
Authority: O.C.G.A. § 20-1A-1*et seq.*, 42 U.S.C. § 9857*et seq.*
History. Original Rule entitled "Records" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Registration Requirements and Applications" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: New title "Requirements for Applications and Licenses." F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. Sep. 26, 2016; eff. Oct. 16, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 17, 2018; eff. Sept. 6, 2018.
Amended: F. Aug. 28, 2019; eff. Sept. 17, 2019.
Amended: F. Aug. 31, 2020; eff. Sept. 20, 2020.

Rule 290-2-3-.05. Inspections and Investigations.

The Department is authorized and empowered to conduct investigations and on-site inspections of any Home during the operating hours of the Home.

(a) Inspections and Investigations. The Department may conduct inspections and investigations in the following instances:

1. At regular intervals as the Department may determine or at the expiration of the current License or Permit;

2. Upon receiving a report alleging child abuse, neglect or deprivation which occurred while the child was in the care of the Home Provider, Provisional Employees or Employees;

3. Upon receiving a complaint concerning the Home which could endanger the health, safety or welfare of the children in care;

4. Upon the Department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the inspection or at any other time. The Department shall immediately investigate such matters and may make an on-site inspection so as to take such actions as conditions may require;

5. 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 Home.

(b) Consent to Entry. An application for a License to operate a Home or the issuance of a License by the Department constitutes consent by the applicant and Provider to allow any representative of the Department to enter the premises at any time Children are being cared for in the Home. This consent applies to both scheduled and unscheduled inspections and includes consent for meaningful access to all Staff, all parts of the premises of the Home, all Children present, and all records, to include but not be limited to, audio, video, photos, written documentation, social media posts, and other electronic information. The Department shall have the right to a photocopy or reproduction of any record maintained by or on behalf of the Home as needed for any inspection or investigation related to the initial or continued Licensure of the Home.

(c) Failure to Allow Access. Failure to allow access of the Department's representative to the Home, its Staff, or the Children receiving care at the Home or the records, maintained by or on behalf of the Home, to include but not be limited to, audio, video, photos, written documentation, social media posts, and other electronic information related to initial or continued Licensure, or failure to cooperate with an inspection or investigation by the Department shall constitute good cause for the denial, restriction, revocation or suspension of a License, or other penalty as provided by law.

(d) Failure to Cooperate. The proposed and current Provider, Provisional Employees and Employees shall cooperate with any inspection or investigation by responding truthfully to any legitimate Departmental inquiry. Failure to cooperate with a Department inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a License, Permit or commission.

(e) False or Misleading Statements. No Provider shall make or condone any Provisional Employee or 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. 290-2-3-.05
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Children's Activities" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Inspections and Investigations" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Rule 290-2-3-.06. Parental Access.

The Parent(s) of a Child shall be permitted access to all child care areas of the Home at all times a Child is in attendance, unless otherwise ordered by a court of proper jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.06
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Nutrition and Food Service" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Parental Access" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-3-.07. Staffing and Supervision.

(1) The Provider shall be at least 21 years of age.

(2) Providers must possess and submit valid evidence/documentation of one of the following credentials/degrees issued by either the organizations listed below, an accredited educational institution, or another organization approved/recognized by the Department:

   a. Child Development Associate (CDA) credential (issued by the Council for Professional Recognitionand kept current); or

   b. Technical Certificate of Credit (TCC) in Early Childhood Education; or

   c. Technical College Diploma (TCD) in Early Childhood Education; or

   d. Associate Degree in Early Childhood Education (AA, AAS, AAT); or

   e. Paraprofessional Certificate (issued by the Georgia Professional Standards Commission and kept current); or

   f. Bachelor's degree in Early Childhood Education; or

   g. Master's degree in Early Childhood Education.

(3) Providers and applicants who have submitted an application for License on or before June 30, 2009 shall be exempt from the requirement stated in (2)(a) through (g) above, except if the Family Child Care Learning Home closes for business and then submits a new application for License on or after July 1, 2009.

Any Provider who submits an application for License on or after July 1, 2009 must meet one of the education requirements listed above. Any Provider who has submitted an application for License on or before June 30, 2009 shall have a high school diploma, General Education Diploma (GED), or similar credentials and shall submit valid evidence/documentation of such credential.

(4) A Home must maintain a personnel file on the Provider, all Employees, Provisional Employees, Personnel, Staff, Students-in-Training, Volunteers, Clerical, Housekeeping, Maintenance and other Support Staff for the duration of the term of employment plus one (1) calendar year, and it shall contain the following: identifying information to include: name, date of birth, social security number, current address and current telephone number; employment history for the past ten years; as applicable to the position held: evidence of education and qualifying work experience, evidence of required program orientation including date and signature of person providing the orientation; evidence of all training required by these rules which shall include: title of training, date of training, trainer's signature, location of training and number of clock hours obtained; a statement completed by the staff member that the information provided is true and accurate; and any other records required by these rules.

(5) Program Orientation. Prior to assignment to children or task, the Provider and all Employees and Provisional Employees must receive initial program orientation.

(6) The initial program orientation must include the following subjects: the Home's policies and procedures; the portions of these rules dealing with the care, health and safety of children; the Staff person's assigned duties and responsibilities; reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries; emergency weather plans; the program's emergency preparedness plan; childhood injury control; the administration of medicine; reducing the risk of Sudden Infant Death Syndrome (SIDS); hand washing; fire safety; water safety; and prevention of HIV/AIDS and blood borne pathogens.

(7) Health and Safety Orientation. The Provider, Employees and Provisional Employees with direct care responsibilities shall complete health and safety orientation training within the first 90 days of employment. The state-approved training hours obtained will count toward required first year training hours. The training must address the following health and safety topics: prevention and control of infectious diseases (including immunization); prevention of sudden infant death syndrome and use of safe sleeping practices; administration of medication, consistent with standards for parental consent; prevention of and response to emergencies due to food and allergic reactions; building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; prevention

of shaken baby syndrome, abusive head trauma and child maltreatment; emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event (such as violence at a child care facility); handling and storage of hazardous materials and the appropriate disposal of bio contaminants; precautions in transporting children; recognition and reporting of child abuse and neglect; and child development.

(8) First Aid and CPR. Every Provider, Provisional Employee and Employee with direct care responsibilities shall 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 or trainers and which dealt with emergency care for infants and children. Such training must be completed by the Provider prior to initial licensure. Training must be completed within 90 days from date of hire for Provisional Employees and Employees. The Provider, a Provisional Employee or Employee with current CPR and first aid training must always be on the Home's premises and on any field trip whenever any Child is present.

(9) Annual Training. Every calendar year, after the first year of employment, the Provider, Provisional Employees and Employees shall attend ten (10) clock hours of diverse training which is task-focused in on-going health, safety and early childhood or child development related topics and which is offered by an accredited college, university or vocational program or other Department-approved source. The annual ten (10) clock hours of training shall be chosen from the following fields: child development, including discipline, guidance, nutrition, injury control and safety; health, including sanitation, disease control, cleanliness, detection and disposition of illness; child abuse and neglect, including identification and reporting, and meeting the needs of abused and/or neglected children; and business related topics, including parental communication, recordkeeping, etc.; provided however that such business related training shall be limited to no more than two (2) of the required ten (10) clock hours of training. Records of completion of such training shall be maintained in the Home by the Provider, as required by these rules.

(10) The Provider, Employees and Provisional Employees shall never have been shown by credible evidence, e.g., a court, a department investigation or other reliable evidence to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or hire or at any other time the Department has reason to believe that a Provider, Employee or Provisional Employee is not qualified under these rules to administer or work in the Home. Upon said request, the Provider, Employee, or Provisional Employee shall provide this statement to the Department.

(11) The Provider, Employees and Provisional Employees must be able to perform adequately the job duties of providing for the care and supervision of the children in the Home in accordance with these rules.

(12) The Provider, Employees and Provisional Employees shall not have made any material false statements concerning qualifications requirements either to the Department or to the Provider.

(13) The Provider, Employees and Provisional Employees must provide additional reasonable verification of the qualifications of the Provider, Employees and Provisional Employees upon request by the Department. Reasonable verification may include, but need not be limited to any or all of the following: statement(s) from an attending physician or other health care professional attesting to the mental and/or physical health of the Provider, Provisional Employee or Employee; letters of reference from designated persons in the community where the Provider, Provisional Employee and/or Employee intend to work or is working; certified copies of court orders; and additional records checks.

(14) The Provider, Employees and Provisional Employees must comply with the background check requirements as outlined in Rule 290-2-3-.21 Criminal Records and Comprehensive Background Checks.

(15) The total number of Children not Related to the Provider in the Family Child Care Learning Home, for pay or not for pay, cannot exceed six Children, except that a Provider may care for two additional children who are three years of age or older for two designated one hour periods daily upon approval by the Department.

(16) Whenever Related Children or Children who reside in the Home are present in the Home, the total number of children present under the age of thirteen years may not exceed twelve, and the space requirement of 35 square feet per each child present must be met.

(17) At least one Staff person with a satisfactory Comprehensive Records Check Determination shall supervise Children at all times appropriate to the individual age, needs and capabilities of each child. Such supervision must include, but not be limited to, indoor and outdoor activities, mealtimes, naptime, transportation, field trips, and transitions between activities. "Supervision" means Staff members are providing watchful oversight to the children, volunteers and Students-in-Training. The person(s) supervising in the child care area must be alert, positioned to maximize their ability to hear and see the children at all times, and able to respond promptly to the needs and actions of the children being supervised, as well as the actions of the volunteers and Students-in-Training, and provide timely attention to the children's actions and needs. Staff shall be attentive and participating with all children during mealtimes and shall be seated within an arm's length away from children thirty-six (36) months of age and younger. Plans shall be made to obtain additional Staff help in cases of emergencies.

(18) An Employee or Provisional Employee, who must be at least sixteen (16) years of age, must be present to assist with supervision whenever more than three (3) children under the age of twelve (12) months are present, more than six (6) children under the age of

three (3) years are present or more than eight (8) children under the age of five (5) years are present.

(19) If Children are allowed to participate in water activities where the water is over two feet in depth, the Provider or an Adult shall supervise such activities and must have successfully completed a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or other recognized standard setting agency for water safety instruction.

(a) For water-related activities where water is over two feet in depth, the following Staff: Child ratios shall be maintained:

Ages of Children	Staff: Child Ratio
Under 2 ½	1:2
2 1/2 to 4 years	1:5
4 years & older (who cannot swim a distance of 15 yds. unassisted)	1:6
4 years & older (who can swim a distance of 15 yds. unassisted)	1:8

(b) In lieu of requiring each Child four years and older to take a swimming test, the Provider may accept copies of verifications from a recognized water safety instruction organization stating that the Child has successfully completed a swimming class which required the Child to swim a distance of 15 yards unassisted.

(20) **Employees.** A licensed Home may hire Employees. All Employees:

(a) must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks;

(b) must be informed of the rules for Family Child Care Learning Homes and the Home's policies and procedures for the age group for which they will be providing care;

(c) must be informed of the Home's policies and procedures necessary to the proper performance of their job duties in compliance with the Rules for Family Child Care Learning Homes; and

(d) must participate in the orientation and training required by these rules.

(21) **Provisional Employees.** A licensed Home may hire Provisional Employees. All Provisional Employees:

(a) must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks;

(b) must be informed of the rules for Family Child Care Learning Homes and the Home's policies and procedures for the age group for which they will be providing care;

(c) must be informed of the Home's policies and procedures necessary to the proper performance of their job duties in compliance with the Rules for Family Child Care Learning Homes;

(d) must participate in the orientation and training required by these rules;

(e) must be supervised at all times by the Provider or an Employee with a valid and current satisfactory Comprehensive Records Check Determination; and

(f) may be hired as a permanent Employee by the Home only if the individual receives a satisfactory Comprehensive Records Check Determination by the Department and meets all other qualification requirements in these rules.

(22) **Independent Contractors.** A Home may have an independent contractor to offer supplemental educational or physical activities for Children in care.

(a) Such an independent contractor is considered either an Employee or Provisional Employee of the Home for the purpose of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21 Criminal Records and Comprehensive Background Checks before being present at the Home while children are present for care or before residing in the Home.

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

(23) **Parents.** The Home may have Parents occasionally assist in a classroom, chaperone or accompany a group of Children from the Home on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a Criminal Records Check Determination; however, a Parent that is deemed to be a staff member by the Home or who is age 17 or older and resides at the Home or who is compensated in any way by the Home except through appropriate state or federal funds is considered an Employee or Provisional Employee for purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks before being present at the Home while Children other than their own are present for care or before residing in the Home;

(b) No Parent shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or Home Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of Children in care other than their own; and

(c) Such Parent is exempted from annual training and first-aid/CPR training requirements.

(24) **Volunteers.** The Home may have volunteers other than Parents help in a classroom, chaperone or accompany a group of Children from the Home on a field trip.

(a) Volunteers that provide consistent services are considered either Employees or Provisional Employees for the purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks before being present at the Home while children are present for care or before residing in the Home;

(b) No volunteer shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or Home Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of Children other than their own; and

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

(25) **Students-in-Training.** The Home may have Students-in-Training.

(a) Students-in-Training are considered either Employees or Provisional Employees for the purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks before being present at the Home while children are present for care or before residing in the Home;

(b) No Student-in-Training shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or a Home Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of Children in care other than their own, and

(c) Such Student-in-Training is exempted from annual training and first-aid/CPR training requirements.

(26) **Clerical, Housekeeping, Maintenance and Other Support Staff.** The Home may have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the Children.

(a) Other Staff That May Have Direct Contact With Children In Care. A Home may have additional Staff at the Home. Any Staff member that has any personal contact with any Child in care:

1. Is considered either an Employee or Provisional Employee for purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks; and

2. may be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children In Care. The Home may have individuals at the Home to repair and/or maintain the Home while Children are in care. These individuals:

1. must have no contact with Children in care;

2. may not be required to obtain a Fingerprint Records Check Determination, unless they have contact with Children in care; and

3. may be exempted from annual training and first-aid/CPR training requirements.

(27) Compliance with Applicable Laws and Regulations. The Provider, Employees and Provisional Employees shall not commit any criminal act, as defined under Georgia law, in the presence of any child enrolled in the Home and shall comply with all applicable laws and regulations.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.07
Authority: O.C.G.A. § 20-1A-1*et seq.*, 42 U.S.C. § 9857*et seq*.
History. Original Rule entitled "Health and Safety" adopted. F. Feb. 21, 1983, eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Staffing and Supervision" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 26, 2016; eff. Oct. 16, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 17, 2018; eff. Sept. 6, 2018.
Amended: F. Aug. 28, 2019; eff. Sept. 17, 2019.
Amended: F. Aug. 31, 2020; eff. Sept. 20, 2020.

Rule 290-2-3-.08. Children's Records.

(1) The Home shall maintain current and updated individual records on each Child in care. The Home shall maintain the records outlined herein while the Child is in care and for a period of one (1) year after such Child is no longer in care at the Family Child Care Learning Home. Such records shall include: identifying information (Child's name, birth date, Parent's name, home and business addresses, telephone numbers); name, address and telephone number of persons, including Child's physician, to contact in emergencies; and name, address, telephone numbers, relationship to Child and to Parent(s) and other identifying information of person(s) to whom the Child may be released.

(2) Such records shall include evidence of age appropriate immunizations, or a signed affidavit certifying that the required immunizations conflict with the religious belief of the Parent or a physician statement that immunization is contraindicated. Evidence of immunizations or required documentation shall be on file for each Child upon admission to the Home or within 30 days thereafter.

(3) Such records shall include written authorization for the Child to receive emergency medical treatment when the Parent is not available.

(4) Such records shall include a record of any allergies and other known medical problems.

(5) Such records shall include documentation of any medications given as required by these rules.

(6) Such records shall include descriptions of accidents or serious illnesses occurring while the Child is in the Family Child Care Learning Home, including date, time and condition under which it occurred and the action taken.

(7) Such records shall include parental agreements for transportation, field trips, swimming and/or other activities away from the Home if the Child will be participating in these activities.

(8) Policies and Procedures. Each Family Child Care Learning Home shall establish policies and procedures, which shall be kept current, be consistent with applicable laws, including but not limited to the Americans with Disabilities Act, regulations and these rules, made available to the Parents, and used to govern the operations of the Family Child Care Learning Home.

   (a) The policies and procedures shall include a written description of the services to be provided which specifies the following: ages of children served, months of operation, days of operation, hours of operation, dates the Family Child Care Learning Home will be closed, admission requirements, including parental responsibilities for supplying and maintaining accurate required record information and escorting Child to and from the Family Child Care Learning Home; standard fees, payment of fees, fees related to absences and vacations and other charges such as transportation, etc. and transportation provided, if any.

(b) The policies and procedures shall also include written procedures for the following:

1. Guidance and discipline techniques;

2. Handling emergency medical care, including where the Children will be taken for emergency medical care;

3. Administering medication and recording noticeable adverse reactions to medication;

4. Notifying Parent(s) in writing of their Child's: illness, injury, and exposure to a notifiable communicable disease or any cases or suspected cases of viruses or illnesses (COVID-19, etc.) identified during a public health emergency, within twenty-four (24) hours after the Home becomes aware of the illness or the next working day;

5. Noticeable adverse reaction to medication(s);

6. Exclusion of sick children;

7. Exclusion and readmission of children with communicable diseases, as defined on the most current version of the communicable disease chart, as found on the Department's website, or with cases or suspected cases of viruses or illnesses (COVID-19, etc.) identified during a public health emergency;

8. Protection of children in the event of: severe weather, fire, and physical plant problems, such as a power failure, that affect climate control, loss of water, or structural damages;

9. The transportation of Children to and from school or home, if provided, to include the procedure to be followed if no one is home to receive the transported Child;

10. Identification of others providing care. The Provider must inform the Parents of Children in care of the names of any caregiver and their responsibilities, and the names of the persons who would be called upon in an emergency;

11. Parents' ability to visit the Family Child Care Learning Home unannounced and at any time that their Child is in care;

12. Any information requested by the Parent concerning the operation of the Family Child Care Learning Home or the care of the Child, including but not limited to a description of any special procedures to be followed in

caring for the Child, such as any special services which the Home agrees to provide to a Child with special needs. The Parent(s) will be provided daily communication (verbal/written) regarding the care of the Child, especially with infants, toddlers and nonverbal Children. Additionally, the Provider must bring special problems or significant developments to the Parent's attention as soon as they arise;

13. Notification of the existence of a firearm in the Family Child Care Learning Home;

14. Notification of any changes in the regular composition of the household. The Provider must notify the Parent(s) of anyone regularly on the premises, including but not limited to spouse, friend(s), relative(s), or significant other(s);

15. Notification of the existence of any pets or other animals residing in the Home or on the property of the Family Child Care Learning Home; and

16. Notification of infant sleep position practices. The Provider must notify Parent(s) of Sudden Infant Death Syndrome (SIDS) risk reduction practices, sleep positioning policies, and arrangements for placing all infants on their backs for sleep.

(9) Documenting the Child's arrival and departure. The Parent or person(s) authorized by the Parent to drop off and pick up the Child will document each time the Parent or authorized person drops off and picks up the Child. The documentation shall include at least the following information: the date, the Child's name, the arrival and departure times, and the signature or initials of the Parent or authorized person and shall be made available to the Department in printed or written form upon request.

(10) The Home shall ensure that Children are only released to authorized person(s), and the Home shall take necessary steps to determine that any such person(s) presenting to pick up a Child in care is authorized by the Parent(s) of the Child and that person matches the identifying information provided by the Parent.

(11) If applicable, notification of the absence of a liability insurance policy. If the Home is not covered by liability insurance sufficient to protect its clients, the Home must notify the Parent of each Child under the care of the program in writing. Each Parent must acknowledge receipt of such notice, and a copy of the acknowledgment shall be kept in the Child's file.

(12) Documentation of family relationships for related children, other than the Provider's own children, cared for in the Home shall be maintained and shall include a notarized statement by the related child's Parent(s) attesting to the relationship.

(13) Documentation of the non-pay status of related and unrelated children in care for whom no pay is received shall be maintained and shall include a notarized statement by such child's Parent(s) attesting to the non-pay status.

(14) Documentation of all required training required by these rules shall be maintained in the Home by the Provider, and shall include the title of training courses received by the Provider and any staff, the dates and the number of hours of the courses, and the names of the trainers or sponsoring organizations.

(15) If applicable, documentation of approved water and sewage disposal systems shall be maintained in the Home by the Provider.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.08
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Equipment and Supplies" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Records" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Repealed: New Rule entitled "Children's Records" adopted Dec. 2, 2009; eff. December 22, 2009.
Amended: F. Aug. 16, 2013; eff. Sep. 5, 2013.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. Sep. 26, 2016; eff. Oct. 16, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Rule 290-2-3-.09. Children's Activities.

(1) The Family Child Care Learning Home shall provide a variety of daily activities appropriate for the Children's chronological ages and developmental levels. Children with special needs shall be integrated into the activities provided by the Family Child Care Learning Home unless contraindicated medically or by parental agreement. Activities shall be planned for each group to allow for:

(a) Indoor and outdoor play;

(b) A balance of quiet and active periods;

(c) A balance of supervised free choice and caregiver-directed activities;

(d) Individual, small group, and large group activities;

(e) Large muscle activities, such as, but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging;

(f) Small muscle activities, such as, but not limited to, building with blocks or construction toys, use of puzzles, nesting or stacking toys, pegs, lacing, sorting beads, or clay;

(g) Language experiences, such as, but not limited to, listening, talking, rhymes, finger plays, stories, use of film strips, recordings or flannel boards;

(h) Arts and crafts, such as, but not limited to, painting, coloring, cutting, or pasting;

(i) Dramatic play, such as, but not limited to, play in a home center, with dolls, puppets, or dress up;

(j) Rhythm and music, such as, but not limited to, listening, singing, dancing, or making music; and

(k) Nature and science experiences, such as, but not limited to, measuring, pouring, activities related to the "world around us" such as nature walks, plants, leaves or weather, or experiences in using the five senses through sensory play.

(2) Children shall be helped to develop skills in all areas (washing, dressing, toileting, etc.) appropriate to the age and ability of the child.

(3) Children shall spend some time of each day outside when the children's health and the weather permits.

(4) There shall be a supervised nap period during the day for preschool age children.

(5) Children less than three (3) years of age shall not spend more than one-half (1/2) hour of time consecutively in confining equipment, such as swings, highchairs, jumpseats, carriers or walkers. Children shall use such equipment only when they are awake. Such children shall be allowed time to play on the floor daily.

(6) Supervised tummy time on the floor shall be provided daily for each infant while the infant is awake.

(7) The use of entertainment media, such as television programs or video tapes, and computer games shall be limited to programs, tapes, and software that are produced for the benefit of audiences comprised of young children. Such uses of entertainment media shall be used only in addition to other activities, shall not be the primary source of children's activities, and should be limited to no more than two hours daily.

(8) The Provider shall not engage in or allow children or other adults to engage in activities that could be detrimental to a child's health or well-being such as, but not limited to, horse play, rough play, wrestling, and picking up a child in a manner that could cause injury.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.09
Authority: O.C.G.A. § 20-1A-1 et seq.

History. Original Rule entitled "Building and Supplies" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Children's Activities" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. May 16, 2013; eff. June 5, 2013.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Rule 290-2-3-.10. Nutrition and Food Services.

(1) Compliance with USDA Nutritional Guidelines. Meals and snacks with serving sizes dependent upon the age of the child shall meet nutritional guidelines as established by the United States Department of Agriculture Child and Adult Care Food Program. Meals and snacks shall be varied daily, and additional servings of nutritious food shall be offered to children over and above the required daily minimum, if not contraindicated by special diet.

(2) Non-nutritional Food. Foods and drinks with little or no nutritional value, i.e., sweets, soft drinks, etc. shall be served only on special occasions and only in addition to the required nutritious meals and snacks. Powdered nonfat dry milk shall not be used except for cooking purposes.

(3) Feeding of Infants and Children. A signed written feeding plan for children less than one (1) year of age shall be obtained from Parent(s). Instructions from the Parent(s) shall be updated regularly as new foods are added or other dietary changes are made. The feeding plan shall be posted in the main child care area and must include the child's feeding schedule, the amount of formula or breast milk to be given, instructions for the introduction of solid foods, the amount of food to be given and notation of any type(s) of commercially premixed formula which may not be used in an emergency because of food allergies.

(a) Staff shall hold and feed infants less than six (6) months of age and older children who cannot hold their own bottles or sit alone. Baby bottles shall never be propped; the infant's head shall be elevated while feeding.

(b) Honey shall not be served to children less than one (1) year of age.

(c) Age-appropriate solid foods (including cereal) shall not be given to infants or children less than one (1) year of age until recommended as developmentally appropriate by the child's primary care physician and indicated in writing by the Parent(s). As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes. A child shall not be fed directly from the original baby food container if

the contents are to be fed to the child at more than one (1) meal or to more than one (1) child.

(d) As soon as the child exhibits a desire to feed him/herself, the child shall be assisted and encouraged to use their fingers for self-feeding, eat with a spoon, and to drink from individual cups.

(e) The Home shall encourage and support breastfeeding. The Home shall have a designated area set aside for breastfeeding mothers to breastfeed.

(f) Food for infants or children less than one (1) year of age shall be cut into pieces one-quarter inch or smaller and food for toddlers shall be cut into pieces one-half inch or smaller to prevent choking.

(g) The Home shall ensure that children do not have excessive amounts of food in their mouths while eating and are chewing their food appropriately to prevent instances of choking. Children shall always be seated when eating and shall not be allowed to lie down or be put to sleep while food is present in their mouths.

(4) Baby Bottles and Formula. All baby bottles shall be clearly labeled with the individual child's name. Formula or breast milk shall be supplied by the Parent daily in bottles. Only the current day's formula or breast milk shall be served. Bottles shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or less. If formula must be provided by the Home, only commercially prepared, ready-to-feed formula shall be used. Refrigerated or frozen breast milk shall only be heated or thawed under warm running water or in a container of warm water.

(5) Feeding Chairs. A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who is capable of sitting up but who is unable to sit unassisted at a table. The chair or similar equipment must be cleaned with a disinfectant after each use. Such chair or similar equipment shall have a broad base to prevent tipping; a surface that the child cannot raise; a strap or other device which prevents the child from sliding out of the chair; and a feeding surface free of cracks.

(6) Menus. The Home shall provide a menu listing all meals and snacks to be served during the current week. Substitutions shall be recorded on the posted menu. Menus shall be retained at the Home for six (6) months.

(7) Meal Service

(a) Children shall be served all meals and snacks scheduled for the period during which they are present in the Home. This includes breakfast or a morning snack, lunch, an afternoon snack, supper (if the Home offers evening care), and an evening snack prior to bedtime (if the Home offers night time care). In those Homes where the Parent(s) of children enrolled provide the meals and snacks, the Home shall ensure that no child remains at the Home without receiving the

scheduled nutritious meals and snacks. There shall be a period of at least two (2) hours between each required meal or snack.

(b) Food and beverages shall be served in individual plates or bowls and with individual glasses or cups, that are not chipped or cracked.

(c) Children shall be encouraged but not forced to eat.

(d) Caregivers shall not use food to punish or reward children.

(e) Children shall be given necessary assistance in feeding and encouraged to develop good nutritional habits.

(f) Hot food shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food.

(g) Drinking water shall be available to all children and shall be offered at least once between meals and snacks.

(8) Restrictions. Food shall be served according to manufacturer's instructions and recommendations. Foods that are associated with young children's choking incidents, such as, but not limited to, peanuts, hot dogs, raw carrots, popcorn, fish with bones, cheese cubes, grapes and any other food that is of similar shape and size of the trachea/windpipe shall not be served to the children less than four (4) years of age. Children older than four (4) years of age may be served these foods provided that the foods are cut in such a way as to minimize choking. Food shall not be accessible or served to children until it has been chopped, diced, cut or mashed and is appropriate for each child's age and individual eating, chewing and swallowing ability.

(9) Modified Diets. When a child requires a modified diet for medical reasons, a written statement from a medical authority shall be on file. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's Parent(s) shall be on file. Staff shall be informed of the diet restriction for the child and only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.

(10) Unconsumed Food. Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away. Any formula or breast milk remaining one hour from the beginning of the feeding shall be discarded or returned to Parent(s).

(11) Food. Food shall be in sound condition, free from spoilage and contamination and safe for human consumption. Eggs, pork, pork products, poultry and fish shall be thoroughly cooked. All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Foods not subject to further washing or cooking before serving shall be stored

in such a manner as to be protected against contamination. Meats, poultry, fish, dairy products and processed foods shall have been inspected under an official regulatory program. Hot foods shall be maintained at a temperature of one hundred forty (140) degrees Fahrenheit or above except during serving. Food and drinks shall be prepared as close to serving time as possible to protect children and Personnel from foodborne illness.

(12) Food Preparation Areas. The Home shall have a designated space for food preparation and in an area not used for diaper changing. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. Food preparation surface areas shall be nonporous with no unsealed cracks or seams.

(13) Refrigeration. All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

(14) Storage Areas. The Home shall have a designated space for storage of food and kitchen items. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits.

(15) Containers of food shall be stored above the floor on clean surfaces protected from splash and other contamination. Containers for food storage other than the original container or package in which the food was obtained, shall be impervious and non-absorbent, have tight-fitting lids or covers and labeled as to contents.

(16) Cleaning materials shall be stored separately from food.

(17) Garbage. Garbage shall be stored in trash containers with lids and emptied and cleaned as needed. Areas around outdoor containers shall be kept clean.

(18) Hygiene. The person preparing meals shall wash their hands and arms thoroughly with soap and warm water before starting food service work and as often as necessary during food preparation and serving to remove soil and contamination.

(19) Dishwashing. Non-disposable dishes and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.10
Authority: O.C.G.A. § 20-1A-1*et seq*.
History. Original Rule entitled "Reporting Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Nutrition and Food Services" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Amended: F. Aug. 31, 2020; eff. Sept. 20, 2020.

Rule 290-2-3-.11. Health, Safety, and Discipline.

(1) Health.

(a) Children, Parents, Staff, or any other persons being supervised by the Staff, shall not be allowed in the Home who knowingly have or present symptoms of a contagious communicable disease (such as fever, coughing, fatigue, muscle aches, diarrhea, etc.) or any virus or illness (such as COVID-19, etc.) identified during a public health emergency.

(b) Parents of any Child who becomes ill or is injured while in care shall be notified immediately of any illness or injury requiring professional medical attention, or any illness which may not require professional medical attention but which produces symptoms causing moderate discomfort to the Child, such as, but not limited to, any of the following: elevated temperature, vomiting or diarrhea.

(c) The Home shall obtain emergency medical services when required by a child's condition.

(d) Except for first aid and as authorized under Georgia law, personnel shall not dispense prescription or nonprescription medications to a Child without specific written authorization from the Child's physician or Parent. All medications shall be stored as authorized under Georgia law or in accordance with the prescription or label instructions and kept in places that are inaccessible to children. Each dose of medication given to a Child shall be documented showing the Child's name, name of medication, date and time given, and the name of the person giving the medication.

(e) The Home and any vehicle used by the Home for transportation of Children shall have a first aid kit which shall at least contain: scissors, tweezers, gauze pads, thermometer, adhesive tape, band-aids, insect-sting preparation, antiseptic cleaning solution, antibacterial ointment, bandages, disposable rubber gloves, protective eyewear, facemask, and cold pack. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored in a central location so that it is not accessible to Children but is easily accessible to the Provider and Staff. The Home must also maintain written directions for the use of universal precautions for handling blood and bodily fluids. The directions on the use of universal precautions must be kept with the first aid kit at all times.

(f) Diapers shall be changed in the Child's own crib or on a nonporous surface which is cleaned with a disinfectant and dried with a single use disposable towel after each diaper change.

(g) Soiled diapers and linens shall be disposed of in a closed container.

(h) If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant, and stored in the bathroom. If a sink is used, it shall be disinfected after each use.

(i) Personnel shall wash their hands with liquid soap and warm running water: immediately before and after each diaper change; immediately upon the first Child's arrival in the Home for care and upon re-entering the Home after outside play; before and after dispensing oral medications and applying topical medications, ointments, creams or lotions, handling and preparing food, eating, drinking, preparing bottles, feeding or assisting children with eating and drinking; after toileting or helping children with toileting, using tobacco products, handling garbage and organic waste, touching animals or pets, handling bodily fluids such as, but not limited to, mucus, saliva, vomit or blood and after contamination by any other means.

(j) Children's hands shall be washed with liquid soap and warm running water: immediately upon arrival for the day and re-entering the child care area after outside play; before and after eating meals and snacks, handling or touching food, and playing in water; after toileting and diapering, playing in sand, touching animals or pets, contact with bodily fluids such as, but not limited to, mucus, saliva, vomit or blood, and after contamination by any other means.

(k) Washcloth handwashing is permitted for infants when the infant is too heavy to hold for handwashing or cannot stand safely to wash hands at a sink and for children with special needs who are not capable of washing their own hands. An individual washcloth shall be used only once for each child before laundering.

(l) Smoking is prohibited on the premises of a Home during the hours of operation and no smoking signs must be posted. Smoking is also prohibited in any vehicle used to transport children during the hours that the Home is in operation.

(m) Children shall be kept clean, dry and comfortable.

(n) Pets in the Home shall be vaccinated in accordance with the requirements of the local county Boards of Health. Unconfined pets shall not be permitted in child care areas when any Child is present except for supervised learning experiences.

(o) Pets and all other animals shall be controlled to assure that proper sanitation of the premises is maintained and animals are not a hazard to the children, personnel or other visitors. No animal, such as but not limited to, pit bull dogs, ferrets, and poisonous snakes, which may have a vicious propensity, shall be permitted on the Family Child Care Learning Home premises at any time there are children on the premises. Horses or other farm animals shall not be quartered on any property over which the Provider exercises any control that is located within five hundred

(500) feet of the building in which the Family Child Care Learning Home is located.

(2) Safety.

(a) A Home shall have a written plan for handling emergencies, including but not limited to fire, severe weather, loss of electrical power or water, and death, serious injury or loss of a child, a threatening event, or natural disaster which may occur at the Home. The Home will have in place procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions. No Home personnel shall impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.

(b) An operable telephone shall be readily available in the Home with the following telephone numbers posted in a conspicuous place next to the telephone: a physician or hospital, an ambulance or rescue squad service, the local fire department, the local police department, the county health department and the regional poison control center. In those areas of the state serviced by the 911 emergency number, 911 may be posted in lieu of the phone numbers required for ambulance, fire and police.

(c) Documentation of drills required by these rules shall be maintained in the Home. The Home shall conduct drills for fire, tornado and other emergency situations. The fire drills will be conducted monthly and tornado and other emergency situation drills will be conducted every six months. The Home shall maintain documentation of the dates and times of these drills for two years.

(d) Children shall not have access to hanging cords or other hazardous objects.

(e) Clear glass doors shall be marked to avoid accidental impact.

(f) Poisons, medicines, cleaning agents, razors, aerosol cans and other potential hazardous materials shall be stored out of reach of children or in locked cabinets.

(g) Firearms shall be stored so they are not accessible to children.

(h) At least one UL Approved smoke detector shall be on each floor of the Home and such detectors shall be maintained in working order. At least one 2-A:10-B:C fire extinguisher shall be kept in the child care area to be located no more than thirty feet from the kitchen. The extinguisher shall be maintained in working order and shall be inaccessible to the children.

(i) Flammable liquids, such as gasoline or kerosene, shall not be stored inside the Home.

(j) If children are transported in a vehicle by the Provider or a Home's employee, the driver shall have a current driver's license.

(k) When transported in a vehicle by the Provider or a Home's employee, children shall be restrained by either individual seat belts or appropriate child restraints in accordance with current state and federal laws and regulations.

(l) No child shall be left unattended in a motor vehicle.

(m) If children are transported, written authorization for the Child to receive emergency medical treatment when the Parent is not available, as required by these rules, shall be maintained in the vehicle.

(n) If a Provider does not carry liability insurance coverage sufficient to protect its clients, the Provider shall post that fact in a conspicuous place in the program. Such notice shall be in at least ½ inch letters. A Provider that fails to post may be subject to a civil fine of $1,000.00.

(3) Discipline. Disciplinary actions used to correct a Child's behavior, guidance techniques and any activities in which the Children participate or observe at the Home shall not be detrimental to the physical or mental health of any child.

(a) A Provider or a Home's Provisional Employees or Employees shall not: physically or sexually abuse a child, or engage in or permit others to engage in sexually overt conduct in the presence of any Child enrolled in the Home; inflict corporal/physical punishment upon a Child; shake, jerk, pinch or handle roughly a Child; verbally abuse or humiliate a Child which includes, but is not limited to, the use of threats, profanity, or belittling remarks about a Child or his family; isolate a Child in a dark room, closet, or unsupervised area; use mechanical or physical restraints or devices to discipline Children; use medication to discipline a Child or to control Children's behavior without written medical authorization issued by a licensed professional and given with the Parent's written consent; or discipline a Child by unreasonably restricting a Child from going to the bathroom; or by punishing toileting accidents; or by force feeding a Child; or by not feeding a Child regularly scheduled meals and/or snacks; or by forcing or withholding naps; or by allowing children to discipline or humiliate other Children; or by confining a Child for disciplinary purposes to a swing, high chair, infant carrier, walker or jump seat.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.11
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Registration" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Health, Safety and Discipline" adopted F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

Repealed: New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010.
Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.
Amended: F. Feb. 24, 2014; eff. Mar. 16, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. Sep. 26, 2016; eff. Oct. 16, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 31, 2020; eff. Sept. 20, 2020.

Rule 290-2-3-.12. Equipment and Supplies.

(1) The Home shall provide a variety of age-appropriate toys, books, and play equipment and materials to insure that each child shall have opportunity to experience and participate in a variety of activities.

(2) Individual or disposable wash cloths and towels shall be provided.

(3) Furniture and equipment shall be kept clean and in a safe usable condition.

(4) All indoor and outdoor furniture, activity materials, and equipment shall be: used in a safe and appropriate manner by each Provider, Provisional Employee, Employee and child in attendance and used in accordance with the manufacturer's instructions, recommendations, and intended use.

(5) All indoor and outdoor furniture, activity materials, and equipment shall be free from hazardous conditions such as, but not limited to, sharp rough edges or toxic paint and kept clean.

(6) All indoor and outdoor furniture, activity materials, and equipment shall be placed so as to permit the children's freedom of movement and to minimize danger of accident and collision.

(7) All indoor and outdoor furniture and equipment shall be secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.

(8) There shall be table space provided for each child who is able to sit at a table unassisted. An appropriately sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.

(9) Toys shall be stored on low, open shelves accessible to children in each room or assigned area.

(10) Toys that launch projectiles, such as dart guns, pop guns, slingshots, etc. shall not be allowed in the Home, and balloons shall not be accessible to preschool children.

(11) Toys for Children Under Three. Toys for children under three (3) years of age shall also be age-appropriate.

(12) Toys for children under three (3) years of age shall be non-toxic and lead free; too large to be swallowed by a child and not capable of causing asphyxiation or strangulation; free of sharp pieces, edges or points; free of small parts which may be pried off by a child; free of rust and easily cleaned with a disinfectant daily.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.12
Authority: O.C.G.A. § 20-1A-1 et seq.
History. Original Rule entitled "Inspections" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Equipment and Supplies" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. May 16, 2013; eff. June 5, 2013.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Rule 290-2-3-.13. Building and Grounds.

(1) The Home's building shall be kept clean and free from obvious hazards to the children's health and safety.

(a) The areas used for child care shall provide a minimum of 35 square feet of usable floor space per child.

(b) Basement areas in excess of 25 linear feet from a window shall not be used for housing Children.

(c) Furniture and equipment shall be arranged so as not to interfere with exits.

(d) The Home shall be kept free of fire hazards and unnecessary or excessive combustible material. When in use, radiators, open fire, oil or wood burning stoves, floor furnaces and similar hazards shall have barriers or screens to prevent Children from being burned. Unvented fuel fired heaters shall not be used unless equipped with an oxygen depletion safety shut off system.

(e) Multiple plugs and electric extension cords shall not be used. Electrical outlets within reach of children shall be plugged or covered.

(f) Fans shall be positioned or installed so as to be inaccessible to the children.

(g) Measures shall be utilized to prevent the presence of rodents, flies, roaches and other vermin on the premises. Windows and doors used for ventilation shall be screened.

(h) Water supply and sewage disposal systems, if other than approved county or city systems, shall be approved by the proper authority having jurisdiction.

(2) Outside grounds and play areas shall be kept clean and free of obvious hazards to the children's health and safety.

(a) Outside play areas shall be free of hazards such as, but not limited to exposed sharp edges of concrete or non-play equipment, broken glass, debris, open drainage ditches, holes and stagnant water.

(b) Climbing and swinging equipment that are not portable shall be securely anchored to eliminate accidents or injuries.

(c) Climbing and swinging equipment that are not portable shall have a resilient surface beneath the equipment and the fall zone from such equipment, which is adequately maintained by the Family Child Care Learning Home to assure continuing resiliency.

(d) Such outside play areas shall be protected from traffic or other hazards by fencing or other barriers at least four feet in height and approved by the Department. Fencing material shall not present a hazard to children. A fence shall be provided around swimming pools to make them inaccessible when not in use.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.13
Authority: O.C.G.A. § 20-1A-1 et seq.
History. Original Rule entitled "Variances and Waivers" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Building and Grounds" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 12, 2009; eff. Feb. 1, 2009.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Rule 290-2-3-.14. Reporting.

(1) Required Reports. Within twenty-four (24) hours or the next work day, the Home shall report or cause to be reported to the Department: any death of a Child while in the care of the Home; any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a Child while in the care of the Home; any situation when a Child in care becomes missing, such as but not limited to, a Child who is left on a vehicle, a Child who leaves the Home, playground, or property, or a Child who is left

behind on any trip; any fire; any structural disaster; any emergency situation that requires temporarily relocating children; and any time the Home's operating status changes (i.e., open to closed or temporarily closed and temporarily closed to open).

(a) Availability of Records. The Home must make available all records related to any required report, to include but not be limited to, audio, video, photos, written documentation, social media posts, and other electronic information. The Department shall have the right to a photocopy or reproduction of any record maintained by or on behalf of the Home.

(2) Criminal Record. Within twenty-four (24) hours or the next work day, that the Home knows or reasonably should know that there has been an arrest or change in the Comprehensive Records Check Determination of any Provider or Employee (including any resident of the Home age 17 or older), or the Fingerprint Records Check Determination for any Provisional Employee, the Provider or designated person-in-charge shall report or cause to be reported to the Department the incident and the name of any such Provider, Employee or Provisional Employee of the Home.

(3) Child Abuse, Neglect or Deprivation. Within twenty-four (24) hours or the next work day, the Provider or designated person-in-charge shall report or cause to be reported any suspected incident of child abuse, neglect or deprivation to the local County Division of Family and Children Services in accordance with state law and to the Department, notifying that such a report was made.

(4) Communicable Diseases. The Provider or designated person-in-charge shall report or cause to be reported any cases or suspected cases of notifiable communicable diseases (COVID-19, Tuberculosis, Measles, etc.) or any viruses or illnesses identified during a public health emergency, immediately to the Department and to the local County Health Department as required by the rules of the Georgia Department of Public Health, Rule 511-2-1, Notification of Disease.

(5) Annual Reports. The Department may request an annual report from the Provider of a Home. If such a request is made, the Provider shall have up to thirty (30) days to submit the annual report to the Department.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.14
Authority: O.C.G.A. § 20-1A-1*et seq*., 42 U.S.C. § 9857 *et seq*.
History. Original Rule entitled "Denial or Revocation of Certificate" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Reporting" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 17, 2018; eff. Sep. 6, 2018.
Amended: F. Aug. 31, 2020; eff. Sep. 20, 2020.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Rule 290-2-3-.15. Enforcement and Adverse Actions.

(1) **Enforcement and Adverse Actions.** Under Georgia law, the Department, after considering the seriousness of the violation(s), including but not limited to the circumstances, extent and gravity of the prohibited act(s), the severity of the rule violation, the duration of non-compliance, the License Holder's prior Licensure or history, the voluntary reporting of the violation(s) for which an Adverse Action is being imposed and the hazard(s) or potential hazard(s) to the health or safety of the public, may take any of the following actions when a Home, Permit Applicant or License Applicant violates any of the rules for Family Child Care Learning Homes:

(a) Refuse to grant a License or Permit;

(b) Administer a public reprimand;

(c) Suspend any License or Permit;

(d) Prohibit any License Applicant, License Holder, Permit Applicant or Permit Holder from allowing a person who previously was involved in the management or control of any program which has had its License or Permit revoked or denied within the past 12 months to be involved in the management or control of such program;

(e) Revoke any License or Permit;

(f) Impose a fine, not to exceed a total of $25,000, of up to $500 per day for each violation of the law, rule, regulation or formal order related to the initial or ongoing licensing requirement of any program. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable enforcement fine;

(g) Impose a late fee of up to $250 for failure of a program to pay the annual License fee within 30 days of the due date;

(h) Limit or restrict any License or Permit, including but not limited to, restricting some or all services of or admissions, into a Home;

(i) Seek an injunction against an early care and education program operating without a License or Permit or in willful violation of these rules;

(j) Make application for an inspection warrant to a court of competent jurisdiction to gain entry into a Home that is believed to be subject to licensure;

(k) Order the emergency placement of a monitor or monitors in a Home at the expense of the Home; and

(l) Order the emergency closure of a Home.

(2) **Adverse Actions Subject to the Compliance and Enforcement Chart**. In the majority of cases when a rule violation is found, the Department will determine the appropriate action in accordance with the Compliance and Enforcement Chart below. A Home will receive points based on the frequency and severity of citations and will land in the corresponding box. Accordingly, Prevention, Intermediate or Closure Actions will be imposed as outlined in the Enforcement Categories, Levels and Action Chart below. The Department will consider mitigating and aggravating factors to determine which action is appropriate and will have sole discretion in making this determination. The guidelines for determining the Violation History Level and Violation Class shall be posted on the Department website and updated as needed. Note that if a rule violation is not found, the chart will not be applied, and no citations will be issued.

COMPLIANCE AND ENFORCEMENT CHART

VIOLATION CLASS	**Incident results in or could result in:**	**VIOLATION HISTORY LEVEL**			
		I **0 Points**	**II** **1-3 Points**	**III** **4-9 Points**	**IV** **10 + Points**
	D **Extreme Harm or Risk of Harm Imminent Danger**	**I3-C** D D			
	C **High Harm or Risk of Harm**	**I1-I2** CI GS	**I1-I3** CII S	**I2-C** CIII D	**I3-C** CIV D
	B **Medium Harm or Risk of Harm**	**N/A**	**P2-P3** BII GS	**I1-I2** BIII S	**I2-C** BIV D
	A **Low Harm or Risk of Harm**	**P1-P2** AI GS	**P1-P3** AII GS	**P2-P3** AIII GS	**I1-I2** AIV S

ENFORCEMENT CATEGORIES, LEVELS AND ACTIONS

PREVENTION ACTION CATEGORY (P)	INTERMEDIATE ACTION CATEGORY (I) (Includes Citation and Prevention Actions)	CLOSURE ACTION CATEGORY (C) (Includes Citation and Prevention and/or Intermediate Actions)
Prevention 1 (P1)	**Intermediate 1 (I1)**	**Closure (C)**
Technical Assistance	Fine	Suspension of License (More than 1 week)
Prevention 2 (P2)	**Intermediate 2 (I2)**	Revocation of License
Citation	Per Rule Fine	Emergency Closure
Prevention 3 (P3)	Per Day Fine	
Formal Notice Letter	**Intermediate 3 (I3)**	
Office Conference	Public Reprimand	
	Fine and Restrictions	
	Restricted License	
	Restricted License & Per Rule/Per Day Fine	
	Emergency Monitor & Per Rule/Per Day Fine	
	Short-term Suspension (Less than 1 week)	

(3) **Adverse Actions Not Subject to the Compliance and Enforcement Chart.** In the event that any of the rule violations described below are identified, the Department will not apply the Compliance and Enforcement Chart, but will take Adverse Action as follows:

(a) The Department shall refuse to issue a License or shall otherwise restrict a License or Permit for any applicant who has had a License denied, suspended or revoked within one year of the date of the application.

(b) The Department shall refuse to issue a License or shall otherwise restrict a License for any applicant, alter ego or agent of the applicant who has transferred ownership or governing authority of a program when such transfer was made in order to avert payment of an enforcement fine, denial, revocation or suspension of such License.

(c) The Department shall refuse to issue a License upon a showing of non-compliance with rules and regulations, flagrant and continued operation of an unlicensed facility, or failure to pay the License fee.

(d) The Department shall refuse to issue a License or Permit if the applicant or the operation or management of a Home knowingly or intentionally makes or causes another to make any false statement of material information in connection with the application for a License or Permit, or in statements made, or on documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the early care and education program.

(e) The Department shall refuse to issue a License or Permit if the applicant or Home fails to provide the Department with information pertinent to an investigation, or the initial or continued licensing of a program within the time specified by the formal notice provided by the Department.

(f) The Department shall refuse to issue a License or Permit if a Home repeatedly fails or refuses to allow the Department access to the Home for the purpose of determining whether the Home is in compliance with these rules.

(g) The Department shall refuse to issue a License or Permit if a Home knows or should reasonably know that any actual or potential Provider, Employee (including Independent Contractors, Students-in-Training, and Volunteers) or Provisional Employee has a Criminal Record, an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination and allows such individual to either reside at the Home or be present at the Home while any Child is present for care.

(h) The Department may revoke a License or Permit if a Home displays a multi-year pattern of failure to correct a correctable abuse, dereliction or deficiency in the operation or management of a Home within a reasonable time after having received notice from the Department.

(i) The Department shall revoke a License or Permit if a non-correctable abuse, dereliction or deficiency exists in the operation or management of the Home.

(j) The Department shall revoke a License if a Home fails to pay the annual License fee within a reasonable time after the Department provides formal notice of such fee.

(k) The Department shall revoke a License or Permit if a Home knows or should reasonably know that any actual or potential Provider, Employee (including Independent Contractors, Students-in-Training, and Volunteers) or Provisional Employee has a Criminal Record, an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination and allows such individual to either reside at the Home or be present at the Home while any Child is present for care.

(l) The Department shall revoke a License or Permit if a Home knowingly or intentionally violates other provisions relating to Criminal Records or Comprehensive Background Checks.

(m) The Department shall revoke a License if a Home fails to pay an enforcement fine within the time specified by the formal notice provided by the Department.

(n) The Department shall revoke a License or Permit if the operation or management of a Home knowingly or intentionally makes or causes another to make any false statement of material information in connection with the application for a License or Permit, or in statements made, or on documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the early care and education program.

(o) The Department shall revoke a License or Permit if a Home fails to provide the Department with information pertinent to an investigation, or the initial or continued licensing of a program within the time specified by the formal notice provided by the Department.

(p) The Department shall revoke a License or Permit if a Home repeatedly fails or refuses to allow the Department access to the Home for the purpose of determining whether the Home is in compliance with these rules.

(4) **Rights and Responsibilities of a License Holder or Permit Holder**

(a) A License Holder or Permit Holder has the right to submit a written statement within ten (10) days of the receipt of notice of the Departmental intent to impose an Adverse Action as to why the Department should not take the Adverse Action. If the licensee submits a written statement, it will be placed in the facility's state file.

(b) The imposition of any Enforcement Action by the Department shall not preclude the Department from taking any additional action authorized by law or regulation.

(c) Right to a Hearing. The Department's Enforcement Actions shall be preceded by a notice and opportunity for a hearing and shall constitute a contested case in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1*et seq.*, except that only thirty (30) days' notice in writing from the Commissioner's designee shall be required prior to License or Permit revocation except that the hearing held relating to such action by the Department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.

(d) The notice of revocation, suspension or restriction of a License or Permit becomes effective thirty (30) days from the day of notice unless the License Holder or Permit Holder requests a hearing. A request for a hearing must be made in writing

within ten (10) days of receipt of the notice or of revocation, suspension or restriction.

(e) Payment of an enforcement fine must be made within thirty (30) days of receipt of the notice, unless otherwise specified in writing by the Department.

(f) The notice of the emergency closure of a Home becomes effective upon delivery of the order, unless otherwise provided in the order. A request for a hearing must be made in writing within 48 hours, excluding weekends and holidays, from the receipt of the emergency order.

(g) When the Department issues a revocation or emergency order that is based upon health and safety rule violations, the following actions shall be taken:

1. the Department shall both hand-deliver and send the formal notice to the Home by certified or registered mail;

2. the Home shall post the formal notice in an area that is visible to the Parents and others whose Children attend the Home;

3. the Department shall provide a brief notice of revocation or emergency action to the Home; and

4. the Home shall distribute the brief notice to all Parents or persons authorized to pick up Children from care for the Parents.

(h) When the Department issues a revocation or emergency order that is not based upon health and safety rule violations, the Department shall either hand-deliver or send the formal notice or both to the Home by certified or registered mail.

(i) The Department may post any notice of any Adverse Action on the Department's website.

(j) The Department may share any notice of any Adverse Action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the Home.

(k) When the Department has issued a notice of revocation or emergency action required to be posted in accordance with these rules, the Home shall ensure that the notice continues to be visible to the Parents and others throughout the pendency of the revocation or emergency action, including throughout any appeal period.

(l) When the Home transports Children in care to and from the Home and Parents do not come to the Home on a regular basis, the Home shall send home copies of the

brief notice of the revocation or emergency action with the Children on the day that it is delivered by Department.

(m) When the Department has issued a notice of revocation or emergency order required to be posted in accordance with these rules, the Home shall post any inspection reports that are prepared by the Department during the pendency of any revocation or emergency action in an area that is readily visible to the Parents and others.

(n) A Home shall not permit the removal or obliteration of any notices of revocation, emergency action, resolution, or inspection survey report posted on the premises of the Home during the pendency of any revocation or emergency action.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.15
Authority: O.C.G.A. § 20-1A-1 et seq. and 42 U.S.C. § 9857 et seq.
History. Original Rule entitled "Enforcement" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.
Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: New title "Enforcement and Adverse Actions." F. June 2, 2016; eff. June 22, 2016.
Amended: F. May 26, 2017; eff. June 15, 2017.
Amended: F. Aug. 17, 2018; eff. Sep. 6, 2018.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Rule 290-2-3-.16. Waivers and Variances.

The Department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed on forms provided by the Department. The Department may establish conditions which must be met by the Home in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(a) Variance. A variance may be granted by the Department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) Waiver. The Department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the

purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(c) Experimental Variance or Waiver. The Department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.16
Authority: O.C.G.A. § 20-1A-1 et seq.
History. Original Rule entitled "Waivers and Variances" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994, as specified by the Agency.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Rule 290-2-3-.17. 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. 290-2-3-.17
Authority: O.C.G.A. Chaps. 49-5-8; 49-5-12.
History. Original Rule entitled "Severability" adopted. F. Feb. 4, 1994; eff. Mar. 1, 1994 as specified by the Agency.

Rule 290-2-3-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.18
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Notice of Revocation or Emergency Suspension Actions to Parents, Guardians and Others" adopted as ER. 290-2-3-0.18-.18. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Notice of Revocation or Emergency Suspension Actions" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Repealed: F. June 2, 2016; eff. June 22, 2016.

Rule 290-2-3-.19. Safe Sleeping and Resting Requirements.

(1) Sleeping and Resting Equipment.

(a) Cribs and Other Approved Sleep Equipment. The Home shall provide either a safety approved crib or other equipment that is approved for infant sleep for each infant who cannot climb out of the crib or other approved equipment. Each crib shall be safety approved in compliance with Consumer Product Safety Commission (CPSC) and American Society of Testing and Materials International (ASTM) safety standards; any other equipment, such as, but not limited to, a portable crib, playpen, play yard or bassinet, shall be in compliance with current ASTM Standard Consumer Safety Specifications for Non-Full-Size Baby Cribs/Play Yards. ("Infant" refers to any child under the age of twelve (12) months or any child who is under eighteen (18) months of age who is not walking.)

1. Crib Construction. Cribs and other equipment approved for infant sleep shall be in good repair and free of hazards. Stack cribs and cribs with drop sides shall not be used.

2. Crib Mattress. A mattress shall be provided for each crib and other equipment approved for infant sleep and shall be firm, tight-fitting, at least two inches (2") thick and covered with waterproof, washable material. Before a change of occupant, each mattress shall be cleaned with a disinfectant.

3. Crib Sheet. Each crib and other equipment approved for infant sleep shall have only an individual, tight-fitting sheet which is changed daily or more often as needed and prior to a change of occupant.

(b) Cots and Mats. Cots and mats shall be provided for each child who is two (2) years of age or older and who is required to take a nap and for each child under the age of two years who can climb out of a crib or other equipment approved for infant sleep.

1. Cot and Mat Construction. Cots and mats shall be of sound construction and of sufficient size to accommodate comfortably the size and weight of the child. Mats must be in good repair, washable, covered with waterproof material and at least two inches (2") thick.

2. Individual Use. Cots and mats must be used by the same child daily and marked for individual use.

3. Sheets. Sheets or similar coverings for cots or mats shall either be marked for individual use or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.

4. Covers. A light cover shall be available for each child's use on a cot or mat and shall be marked for individual use or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.

(c) Pillows. Pillows may be used only by children two (2) years of age or older. When used, pillows shall be assigned for individual use and covered with pillow cases that are marked for individual use or covered with cases that are laundered daily. Individually marked pillow cases shall be laundered weekly or more frequently as needed.

(d) Arrangement of Sleeping and Resting Equipment. All sleeping and resting equipment shall be arranged to avoid obstructing access to exit doors, to provide the caregivers access to each child, and to prevent children's access to cords hanging from window treatments and other hazardous objects. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be arranged as follows. There shall be a minimum of twenty-four inch (24") corridor between each row of sleeping or resting equipment. There shall be a minimum of twelve inches (12") between each piece of sleeping or resting equipment in each row of equipment. Children shall be placed on cots and mats so that one child's head is toward another child's feet in the same row.

(2) Environment. A Family Child Care Learning Home shall provide a safe sleep environment in accordance with American Academy of Pediatrics (AAP), Consumer Product Safety Commission (CPSC) and American Society for Testing and Materials (ASTM) recommendations as listed in these rules for all infants and one-year-old children when placed for sleep in a safety approved crib or in any other type of equipment approved for infant sleep. Staff shall place an infant to sleep on the infant's back unless the Parent has provided a physician's written statement authorizing another sleep position for that particular infant that includes how the infant shall be placed to sleep and a time frame that the instructions are to be followed. When an infant can easily turn over from back to front and back again, Staff shall continue to put the infant to sleep initially on the infant's back, but allow the infant to roll over into his or her preferred position and not re-position the infant. Sleepers, sleep sacks and wearable blankets that fit according to the commercial manufacturer's guidelines and will not slide up around the infant's face may be used when necessary for the comfort of the sleeping infant, however swaddling shall not be used unless the Home has been provided a physician's written statement authorizing its use for a particular infant that includes instructions and a time frame for swaddling the infant. Staff shall not place objects or allow objects to be placed in or on the crib with an infant such as but not limited to toys, pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items and shall not attach objects or allow objects to be attached to a crib with a sleeping infant such as but not limited to crib gyms, toys, mirrors and mobiles.

(a) The Home shall maintain the infant's sleeping area to be comfortable for a lightly clothed adult within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. There shall be lighting adequate to see each sleeping infant's face to view the color of the infant's skin and check on the infant's breathing.

(b) Wedges, other infant positioning devices and monitors shall not be used unless the Parent provides a physician's written statement authorizing its use that includes how to use the device and a time frame for using the device for that particular infant.

(c) Infants shall only sleep in a safety approved crib or other equipment approved for infant sleep as described in 290-2-3-.19(1)(a) and shall not sleep in any other equipment, such as, but not limited to, a car safety seat, bouncy seat, highchair, or swing. Infants who arrive at the facility asleep or fall asleep in such equipment or on the floor shall be transferred to a safety approved crib or other equipment approved for infant sleep.

(3) Night-time Care. For Homes that offer night-time care, each child, except infants and toddlers who require individual cribs, shall be provided an individual bed with a four inch (4") mattress or a cot with a two inch (2") pad. Such equipment shall be arranged so that the children's sleep will not be unnecessarily interrupted by delivery and pick up of other children.

(4) Storage. If cots and mats are stored in the children's activity room or area, they shall be stored to prevent children's access to them and to allow maximum use of play space. When storage is available and used for the storage of cots and mats that allows the cots, mats and any bedding to be stored without touching any other cots, mats or bedding, the bedding may be left on the cot or mat. When such storage is not available for the cots and mats, each child's bedding shall be kept separate from other children's bedding and stored in containers marked for individual use, such as, but not limited to, bins, cubbies, or bags.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.19
Authority: O.C.G.A. § 20-1A-1 et seq.
History. Original Rule entitled "Posting and Distribution of Notices of Revocation and Emergency Suspension Actions" adopted as ER. 290-2-3-0.18-.19. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: Permanent Rule entitled "Infant-Sleeping Safety Requirements" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Amended: New title "Safe Sleeping and Resting Requirements." F. May 16, 2013; eff. June 5, 2013.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: F. May 26, 2017; eff. June 15, 2017.

Rule 290-2-3-.20. E-Mail Contact Information.

All Family Child Care Learning Home license applicants shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department. It shall be the Family Child Care Learning Home's responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting Family Child Care

Learning Homes, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.20
Authority: O.C.G.A. § 20-1A-1*et seq.*
History. Original Rule entitled "Posting of Inspection Results" adopted as ER. 290-2-3-0.18-.20. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption.
Amended: New Rule entitled "E-mail Contact Information" adopted. F. Apr. 17, 2009; eff. May 7, 2009.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 290-2-3-.21. Criminal Records and Comprehensive Background Checks.

(1) Satisfactory Fingerprint Records Check Determination or Satisfactory Comprehensive Records Check Determination Required

(a) The Home must ensure that the Provider, every actual and potential Employee (including residents age 17 and older) and Provisional Employee of the Family Child Care Learning Home must submit both a Records Check Application to the Department and Fingerprints to an authorized fingerprinting site.

(b) Every Provider must have a current and valid satisfactory Comprehensive Records Check Determination on file prior to being present at the Home while any child is present for care or before residing in the Home. The Comprehensive Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the license date; provided, however, if the Provider has had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, a new satisfactory Comprehensive Records Check Determination is required.

(c) Every Employee must have a current and valid satisfactory Comprehensive Records Check Determination on file prior to being present at the Home while any child is present for care or before residing in the Home if age 17 or older. The Comprehensive Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the hire date; provided, however, if the Employee has had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, a new satisfactory Comprehensive Records Check Determination is required.

(d) Every Provisional Employee must have a current and valid satisfactory Fingerprint Records Check Determination on file prior to being present at the Home while any child is present for care or before residing in the Home if age 17 or older and must be supervised at all times by a Provider or Employee with a current and valid satisfactory Comprehensive Records Check Determination. The Fingerprint Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the hire date; provided, however, if the Provisional Employee has had a lapse of employment from the child care industry

that lasted for 180 days (6 months) or longer, a new satisfactory Fingerprint Records Check Determination is required.

(e) No actual or potential Provider, Employee or Provisional Employee of the Family Child Care Learning Home with an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination may be present at a Home when any child is present for care or reside in a Home.

(f) Valid Evidence of a satisfactory Fingerprint Records Check Determination must be maintained at the Family Child Care Learning Home for each Provisional Employee for the duration of employment or residency plus one year, and such electronic evidence must be made immediately available to the Department upon request.

(g) Valid Evidence of a satisfactory Comprehensive Records Check Determination must be maintained at the Family Child Care Learning Home for the Provider, and each Employee (including Students-in-Training, volunteers, independent contractors and residents age 17 and older) for the duration of employment or residency plus one year, and such electronic evidence must be made immediately available to the Department upon request.

(h) Every Provider must receive a satisfactory Comprehensive Records Check Determination before October 1, 2018.

(i) The Home must ensure that every Provisional Employee requests child abuse and neglect registry information and criminal history documents from any U.S. state, territory or tribal land other than Georgia in which they have resided in the preceding five years and submit such documents to the Department in a timely manner. Failure to request out-of-state information will result in the issuance of an unsatisfactory Comprehensive Records Check Determination.

(j) For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Comprehensive Records Check Determination.

(k) Portability for Providers, Employees and Provisional Employees, excluding Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Provider may accept a satisfactory Fingerprint Records Check Determination letter for a Provisional Employee or a satisfactory Comprehensive Records Check Determination letter issued by the Department for a potential Employee if the individual's Records Check Clearance Date is within the preceding 12 months from the hire date, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Provider does not know or reasonably should not know that the individual's satisfactory status has changed.

(l) Portability for Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Provider may accept a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination letter issued by the Department for a Student-in-Training if the Records Check Clearance Date is within the preceding 24 months from the hire date, the Provider has verified and maintains evidence on file at the Home that the Student-in-Training is currently enrolled in a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Provider does not know or reasonably should not know that the individual's satisfactory status has changed.

(m) Recheck Required. The Home must immediately require that every Provider, Employee and Provisional Employee submit to the Comprehensive Records Check Determination process at the following times:

1. When the Provider knows or reasonably should know that an Employee or Provisional Employee has been arrested or charged for any covered Crime;

2. When there is a lapse of employment from the child care industry that lasted for 180 calendar days (6 months) or longer;

3. At least once every five years; and

4. When the Department so requests.

Cite as Ga. Comp. R. & Regs. R. 290-2-3-.21
Authority: O.C.G.A. § 20-1A-1*et seq.*, 42 U.S.C. § 9857 *et seq.*
History. Original Rule entitled "Criminal Records Check" adopted. F. Dec. 13, 2013; eff. Jan. 2, 2014.
Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.
Amended: New title "Criminal Records and Comprehensive Background Checks." F. Aug. 17, 2018; eff. Sep. 6, 2018.
Amended: F. Aug. 28, 2019; eff. Sep. 17, 2019.
Amended: F. Aug. 26, 2022; eff. Sep. 15, 2022.

Subject 290-2-4. REPEALED.

Rule 290-2-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Organization and Administration" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.

Rule 290-2-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Staff" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed, Filed October 1, 1974; effective October 21, 1974.

Rule 290-2-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.03
Authority: Ga, L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Nutrition and Food Service" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.

Rule 290-2-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.04
Authority: Ga. L. 1963. pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Building, Grounds and Equipment" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.

Rule 290-2-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.05
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Transportation" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.

Rule 290-2-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-4-.06
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Program for Parents" was filed on January 30, 1974; effective February 19, 1974.
Amended: Rule repealed. Filed October 1, 1974; effective October 21, 1974.

Subject 290-2-5. RULES AND REGULATIONS FOR CHILD CARING INSTITUTIONS.

Rule 290-2-5-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 49-5-1*et seq.*

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.01
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Organization" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: New Rule entitled "General Polices" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.
Repealed: New Rule entitled "Legal Authority" adopted. F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 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. August 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.

Rule 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. August 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.

Rule 290-2-5-.04. Governing Body.

Each institution shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for a license on a form provided by the department. If an institution is individually owned, then the owner(s) will complete the statement of responsibility. If an institution is governed by a board, there shall be policies and procedures for periodic rotation of members.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.04
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Location" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: New Rule entitled "Child Care and Development" adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975.
Repealed: New Rule entitled "Governing Body" adopted. F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 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. August 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.

Rule 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. August 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.

Rule 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. August 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.

Rule 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. August 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.

Rule 290-2-5-.09. Referral and Admission.

(1) **Referrals.** An institution shall only accept referrals for children whose known needs can be met by the institution in accordance with its program purpose and program description.

(a) Referral agreements with any public or private agencies that place children in the institution shall be in writing and shall include the following provisions and requirements.

1. Preplacement assessment and planning with the placing agency regarding the institution's abilities to meet the needs of the child shall be done. To the

degree possible, all relevant information required for admission to the facility shall be reviewed in preplacement assessment and planning.

2. To the degree possible, there shall be a preplacement visit by the child, and the parent(s) or guardian(s), or placing agency representative if there is a reasonable likelihood that the child will be admitted.

(b) Referrals from any persons other than placing agencies (such as a parent or guardian) shall be handled in the same manner as described above for referrals from placing agencies.

(2) **Admissions.** An institution shall only admit children whose known needs can be met by the institution based on preplacement assessment, planning and room, board and watchful oversight capacity.

(a) A child under the age of six (6) shall not be admitted to an institution, unless the child is a member of a sibling group with at least one of the siblings being 6 years of age or older who will reside in the institution, or the mother who is under the age of 19 and her child are placed in the home together. Where a child under the age of six (6) is admitted, the child-caring institution shall provide developmentally-appropriate sleeping facilities, diapering facilities and daily child-care arrangements.

(b) Prior to admission, the facility shall:

1. Provide information to the custodian about the services, environment, age ranges and behavioral characteristics of the other children in placement.

2. Maintain signed documentation from the custodian that they have received and considered the information provided in Rule .09(1)(a)1. above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.

(c) The facility shall comply with the Interstate Compact on Placement when admitting children from another state.

(d) Written admission policies and procedures shall be established and implemented and shall include the following provisions or requirements.

1. An intake referral form that includes a social, health, educational, family, behavioral and personal developmental history, shall be done to determine the placement and room, board and watchful oversight needs (services, supports, setting, etc.) of each child and whether that placement is appropriate.

2. A completed written placement agreement shall be developed with the involvement of the child, and the parent(s) or guardian(s), or placing agency representative and signed by all parties; such agreement shall include the following:

   (i) Written authorization to care for the child;

   (ii) Written authorization to obtain medical care for the child;

   (iii) Written summary of discussions among the child and the parent(s) or guardian(s), or placing agency, and the institution's Human Service Professional regarding basic care, any specialized services to be provided, room, board and watchful oversight, the description of the institution as outlined in Rule .09(2)(b); and involvement of the parent(s) or guardian(s), or the placing agency in service planning.

(e) A written description of the institution shall be provided to the child, the parent(s) or guardian(s), or placing agency and shall include:

1. The institution's program purpose and program description;

2. The description of service planning and normal daily routines of children;

3. The description of health services including how the institution handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);

4. The institution's policies and procedures for behavior management and grievances;

5. Policies and procedures for visiting hours and communications with persons outside the institutions;

6. The names and telephone numbers of the child's designated Human Services Professional and primary Child Care Worker; and

7. Schedule of fees if placement is not done under a Purchase of Service Agreement.

(f) Emergency Admissions. In situations that require emergency admission to an institution and when completion of the intake referral form, as described in Rule .09(1)(a)1., and intake evaluation and placement agreements, as described in Rules .09(2)(a)1. and 2. are not possible, the institution shall obtain as much information as possible about the child to be admitted, and as much information as possible

about the circumstances requiring admission. Such information shall be obtained from the referring person(s) or entity(ies) within 72 hours. When all the information to complete the intake referral form is not available, a health assessment shall be scheduled within 24 hours of emergency admission.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.09
Authority: Authority O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Referral and Admission" adopted. F. June 30, 1994; eff. August 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.

Rule 290-2-5-.10. Assessment and Planning.

(1) An institution shall complete a full written assessment of each child admitted for care and of each child's family within thirty days of admission and develop an individual written service plan for each child based on the assessments within thirty days of admission. If an assessment is not completed within thirty days, the reasons for the delay shall be documented in the child's case record and such documentation shall include statements indicating when the assessment is expected to be completed.

(a) The facility's admission evaluation shall be coordinated by the child's designated Human Services Professional. The facility shall assess the needs of the child in the areas of health care, room, board and watchful oversight, education, family relationships, personal, social and vocational development, and any behavioral issues that require monitoring.

1. This assessment is intended to expand upon the initial intake evaluation required by Rule .09(2)(a)1.;

2. The institution shall obtain the child's school records from the last school attended in order to complete the education needs component of the assessment.

(b) A service and room, board and watchful oversight plan shall be developed by the child's Human Services Professional in concert with the child's primary Child Care Worker, meaning the worker who has responsibility for supervision of the child in the living unit where the child resides. The plan shall contain the following data:

1. The results of the assessment and identified needs;

2. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them;

3. Statements of activities to be followed by the child and staff members in pursuit of the stated goals and objectives;

4. Statements of any special care and services that will be arranged for or provided directly;

5. Statements of goals and preliminary plans for discharge;

6. Statements about the types of discipline that should be employed when necessary; and

7. Statements about any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the child would be adversely affected by such communications or visits.

(c) The child, and the parent(s) or guardian(s), or child placing agency representative shall be involved in the development of the service and room, board and watchful oversight plans, and its periodic updates as described below.

(d) The service and room, board and watchful oversight plan shall be updated by the Human Services Professional at a minimum of every six months and pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.

1. The child's primary Child Care Worker shall participate in updating the service and room, board and watchful oversight plan.

2. The facility shall be responsible for implementing the service and room, board and watchful oversight plan.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.10
Authority: Authority O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Assessment and Planning" 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.

Rule 290-2-5-.11. Discharge and Aftercare.

(1) During a child's placement in an institution, the preliminary plans for discharge required by Rule .10(b)5. shall be adjusted according to the child's circumstances. At least three months prior to planned discharge, except in cases of emergency discharges, an institution shall formulate an aftercare plan that identifies the supports, room, board and

watchful oversight summary and resources that the child and child's family are expected to need following discharge. When a child is being discharged for placement in another institution or similar program, the receiving institution or program, except in cases of emergency discharges, shall be given at least thirty days notice of the proposed date of placement.

(2) Emergency discharges are authorized when the health, safety and room, board and watchful oversight needs of the child or other children in residence might be endangered by the child's further placement in the institution. At least 72 hours of prior notice of discharge shall be provided to the parent(s) or guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the child's case record.

(3) When a child is discharged, an institution shall compile a complete written discharge summary within thirty days of the discharge. Such summary shall include:

(a) The name, address, telephone number and relationship of the person or entity to whom the child was discharged, or the name of the placing agency if discharged to a placement agency;

(b) A summary of all the services and room, board and watchful oversight activities provided for the child to meet assessed needs while the child was in the institution;

(c) A summary of the child's and the family's goals and objectives and accomplishments during care;

(d) A summary of any problems encountered by the child and the family during care; and

(e) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.

(4) A copy of the completed discharge summary shall be made available to the child's parent(s) or guardian(s), or placement agency representative when it is completed.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.11
Authority: Authority O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Discharge and Aftercare" 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.

Rule 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.

Rule 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.

Rule 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.

Rule 290-2-5-.15. Grievances.

(1) The institution shall develop and implement policies and procedures for children to voice grievances and to submit written grievances without fear of retaliation.

(2) All written grievances submitted by a child shall be recorded in the case record showing the grievance, description or method of explanation or resolution, and involved staff.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.15
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Grievances" 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.

Rule 290-2-5-.16. Child Abuse and Sexual Exploitation.

(1) The institution shall develop and implement policies and procedures that prohibit child abuse and sexual exploitation of children in care. Such policies and procedures shall incorporate requirements for the reporting of child abuse and sexual exploitation in accordance with state law.

(2) All reports of alleged child abuse and sexual exploitation of children in care shall also be reported immediately to the Child Care Licensing Section of the department.

(a) Such policies and procedures shall also include the following:

1. Provisions for the immediate reporting by any staff member of any suspected incident of abuse or sexual exploitation of a child to the director of the institution;

2. Provisions for conducting internal investigations of such incidents (however, such provisions shall not relieve the institution of the requirement to submit reports as required by Rule .16 above);

3. Provisions for preventing the recurrence of an alleged incident pending investigation;

4. Provisions for evaluating the continued use, pending investigation, of any staff member alleged to be involved in a reported incident of abuse or sexual exploitation; and

(b) As required in Rule .08(6)(d), all employees shall receive orientation and training on the institution's abuse policies and procedures and reporting requirements.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.16
Authority: Authority O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12.
History. Original Rule entitled "Child Abuse and Sexual Exploitation" 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.

Rule 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.

Rule 290-2-5-.18. Physical Plant and Safety.

(1) Required Approvals.

(a) An institution shall be in compliance with all applicable zoning laws, ordinances, or rules and regulations which apply to its operation.

(b) All water and sewage disposal systems, if other than approved city and county systems, shall be approved by the proper authorities having jurisdiction.

(c) An institution shall submit proof of compliance with applicable laws and regulations issued by the State Fire Marshal, the proper local fire marshal, or state inspector, including a certificate of occupancy if required. The premises of the institution shall have functioning fire extinguishers and smoke detectors.

(d) All buildings and grounds shall be constructed and maintained in accordance with these rules. Institutions that initially apply for a license or current licensees that plan to renovate buildings for housing residents shall submit building blueprints or similar schematic drawings or diagrams for review and approval by the department.

(2) Sleeping Areas.

(a) The institution shall have separate sleeping areas which contain not less than 63 square feet of usable floor space per resident. Single bedrooms shall contain at least 75 square feet of usable floor space. Usable floor space does not include built-in closet space. The preceding requirements on usable floor space shall apply to any institution licensed after the effective date of these rules and to any licensed institution that renovates its current sleeping areas or increases its capacity by adding new buildings or areas to the institution. Beds shall be arranged to provide for at least three feet of space between the heads, foot, and sides of each bed. If bunk bed units are used, they shall be arranged to provide for at least five feet of space between the ends, foot and sides of each bunk bed unit. Boys and girls shall sleep in separate sleeping areas.

(b) Each child shall be provided with his or her own personal space and furnishings for storage of clothes and personal belongings.

(c) Each child shall be provided his or her own personal bed and mattress that is no shorter than the child's height and at least thirty inches wide. Clean sheets, pillows and pillow cases, blankets or bed covering shall be provided and sheets and pillow cases shall be changed or cleaned at least weekly. Water proof mattresses shall be provided as needed as required by the child's assessment and service plan.

(d) Bedrooms shall be provided with outside ventilation by means of windows, air conditioners, or mechanical ventilation.

(e) No staff member shall sleep in children's bedrooms. Separate sleeping quarters and lavatory for staff shall be provided in the living units.

(3) Lavatory and Bathing Facilities.

(a) There shall be separate lavatory (water basin and toilet) and bathing facilities for boys and girls that shall be located near the sleeping areas. Such facilities shall not be used routinely by staff.

(b) There shall be at least one lavatory equipped with hot and cold water and mirror for every eight residents or fraction thereof. Rooms that contain more than one toilet shall contain stalls for individual privacy. Each lavatory shall be supplied with toilet paper and holders, and individual hand towels, or disposable towels, or mechanical hand drying equipment.

(c) There shall be at least one shower or bathtub with hot and cold water for every ten residents or fraction thereof. Bathtubs and shower stalls shall be equipped with nonslip surfaces.

(d) Lavatory areas shall be ventilated with either an open screened window or functioning exhaust fan.

(4) Living Room. For institutions licensed on or after the effective date of these rules, the institution shall maintain a living room or den for the children residing in a living unit. Such space shall be equipped with comfortable furnishings suitable for relaxation and social interaction.

(5) Dining Area. The institution shall maintain a dining area that is furnished to permit children, staff, and guests to eat together in a small group or groups.

(6) Climate Control. The institution shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-two (82) degrees Fahrenheit, depending upon the season of the year.

(7) Ceilings and Walls. All ceilings shall be at least seven (7) feet in height. Ceiling and walls shall be of good repair.

(8) Windows. All windows that can be opened and that are used for ventilation shall have insect window screens. Windows and screens must be in good repair.

(9) The institution shall be kept clean and free of hazards to health and safety and of debris and pests.

(a) Any firearms or ammunition on the institution's premises shall not be allowed within any living units and shall be stored in locked cabinets or similar storage containers which are not accessible to children and which are in areas that are not accessible to children.

(b) An effective pest control system shall be implemented. Pesticides, disinfectants, chemicals, and cleaning supplies, with hazardous labels, shall be stored in designated areas away from children and if used by children, such use shall be supervised by staff.

(10) Exterior Grounds. Exterior grounds of the institution shall be free of hazards to health and safety.

(a) Garbage which is stored outside shall be stored in covered containers and shall be emptied at least weekly. Garbage storage areas and containers shall be cleaned periodically to eliminate buildup of dirt and grime that attracts pests and rodents.

(b) Playgrounds and recreation areas used by children shall be kept clean and free from litter and hazards to health and safety.

(c) Swimming Pools. If an institution has a swimming pool on its grounds, such pool shall be enclosed with protective fencing and be free of contamination. A certified lifeguard shall be in attendance at all times that a swimming pool is in use by any resident.

(11) Transportation.

(a) Vehicles used by an institution to transport children shall be insured and shall have a satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation Vehicle Safety Inspection Certification (Form 699) or its equivalent.

(b) When transporting children, an institution's vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If an institution authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of agency vehicles by such residents.

(c) No vehicle shall be used to transport more children than the manufacturer's rated seating capacity for the vehicle.

(d) All vehicles used to transport children shall be equipped with safety equipment as required by federal and state laws.

(12) Accessibility. Where children are dependent upon a wheelchair or other mechanical device for mobility, the child-caring institution shall have:

(a) At least two exits from the child caring institution, remote from each other that are accessible to the child and with easily negotiable ramps;

(b) All doorways and hallways leading to exits, as well as bathrooms, must accommodate wheelchair access; and

(c) The bathroom shall be sufficient to accommodate a wheelchair and a staff person and appropriate accessibility devices installed.

(13) Children shall not be required to sleep in areas of the premises that are not routinely used as or specifically designated as bedrooms such as doorways, hallways, bathrooms, closets, crawl spaces, fire escapes, kitchens, communal living areas, etc.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.18
Authority: Authority O.C.G.A. Secs. 40-8-76, 49-5-8, 49-5-12.
History. Original Rule entitled "Physical Plant and Safety" 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.

Rule 290-2-5-.19. Enforcement and Penalties.

(1) **Plans of Correction**. If the Department determines that either a child-caring institution or a facility applying to become licensed as a child-caring institution does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the institution not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the child-caring institution or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the institution to submit a revised plan of correction.

(a) The institution shall comply with an accepted plan of correction.

(b) Where the Department determines that either the child-caring institution or the facility applying to become licensed as a child-caring institution has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for Child-Caring Institutions shall be initiated in accordance with the Rules and Regulations for Enforcement of

Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and § 49-5-60*et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The institution shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the institution's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the institution to each current and prospective child's parents and/or legal guardians.

(b) The institution shall ensure the posting of the official notice at the institution in an area that is visible to each child's parents and/or legal guardians.

(c) The institution shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The institution shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the institution to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care at the institution.

(g) 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-.19
Authority: Authority O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Emergency Shelters" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 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. August 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.

Rule 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.

Rule 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.

Rule 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.

Rule 290-2-5-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-5-.24
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Severability" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.
Repealed: F. June 5, 2007; eff. June 25, 2007.

Subject 290-2-6. RULES AND REGULATIONS FOR CHILDREN'S TRANSITION CARE CENTERS.

Rule 290-2-6-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 49-5-1*et seq.*

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.01
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Introduction and Definition" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "General Policies" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Legal Authority" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.02. Title and Purposes.

These rules shall be known as the Rules and Regulations for Children's Transition Care Centers. The purposes of these rules are to provide for the licensing and inspection of children's transition care centers within Georgia, and to establish foster care requirements applicable to those centers that provide such services.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.02
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Governing Board" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Title and Purposes" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.03. Definitions.

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

(a) "Abuse" means any unjustifiable intentional or grossly negligent act, exploitation or series of acts, or omission of acts which causes injury to a person, including but not limited to verbal abuse, assault or battery, failure to provide treatment or care, or sexual harassment.

(b) "Adult" means a person eighteen (18) years of age or older, who is not an individual under care of the center.

(c) "Activities of daily living" means bathing, brushing teeth, combing hair, toileting, dressing, eating, grooming, and transfers or ambulation.

(d) "Applicant" means the following:

1. When the center 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 center 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 center 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 center 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.

(e) "Behavior management" means those principles and techniques used by a center 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 comprehensive service plan, written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

(f) "Center" in these rules means a children's transition care center.

(g) "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 comprehensive service plan, to treat current symptoms of a medical or psychiatric condition.

(h) "Children's transition care center" means a center which provides a temporary, home-like environment for medically fragile children, technology dependent children, and children with special health care needs, up to 21 years of age, who are deemed clinically stable by a physician but are dependent on life-sustaining medications, treatments, and equipment, and who require assistance with activities of daily living to facilitate transitions from a hospital or other facility to a home or other appropriate setting.

(i) "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.

(j) "Commissioner" means the Commissioner of the Department of Human Resources.

(k) "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.*

(l) "Department" means the Georgia Department of Human Resources.

(m) "Director" means the chief administrative or executive officer of the center.

(n) "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.

(o) "Emergency safety intervention plan" means the plan developed by the center 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.

(p) "Employee" means any person, other than a director, employed by a center to perform any duties at any of the center's facilities which involve personal contact between that person and any child being cared for at the center and also includes any adult person who resides at the center or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child cared for by the center.

1. For purposes of these rules, an employee does not mean a child that resides at the center and performs duties for the center;

2. For purposes of criminal history background check determinations and if a center provides foster care services, an "employee" means any person employed by the foster home or any adult person that resides at the home or who provides care to children placed in the home.

(q) "Exploitation" means the illegal or improper use of a person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for another person's profit or advantage.

(r) "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.

(s) "Foster care" means supervised care in a substitute home or a children's transition care center on a 24 hour full-time basis for a temporary period of time.

(t) "Foster home" means a private home where the foster parent(s) live which has been approved by the center to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19.

(u) "Foster parent" means an adult person approved by the center 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.

(v) "Human services professional" means the person(s) employed by the center 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 center's admission evaluation; the development of the service plans; case work services as provided in the resident's service plans; and monitoring of the resident's medical, social, and other needs.

(w) "Living unit" means the physical location where residents live within the center.

(x) "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.

(y) "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.

(z) "Medical day care" means specialized services provided to medically fragile children during daytime hours, without overnight stays.

(aa) "Medically fragile children" means children who are medically stable but require skilled nursing care and either specialized therapy or specialized medical equipment and supplies.

(bb) "Neglect" means the absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a person.

(cc) "Nursing services" means those services that may only be provided by licensed professional nurses pursuant to the regulations established under Georgia law. O.C.G.A. 43-26-3*et seq*.

(dd) "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 center licensed as a children's transition care center and who:

1. Purports to or exercises the authority of the owner in a center;

2. Applies to operate or operates a center;

3. Enters into a contract to acquire ownership of a center.

(ee) "Placement" means any activity by any person that provides assistance to a parent or guardian in locating and affecting the move of a child to a foster home or adoptive home, including assessing suitability of homes for placement. Counseling with respect to options available, legal services, or services as an agent for purposes of notice or withdrawal of consent by the birth parent does not constitute placement activity.

(ff) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.

(gg) "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.

(hh) "Professional services" means services provided by a licensed or certified professional such as an audiologist, clinical social worker, dentist, dietician, family therapist, licensed professional counselor, occupational therapist, nurse, optometrist, physical therapist, physician, podiatrist, psychologist, respiratory therapist, speech-language pathologist and others.

(ii) "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.

(jj) "Respite care" means the provision of intermittent and temporary substitute care or supervision to a medically fragile child on behalf of and in the absence of the caregiver, for the purpose of providing relief from stress or responsibilities associated with providing continuous care or supervision, to enable the caregiver to continue the provision of care in the home.

(kk) "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.

(ll) "Seclusion" means the unobserved, involuntary confinement of a child, 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.

(mm) "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.

(nn) "Time-out" means a behavior management technique that involves the brief separation of a child from the group or activity, not to exceed twenty (20) minutes, during which time the child is continually observed by a staff member. During "time-out" a child is not physically restricted to an enclosed room or area.

(oo) "Transfer agreement" means a written contract with other institutions providing for transfer of a child in care from the center to the other institution when the center cannot provide the level of care required by the child, and providing for the exchange of medical and other information at the time of the transfer.

(pp) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(qq) "Weekend camp" means a planned program for medically fragile children with special health care needs that consists typically of a short residential stay from Friday afternoon through Sunday evening.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.03
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Staff" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Definitions" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.04. Governing Body.

(1) Each center shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with all applicable state and federal laws and regulations.

(2) The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for a license on a form provided by the department. If a center is individually owned, then the owner(s) will complete the statement of responsibility.

(3) If a center is governed by a board, there shall be policies and procedures for periodic rotation of members which include term limits.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.04
Authority: O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Social Services" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Governing Body" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.05. Criminal History Background Checks, Licenses and Exemptions.

(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new center 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 any 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 children's transition care center 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 Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

(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 sexual assault against persons in custody, detained persons, or patients in hospitals or other centers;

(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;

(m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or

(n) 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 children's transition care center license who is determined to have a criminal record for any of the crimes listed in Rule .05(2)(a)-(n) 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.

(a) An owner with a valid children's transition care center license who acquires a criminal record as defined in Rule .05(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.

(b) 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)-(n) 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.

(4) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed center, 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 children's transition care center 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. 16-21-1, relating to contributing to the delinquency of a minor;

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 center, 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 center 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 children's transition care center if it is determined that such person has a criminal record involving any of the covered crimes outlined in Rule .05(2)(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.

(5) Criminal History Background Checks for Foster Parents Required. No center that provides care in foster homes shall place a child in a foster home unless the foster parent(s) of the home and other adult persons that reside in the home or provide care to children placed in the home have obtained criminal records checks as required by law.

(6) No child shall continue to be placed in such foster care home unless the foster parent(s) also subsequently receive a satisfactory fingerprint records check determination.

(7) Licenses. No person, partnership, association, corporation or entity shall operate a children's transition care center in the state without first obtaining a license to operate the

center by demonstrating compliance with the necessary requirements set forth in these rules.

(a) No licensed children's transition care center shall provide care to more than six (6) children per residence and no more than 16 children per campus.

(b) A licensed children's transition care center must provide transitional care as described in these rules for the facilitation of transition of children to a home or other appropriate setting and for the reunion of families.

(c) In addition to transition care services, a licensed center may provide respite care services, registered nursing or licensed practical nursing care, medical day care services, weekend camps and diagnostic studies typically done in the home setting.

(d) Centers 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 centers that request to be commissioned, and for the purposes of these rules, the term license shall have the same meaning as commission.

(e) A license may be issued, upon presentation of evidence satisfactory to the department, that the center 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.

(8) 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 center 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 a center complies with these rules but has not yet enrolled children; or

(b) If a center 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 children's transition care center 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 children's transition care center, 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 center 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.

(9) 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 a center 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 center.

(10) Qualifications Requirement. In order to obtain or retain a license, the director of the center and its employees must be qualified, as defined in these rules, to administer or work in a center. 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 a center.

(11) License is Nontransferable. A license to operate a center is not transferable in any way. Each license shall be returned to the department immediately upon the suspension, revocation or restriction of the license or upon the termination, sale or change in ownership of the center.

(12) Renewal of License. A license will be renewed upon a determination by the department that the center presents satisfactory evidence of meeting the requirements set forth in these rules.

(13) 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 centers 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 owned and operated by the state or federal government.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.05
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12, 49-5-14.1.
History. Original Rule entitled "Daily Care and Program" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Criminal Background Checks, Licenses and Exemptions" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.06. Applications.

(1) An application for a license to operate a center 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 center.

(b) Records Check and Preliminary Records Check Applications. Accompanying any application for a new license for a center, 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 and any foster parents, 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 a center is proposed to operate even when all of the proposed centers are owned by the same person or entity.

(d) Amended License. If there is to be a change in the name of the center, changes in the ages of children to be served, or additions or changes in the uses of the buildings that will affect the center'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.

(2) 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, center, 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.

(3) A center shall not begin operation without departmental approval.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.06
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Health" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Applications" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.07. Inspections and Investigations.

(1) The department is authorized and empowered to conduct investigations and on-site inspections of any center 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 on-site inspection of the center to assess compliance with these rules.

(b) Consent to Entry. An application for a license or commission to operate a center 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 center staff, to enter the premises at any time during operating hours for the purpose of

inspecting the center. 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 client and business records required by these rules. The department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of any center.

(c) Other Inspections. The department may conduct scheduled and unscheduled on-site inspections of a center 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 center, alleging child abuse, mistreatment, neglect, exploitation, or deprivation which occurred while the child was in the care of the center director or employees; or

3. Upon receiving information of alleged violations of these rules, including information provided by the center, 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 on-site 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 make an on-site 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 center's personnel.

(d) Failure to Allow Access. Failure to allow access of the department's representative to the center, its staff, or the children receiving care at the center 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. 290-2-6-.07
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Nutrition and Food Service" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Inspections and Investigations" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.08. Children's Rights.

(1) **General**. A child shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on his/her status as a resident of the center. Children's right include but are not limited to the following:

(a) The right to accept or refuse services as agreed or as mutually established and to know the consequences of such action.

(b) The right to voice grievances and complaints regarding treatment or care that is furnished without fear of retaliation, discrimination, coercion or reprisal.

(c) The right to confidential treatment of all information in the case record.

(2) **Personal Property**. A child shall be permitted to retain and use or wear his/her personal property in his/her immediate living quarters unless deemed medically inappropriate or socially disruptive by a physician and so documented in the case record.

(a) The center shall make reasonable efforts to prevent loss and theft of children's property.

(b) The center shall develop procedures for investigating complaints concerning theft of children's property and shall promptly investigate all such complaints.

(3) **Religion.** A child shall be permitted the free exercise of religion. Upon the child's or the child's representative's request, and if necessary at his/her expense, the center shall make arrangements for a child's attendance at religious services of the child's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any child.

(4) Every child or child's representative shall be permitted to inspect and copy all of the child's clinical and other records concerning the child's care and maintenance kept by the center.

(5) Center staff may terminate visits or provide other accommodations for the visit if they are so requested by the child or the child's representative, or if the visitor is involved in behavior violating other children's rights.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.08
Authority: O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Facility" adopted. F. Apr. 22, 1976; eff. May 12, 1976.

Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Children's Rights" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.09. Administration and Organization.

(1) **Program Purpose**. In accordance with these rules and regulations, a licensed children's transition care center 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 of the children it serves, including the referral sources. The policies and procedures for transition care services shall include that the services are limited to short term stays of one to fourteen (14) consecutive days and for long-term stays of up to ninety (90) consecutive days depending on the transition needs of the child. Stays of over ninety (90) consecutive days must be individually approved by the Department by waiver, and may not exceed 12 consecutive months.

(2) **Program Description and Implementation.** In accordance with these rules and regulations, a licensed children's transition care center shall develop, implement and comply with written policies and procedures that describe the range of services and the manner in which such services will be provided by the center. 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 center and what services are provided by other available community or contract resources. The program description must include which of the following services will be provided in addition to transition care services:

(a) Registered nursing and/or licensed practical nursing care;

(b) Medical day care;

(c) Diagnostic studies typically done in the home setting;

(d) Respite care; and/or

(e) Weekend camps.

(3) **Director**. The governing body of the center shall designate a director who shall be authorized to manage the center.

(a) The director shall possess at least one of the following qualifications:

1. A master's degree or higher from an accredited college or university in the area of nursing, social work or other health-related field plus at least two years of experience within the five years preceding the date of hire working with medically fragile children; or

2. A licensed registered nurse, physician, or other licensed health care professional with at least five years experience working with medically fragile children.

(b) The director 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, sexually exploited, or deprived a child or 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 center at any time, there shall be a similarly qualified person designated to assume responsibility for the operation of the center.

(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 center, regardless of payor source. The schedule shall detail the basic cost of services and any additional costs for other services.

(5) **Recordkeeping**.

(a) Case Records. A center 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 center;

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 physicians and others involved in the child's care;

9. Medical records, including the name, address, and phone numbers of doctors involved in the child's care, sufficient information to validate the child's medical diagnosis and to establish the basis on which treatment is provided, treatment and medication orders, health history, records of administration of medicines, immunization records, and orders for modified diets, and nurses notes;

10. Records of behavior management, emergency safety interventions, and written grievances, as described in Rule .18 and Rule .19;

11. Educational and vocational information such as report cards, progress reports, and related materials received during a child's residency in the center; and

12. Discharge plans required by Rule .13.

(b) Retention of Case Records. Case records shall be retained in the center for at least five years 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. A center shall maintain the confidentiality of all children's case records. Employees of the center 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. A center 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, including explanations for any gaps in employment;

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 foster parents, 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, and documentation of such screening annually thereafter;

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 .09(6)(g) 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 .18 and Rule .19 related to children in care and the employee.

(6) **Staffing**. There shall be sufficient staff members on duty at all times to assure each child proper care according to his or her needs. When children are present at the center, there shall be, at a minimum, one awake registered nurse (RN) on duty per residence at all times.

(a) In addition to the RN, staffing for child care shall be, at a minimum, no less than one awake qualified and trained staff member per three children.

(b) 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.

(c) Volunteers shall not be substituted for paid staff to meet the staffing requirements set forth in Rule .09(6)(a)and(b).

(d) 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, sexually exploited, or deprived a child or 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 (g) of this Rule; and

3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.

4. All prospective foster parents, adoptive parents or any adult living in the foster or adoptive home must be checked against the child abuse and neglect registry for information, and must provide information from any other state in which any such prospective parent or other adult has resided in the previous 5 years to check any child abuse and neglect registry maintained by that state. Providers will need to comply with these requirements before they approve prospective homes when such information is available.

(e) Human Services Professionals. The center shall have designated HSPs to provide services to children and their families. There shall be one human services professional employed for every separate residence. The center's director, if qualified by education, may perform the duties of a human services professional.

(f) Any HSP employed shall either 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; possess a master's degree from an accredited college or university in one of the above disciplines, or be a licensed LPN or registered nurse.

(g) Child Care Workers. The center shall have designated child care workers to supervise children, provide oversight for activities, provide for assistance with activities of daily living and be responsible for the areas where the children reside.

1. 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 relating to specific care techniques appropriate for the position and shall include cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by certified or licensed health care professionals.

2. Such training programs shall be completed within the first year of employment.

(h) Staff Training. Prior to working with children, all staff and volunteers, including the director, who work with children shall be oriented in accordance with these rules and shall thereafter receive annual additional training in accordance with these rules.

1. Orientation shall include instruction in:

(i) The center'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 and exploitation policies and procedures;

(v) Reporting requirements for suspected cases of child abuse and exploitation and notifiable diseases and serious injuries;

(vi) Policies and procedures for handling medical emergencies (life-threatening, limb-threatening, or function-threatening conditions), and managing use of medications by children in care;

(vii) Infection control policies and procedures; and

(viii) The center'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 center.

(i) There shall be, at a minimum, one awake RN or other staff member on duty at all times when children are present at the center who is trained in first aid and has a current CPR certificate.

(7) **Reporting of Serious Occurrences or Incidents**. Whenever the children's transition care center has reason to believe any of the occurrences or incidents listed below has occurred, the center shall make a report summarizing the occurrence or incident to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit.

(a) The summary report shall be made via email or facsimile within 24 hours of the occurrence or incident or when the center first became aware of the occurrence or incident, and must contain all of the information required on the incident intake information form (ITF), as relevant.

(b) The report shall be made regarding any serious occurrences or incidents involving children in care, including but not limited to:

1. Accidents or injuries requiring medical treatment and/or hospitalization;

2. Death;

3. Suicide attempts;

4. Closure of the center or any part of the center due to disaster or emergency situations such as fire or severe weather;

5. Emergency safety interventions resulting in any injury that requires treatment beyond first aid; or

6. Any incident which results in any federal, state or private legal action by or against the center which affects any child or the conduct of the center. However, legal action involving the juvenile justice system is not required to be reported.

(c) A detailed investigative report which includes steps taken by the center to prevent further incidents of a similar nature from occurring shall follow in five work days if not provided initially.

(8) **Child Abuse Reports**. Whenever the children's transition care center 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 Resources (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 Office of Regulatory Services.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.09
Authority: O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12.
History. Original Rule entitled "Inspections and Reports" adopted. F. Apr. 22, 1976; eff. May 12, 1976.
Repealed: F. June 30, 1994; eff. August 1, 1994, as specified by the Agency.
Amended: New Rule entitled "Administration and Organization" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.10. Quality Assurance.

(1) The center shall have an on-going comprehensive, integrated, self-assessment quality improvement process which provides assurance that care is provided at all times in compliance with accepted standards of professional practice.

(2) The center shall have written plans, policies and procedures addressing quality assurance which include:

(a) Goals and objectives;

(b) The identity of the person responsible for the program;

(c) A system to ensure systematic, objective regular reports are prepared and distributed to the governing body and any other committees as directed by the governing body;

(d) The method for evaluating the quality and the appropriateness of care;

(e) A method for resolving identified problems; and

(f) A method for implementing practices to improve the quality of patient care.

(g) The plan shall be reviewed at least annually and revised as appropriate by the governing body.

(3) Quality assessment and improvement activities shall be based on the systematic collection, review, and evaluation of data which, at a minimum, includes:

(a) Services provided by professional and volunteer staff;

(b) Audits of patient charts;

(c) Satisfaction surveys from staff, volunteers, and clients about services;

(d) Concerns or suggestions for improvement in services;

(e) Organizational review of the center's programs;

(f) Patient/family evaluations of care; and

(g) High-risk, high volume and problem-prone activities.

(4) When problems are identified in the provision of care, there shall be evidence of corrective actions, including ongoing monitoring, revisions of policies and procedures, educational intervention and changes in the provision of services.

(a) The effectiveness of actions taken to improve services or correct identified problems shall be evaluated.

(b) The center shall monitor and evaluate its resource allocation regularly to identify and resolve problems with the utilization of its services, facilities and personnel.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.10
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Quality Assurance" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.11. Admission for Transition Care Services.

(1) A center shall only admit medically fragile children whose known health care or medical support needs can be met by the center in accordance with its program purpose and program description.

(a) Admission agreements with any public or private agencies that place children in the center shall be in writing and shall include the following provisions and requirements.

(b) All relevant information required for admission to the center shall be reviewed, if available, in preplacement assessment and planning for the needs of the child.

1. All children shall have current immunizations as outlined in the Rules and Regulations of the Department of Human Resources for Immunization of Children as a Prerequisite to Admission to School or Other Facilities, Chapter 290-5-4.

2. Prior to admission each child must have a current medical history and physical assessment sufficient for the provision of appropriate care and treatment to meet the child's needs while at the center.

3. A physician must provide orders for the skilled nursing services and other treatments provided to meet the child's health care or medical support needs while at the center.

4. Each child admitted to the center shall be under the continuing care of a physician, prior to and during the entire admission. The child shall be seen by the physician in accordance with the comprehensive service plan required in Rule .12(2).

(c) When possible, there shall be a preplacement visit by the child, and the parent(s) or guardian(s), or placing agency representative if there is a reasonable likelihood that the child will be admitted.

(2) Prior to admission, the center shall:

(a) Provide information to the child's parent, guardian, or custodian about the services, environment, age ranges and characteristics of the other children in placement.

(b) Maintain signed documentation from the custodian that they have received and considered the information provided in Rule .11(2)(a)1. above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.

(3) The center shall comply with the Interstate Compact on the Placement of Children when admitting children from another state.

(4) Written admission policies and procedures shall be established and implemented and shall include the following requirements:

(a) Completion of an intake referral form that includes a social, health, educational, family, behavioral and personal developmental history to determine the placement needs (services, supports, setting, etc.) of each child and whether that placement is appropriate.

(b) Completion of a written placement agreement developed with the involvement of the child, and the parent(s) or guardian(s), or placing agency representative and signed by all parties, with such agreement including the following:

1. Written authorization to care for the child;

2. Written authorization to obtain medical care for the child;

3. Written summary of discussions among the child and the parent(s) or guardian(s), or placing agency, and the center's Human Service Professional

regarding basic care, any specialized services and/or treatments to be provided; the expectations of the involvement of the parent(s) or guardian(s), or the placing agency in service planning.

(5) Upon admission, a written description of the center shall be provided to the child, the parent(s) or guardian(s),or placing agency and shall include:

(a) The center's program purpose and program description;

(b) The description of service planning and normal daily routines of children;

(c) The description of health support services to be provided, including how the center handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);

(d) The center's policies and procedures for behavior management and grievances;

(e) Policies and procedures for visiting hours and communications with persons outside the center;

(f) The names and telephone numbers of the child's designated HSP, nurse and primary Child Care Worker; and

(g) Schedule of fees if placement is not done under a Purchase of Service Agreement.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.11
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Admission for Transition Care Services" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.12. Assessment and Planning for Transition Care Services.

(1) **Health Service Plan**. A written assessment and health service plan shall be developed by a RN on the day of admission and must include preliminary discharge plans for the child, including the anticipated date of discharge.

(a) The health service plan throughout the child's stay at the center shall also include but not be limited to:

1. Identification of each child's current, priority health care issues relating to medical, physical, intellectual, emotional/behavioral, psychosocial/developmental, and spiritual needs;

2. The short term and long term outcomes, interventions, and resources engaged to promote outcome achievement;

3. Daily progress notes reflecting the child's progression towards the achievement of each specific outcome;

4. The input and participation of involved health care team members (child's pediatrician, specialty physicians, therapists, HSP, counselors, care givers, and family members); and

5. Documentation of updates and monthly reviews.

(b) Arrangements shall be made with at least one physician and one dentist or a health care agency that provides physician or dental services in order to meet the health and medical support needs of children in care.

1. A general physical examination of the child shall be provided by a by a medical doctor, physician's assistant, or public health department within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within one year prior to admission.

2. The general physical examination shall include basic diagnostic laboratory work, including but not limited to a Complete Blood Count (CBC) and basic urinanalysis; required immunizations; and vision and hearing tests.

(c) Within ten days of admission, an assessment of the children's medical and dental health shall be completed by the designated intake HSP.

(d) 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;

(e) Children shall receive annual medical check-ups and semiannual dental check-ups;

(2) **Comprehensive Service Plan**. The center shall complete a full written assessment of each child admitted for care and of each child's family and develop an individual written comprehensive service plan for each child based on the assessments within ten (10) days of admission. If an assessment is not completed within ten (10) days, the reasons for the delay shall be documented in the child's case record and such documentation shall include statements indicating when the assessment is expected to be completed.

(a) The assessment shall be coordinated by a registered nurse, and shall assess the needs of the child in the areas of health care, education, family relationships, personal social needs, and any behavioral issues that require monitoring.

(b) A comprehensive service plan to address the transition needs of the child, the child's family or prospective family other than the medical and nursing needs addressed by the health services plan shall be developed by a RN or other assigned HSP in concert with the RN who has responsibility for supervision of the child in the area where the child resides. The plan shall contain the following data:

1. The results of the assessment and identified needs other than those medical and nursing needs;

2. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them;

3. Statements of daily activities to be followed by the child, the child's family or prospective family and staff members in pursuit of the stated goals and objectives;

4. Statements of any special care and educational services that will be arranged for or provided directly;

5. Statements of goals and preliminary plans for discharge, including referrals for appropriate community support services;

6. Statements about the plan for behavior management that should be employed when necessary; and

7. Statements about any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the child would be adversely affected by such communications or visits.

(c) The child, and the parent(s) or guardian(s), or child placing agency representative shall be involved in the development of the comprehensive service plan, and its periodic updates as described below.

(d) The comprehensive service plan shall be updated by the HSP at a minimum of every thirty days, or whenever the child experiences a significant change in condition, and pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.

1. The review shall consider input from the care team providing services directly to the child.

2. The center shall be responsible for implementing the comprehensive service plan.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.12
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Assessment and Planning for Transition Care Services" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.13. Discharge and Aftercare for Transition Care Services.

(1) During a child's placement in a center, the preliminary plans for discharge required by Rule .12(1) shall be adjusted according to the child's circumstances. At the time of admission, a center shall initiate an aftercare plan that identifies the supports and resources that the child and child's family are expected to need following discharge.

(2) Emergency discharges are authorized when the health and safety of the child or other children in residence might be endangered by the child's further placement in the center. At least 72 hours of prior notice of discharge shall be provided in writing to the parent(s) or guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the child's case record.

(3) When a child is discharged, a center shall compile a complete written discharge summary within fourteen days of the discharge. Such summary shall include:

(a) The name, address, telephone number and relationship of the person or entity to whom the child was discharged, or the name of the placing agency if discharged to a placement agency;

(b) A summary of all the services provided for the child to meet assessed needs while the child was in the center;

(c) A summary of the child's and the family's goals and objectives and accomplishments during care;

(d) A summary of any problems encountered by the child and the family during care; and

(e) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.

(4) A copy of the completed discharge summary shall be provided to the child's parent(s) or guardian(s), or placement agency representative when it is completed. The center shall keep a record of the discharge summary in the center's files.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.13
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Discharge and Aftercare for Transition Care Services" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.14. Services for Transition Care.

(1) **Casework Services.** All children in care and families of children in care shall receive case work services as provided in their comprehensive service plan from their assigned HSP or other appropriate professionals (internal and external of the center) 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) **Health Services.** The center shall provide for a comprehensive program of services to meet the health care needs and medical support needs for the child, as well as preventive, routine, and emergency medical and dental care for all children.

(a) Medications. The center 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. The center shall designate appropriate staff to dispense non prescription medications. No child shall be given a non-prescription medication by staff members of the center 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 at the center by an RN, parent, guardian, custodian or person standing in loco parentis as ordered in the child's prescription. A center 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. A center shall maintain a record of all medications handed out by authorized staff and taken by children 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, dosage taken, and name and signature of staff member that handed out and supervised the taking of the medication.

4. 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.

5. All expired medications shall be discarded and not handed out for use.

(b) Infection Control. The center shall employ appropriate universal precautions and isolation techniques to ensure that underlying medical conditions are not exacerbated or infections not transmitted to others where required by the medical condition of the child.

(c) First Aid Supplies. Each living unit shall have at a minimum 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.

(d) Equipment.

1. All specialized equipment and supplies necessary to meet the needs of the children shall be available at the center and maintained in clean and working order with all inspections and repairs documented.

2. The center must have an operable emergency generator appropriate to meet the needs of children in care.

(3) **Educational and Vocational Services.** A center 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 HSP 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 center 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 center in accordance with the child's comprehensive 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.

(4) **Recreation and Leisure.** The center 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. A center 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 center shall make arrangements to provide all children with 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 considered substitutes for employed staff and shall not be held responsible for the accomplishments of any work activity of the center such as food preparation, laundering, housekeeping, or center maintenance beyond that which is identified as a learning need in the comprehensive service plan.

(d) Children shall not be used for the purposes of soliciting funds for the center, 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. 290-2-6-.14
Authority: O.C.G.A. Secs. 20-2-690.1, 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Services for Transition Care" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.15. Respite Care Services and Weekend Camps.

(1) **Respite Care General Requirements.** A center may provide a comprehensive program of respite care services to medically fragile children, whose known health care or medical support needs can be met by the center in accordance with its program purpose and program description.

(a) Respite care services are limited to short term stays of no more than 14 consecutive days and no more than four weeks total (28 days), within any six month period.

(b) The maximum number of children for whom a center may provide respite care along with other allowable care shall not exceed the center's capacity requirements set forth in Rule .05(7).

(c) The center shall develop, implement and comply with written policies and procedures that describe the range of respite care services and the manner in which such services will be provided by the center.

(2) **Admission for Respite Services**. Licensed children's transition care centers may receive medically fragile children for respite care services from their caregiver, parents, guardians, custodians, or persons serving in loco parentis.

(a) Eachchild admitted for respite care services shall either arrive at the center with a health services plan or have a health services plan developed upon admission as detailed in Rule .12(1).

(b) The child's health services plan shall be updated by the RN whenever the child experiences a significant change in condition.

(3) **Respite Care Health Services.** The center shall provide for a comprehensive program of services to meet the health care needs and medical support needs of children admitted for respite care. Children admitted for respite care shall be provided services in accordance with all the requirements in rules 290-2-6-.01 through 290-2-6-.10, 290-2-6-.15 and Rules 290-2-6-.18 through 290-2-6-.27, respectively.

(a) Children admitted for respite care shall receive timely, qualified health services as needed or in the same manner normally received when living in their usual environment or place of residence.

(b) A general physical examination of the child shall be provided by a medical doctor, physician's assistant, or public health department within 72 hours (excluding weekends and holidays) of admission for respite care services, unless such an examination has been completed within one year prior to admission and the center has documentation of the examination.

(c) The general physical examination shall include the basic diagnostic laboratory work indicated in Rule .12(1)(b)2.

(d) The center shall document written orders for the skilled nursing services, medications and other treatments provided to children during respite care services.

(4) **Case Record.** Each child admitted for respite care shall have a case record that includes, at a minimum, the following information:

(a) Identifying information for the child such as name, sex, and birth date or age;

(b) Local emergency contact information for the primary caregiver, parent(s), guardian(s), custodians(s), or person(s) serving in loco parentis such as name, address and phone number(s);

(c) Name, address and phone number of the primary physician involved in the child's care;

(d) Current medical history with sufficient information to document the child's medical diagnosis and to establish a basis upon which treatment is provided;

(e) Records of behavior management, emergency safety interventions and written grievances as outlined in Rule .18 and .19.; and

(5) During a child's residency at a center for respite services, the center shall make arrangements to ensure that the child's educational needs are met.

(6) **Discharge from Respite Care.** At the time of admission, a child's HSP shall develop preliminary discharge plans for the child, which identifies the child's anticipated date of discharge.

(a) Emergency discharges are authorized when the health and safety of the child or other children at the center might be endangered by the child's further placement in the center.

(b) Prior notice of an emergency discharge from respite care shall be provided to the primary caregiver, parents, guardians, custodians, or persons serving in loco parentis. If such notice is not possible, the reasons shall be documented in the child's case record. The child's case record shall include:

1. The name, address, telephone number and relationship of the person or entity to whom the child was discharged;

2. A summary of all the services provided for the child to meet assessed needs during respite care;

3. A summary of any problems encountered by the child and the family during respite care; and

4. A summary of assessed needs which were not met during respite care, and a summary of the reasons why they were not met.

(7) **Weekend Camps.** Medically fragile children may be admitted to the center for the purpose of attending a weekend camp. Admission, service, and discharge requirements for weekend camps shall be the same as those required for respite services and described in Rules .15(1)through(6).

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.15
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Respite Care Services and Weekend Camps" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.16. Medical Day Care Services.

(1) **General Requirements.** A licensed center may provide a comprehensive program of medical day care services for medically fragile children whose known health or medical support needs can be met by the center in accordance with its program purpose and program description.

(a) Children admitted to a center for the purpose of receiving medical day care services shall be provided services in accordance with all the requirements in Rules 290-2-6-.01 through 290-2-6-.10, Rule 290-2-6-.16 and Rules 290-2-6-.18 through 290-2-6-.27, respectively.

(b) The center shall develop, implement and comply with written policies and procedures that describe the range of medical day care services and the manner in which such services will be provided.

1. Medical day care services are to be limited to no more than twelve consecutive hours per day, per child.

2. The maximum number of children for whom a center may provide medical day care services together with those receiving transition care and respite care services shall not exceed the center's capacity requirements set forth in Rule .05(7).

(c) During a child's residency at a center for medical day care services, the center shall make arrangements to ensure that the child's educational needs are met.

(d) The request for admission to a center for medical day care services may be made by a medically fragile child's caregiver, parents, guardians, custodians, or persons serving in loco parentis.

(e) Emergency discharges are authorized when the health and safety of the child or other children at the center might be endangered by the child's further placement in the center.

(2) **Medical Day Care Health Services.** Children admitted for medical day care services shall receive timely, qualified health services as needed or in the same manner normally received when living in their usual environment or place of residence.

(a) The center shall document written orders for the skilled nursing services, medications and other treatments provided to children while at the center to receive medical day care services.

(b) Eachchild admitted for medical day care services shall either arrive at the center with a health service plan or have a health service plan developed upon admission as detailed in Rule .12(1).

(c) The child's plan shall be updated by the RN whenever the child experiences a significant change in condition.

(d) Upon admission to a center for medical day care services, a general physical examination of the child shall be provided by a medical doctor, physician's assistant, or public health department, unless the child had such examination within one year prior to admission and the center has documentation of the examination.

(e) The general physical examination shall include the basic diagnostic laboratory work indicated in Rule .12(1)(b)2.

(3) **Case Records.** Each child admitted for medical day care shall have a case record that includes, at a minimum, the following information:

(a) Identifying information for the child such as name, sex, and birth date or age;

(b) Local emergency contact information for the primary caregivers, parents, guardians, custodians, or persons serving in loco parentis such as name, address and phone number(s);

(c) Name, address and phone number of the primary physician involved in the child's care;

(d) Current medical history with sufficient information to document the child's medical diagnosis and to establish a basis upon which treatment is provided; and

(e) Records of behavior management, emergency safety interventions and written grievances as outlined in Rules .19 and .20.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.16
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Medical Day Care Services" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.17. Foster Home Placement.

(1) A center shall not engage in temporary placement activities in Georgia unless licensed as a children's transition care center and approved by the department to provide for care in foster homes.

(2) Foster care shall be considered only after it has been established that it is necessary for the physical and/or emotional well-being of the child.

(3) No more than 6 children under the age of 19 may reside in a foster home unless it is an intact sibling group and it is in the best interests of each of the children to be placed in the same foster home.

(4) Orientation Prior to Foster Care Application. The center shall provide orientation information in person or in written form to prospective foster parent(s) to assist them in making an informed decision about applying to become a foster parent. The format of the orientation must be documented in the applicant's file. The orientation information must include at least the following:

(a) The center's purpose and a listing of services provided;

(b) A description of the approval process for foster parenting;

(c) The minimum requirements for foster parenting including the limits to the number of children in the home;

(d) The roles and responsibilities of foster parent(s);

(e) A description of children served by the center;

(f) Support services available for foster parent(s);

(g) General information regarding financial reimbursement for expenses in foster care; and

(h) Policies and procedures regarding appropriate behavior management and emergency safety interventions.

(5) Training for Prospective Foster Parent(s). Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the center shall provide and document training for the applicant in at least the following topics:

(a) The center's grievance policies and procedures and the Georgia Foster Parent's Bill of Rights;

(b) The annual training requirements for foster parent(s), including the requirement of at least fifteen (15) hours of training relevant to the type of child placed or to be placed in the foster home if the child is more than 12 months old. For parent(s) providing foster care for children less than 12 months of age, the foster parent shall have at least eight (8) hours of training.

(c) The center's policies and procedures for behavior management techniques and emergency safety interventions for children in foster care;

(d) Child abuse recognition, reporting, and investigation procedures;

(e) Characteristics of children served and their developmental needs, including special needs when applicable;

(f) The center's policies and procedures for handling medical emergencies (conditions or situations which threaten life, limb, or continued functioning), and managing use of medications by children in care;

(g) All prospective foster parents shall be trained regarding the child's known health care needs. This training shall be documented in the child's case records.

(6) Minimum Requirements for Prospective Foster Families. Home Study. The center shall make a thorough evaluation of each prospective foster family and document this evaluation in a foster home study report which shall be updated as changes in the required home study information occur and include at least the following:

(a) The names of family members, the family address and telephone number, drivers' license numbers, and proof of automobile insurance as applicable;

(b) The motivation for foster parenting, including but not limited to attitude toward childlessness;

1. A description of family members, including:

(i) Date and place of birth;

(ii) Physical description;

(iii) Family background and history;

(iv) Current relationships with immediate and extended family members;

(v) Education;

(vi) Social involvements;

(vii) Personal characteristics;

(viii) Personality;

(ix) Interests and hobbies; and

(x) Emotional stability.

2. Evaluation of marriages and family life:

(i) Verified date and place of marriage, if applicable;

(ii) Assessment of marital relationship;

(iii) Family interaction patterns; and

(iv) Previous marriages.

3. Evaluation of parenting practices:

(i) Description of parenting knowledge, attitudes and skills;

(ii) Current behavior management practices; and

(iii) Current child-rearing practices.

4. Physical and mental health:

(i) Health history and condition of family members;

(ii) Documentation of a physical examination of the foster parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;

(iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective foster family, obtained within the 12 months prior to the completion of the home study;

(iv) Evaluation of emotional and mental health status of each member of the prospective foster family; and

(v) Screening for tuberculosis and venereal disease for prospective foster parent(s) and children 16 years of age and older living in the prospective foster home.

5. Understanding of and adjustment to foster parenting:

   (i) Understanding of the role of a foster parent and the issues in caring for foster children;

   (ii) Foster family's attitude toward the parent(s) of the foster children including parental visits in their home;

   (iii) Expectations of the foster child, including intellectual and physical achievement;

   (iv) Anticipated adjustment of each foster family member to a foster child;

   (v) Willingness to cooperate with the placement agency; and

   (vi) Support network in place for the foster family, including support systems for single parent families, if applicable.

6. Finances and occupations of family members:

   (i) Employment history, including whether the home is a registered family day care home or operating any other business or service out of the home that might have an impact on health and safety of the children in care;

   (ii) Financial stability of the family; and

   (iii) Possible financial impact of the addition of a foster child to the home.

7. A description of the home and community:

   (i) Description of the neighborhood;

   (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;

   (iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;

(iv) A statement verifying that all firearms owned and in the home are locked away from children;

(v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances;

(vi) A statement that smoke alarms are present and functioning on each level in the home;

(vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems; and

(viii) Assessment of community resources, including accessibility of schools, religious centers, recreation, and medical facilities.

8. Religion;

9. Results of the criminal history background check for family members as required by Georgia law;

10. Pre-service training the prospective foster parent and/or family may have received;

11. A minimum of three (3) character references:

    (i) At least one reference shall be from an extended family member not residing with the prospective foster family; and

    (ii) If the prospective foster parent has either served previously as a foster parent for another agency, and/or been employed within the past five (5) years in a job involving the care of children, at least one reference must be from the former agency or employer;

12. A description of the type of child desired by the prospective foster family;

13. The date the study is completed and the name and signature of the person completing the study.

    (i) Notification of Approval. Potential foster parent(s) shall be notified in writing as to whether or not their application has been approved.

(ii) Location of Foster Homes. Foster homes used by the center shall be located within a reasonable travel distance from the center so as to be accessible for regular visits by family and center staff.

(7) Services Prior to Foster Care Placement.

(a) The selection of a foster home for a particular child shall be based on an assessment of the child's total needs and how well a particular home can meet the child's needs.

(b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable.

(c) Placement considerations shall include the potential for children's participation in religious and cultural activities in accordance with their cultural ethnic heritage.

(d) The center shall discuss the prospective foster placement with the foster family and shall prepare the foster family for the placement of a particular child by anticipating the adjustments and problems that may arise during placement and any specialized services to be provided. This discussion shall be documented in the case record.

(e) Pre-placement activities between child and foster family shall be documented in the case record of the child and family.

(f) Complete written placement agreement(s) shall be developed with the involvement of the child, the foster parent(s), the parent(s) or guardian(s), and the placing agency representative and signed by all adult parties; such agreement(s) shall include the following:

1. Written authorization to care for the child;

2. Written authorization to obtain medical care for the child;

(8) Home visits shall be conducted by the center at least monthly in order to verify that the foster parent(s) are delivering care in a safe and healthy environment to the children, in accordance with these rules and regulations and agency policies and procedures. Such visits shall include observation of the foster child with at least one of the foster parent(s).

(9) The center shall provide an annual evaluation of the strengths and needs of the foster family and assessment of the best way to maximize the foster care experience for the foster family and the children placed with them. This evaluation shall be shared with the foster family as evidenced by the signature of the foster parent(s) on the evaluation. Documentation of supervision of the placement by the agency shall include:

(a) Adjustment of the child to the foster family and vice versa;

(b) Progress made on treatment plan goals;

(c) Any new problems that have arisen and the actions taken toward a solution of those problems;

(d) Contacts and issues with other resources serving the child;

(e) Center updates reassessing the appropriateness of the foster care placement whenever a significant change occurs in the home, to ensure that care continues to be delivered in a safe and healthy environment in accordance with these rules and regulations and center policies and procedures.

(f) Documentation that the foster parent(s) have received the required clock hours of training annually following the initial foster placement, with the training being relevant to the type(s) of children placed in the foster home.

(10) Maintenance of Foster Care Records.

(a) The center shall maintain separate records for each foster home. The record shall be started at the time of application and shall be kept current.

(b) The foster home record shall contain:

1. The application;

2. Home study;

3. Medical reports for each member of the foster family;

4. Summary narrative containing the dates as well as the content material from the caseworker's contacts;

5. References;

6. The annual evaluations of the foster home, family, and placements;

7. Documentation of required annual training hours as required in Rule .09(6)(g);

8. Placement history of the foster home, children placed, date(s) admitted, date(s) discharged and reason for discharge;

9. Documentation of satisfactory criminal history background checks in accordance with Georgia law.

10. Phone numbers of foster parent(s) including day, cell & evening phone numbers and the days of the week and times of day the foster parent is likely to be accessible at the foster home.

11. Foster children currently in the foster home including the child's name and county of custody.

(c) Foster home records shall be maintained for at least 3 years following the center's last placement in said foster home.

(d) The center shall maintain separate records for each child placed in foster care. The record for each child shall include:

1. Name, sex, race, birth date and birthplace of child;

2. Name, address, telephone number and marital status of parent or guardian of the child;

3. Name, address, telephone number of the foster parent with whom the child is currently placed;

4. Legal documents including verified birth record, court status, agreements, consents, etc.;

5. Social history of the family and parent background;

6. Medical history and cumulative health record, psychological and psychiatric reports;

7. Education records and reports;

8. Plan of care pursuant to these rules;

9. Summary of each 6 month case review conference which reflects the contacts with and the status of all family members in relation to the placement plan as well as the achievements or changes in the goals or services;

10. Summary of child's contacts with the family, the quality of the relationships and the child's progress in coping;

(e) Upon termination of placement of the child, the following shall be placed in the record of the child and the foster home:

1. Date of termination, reason for termination, the name, telephone number, address, and relationship of the person or center assuming responsibility for the child.

2. A termination summary describing the services provided during care, growth and accomplishments, and assessed needs which remain to be met with the service possibilities which might meet those needs.

3. Aftercare plans that determine the responsibility for follow through.

(f) Family/child records shall be maintained for at least 3 years following completion of service.

(11) Agency Records and Reports.

(a) Each center shall maintain records and submit on a timely basis reports required by the Department.

(b) Each center shall maintain a permanent listing with identifying information of all children accepted for service or placement.

(c) Records shall be confidential and protected from unauthorized use, fire, damage or theft. Records and files shall be kept current and be available for review by the Department.

(d) The center shall submit on a timely basis such financial, statistical reports, and Board minutes and other information as may be required by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.17
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Foster Home Placement" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.18. Behavior Management and Emergency Safety Interventions.

(1) **Behavior Management.**

(a) Every center shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served and the center's 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 comprehensive service plan and written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

2. Acceptable behavior management methods shall be limited to the least restrictive appropriate method, as described in the child's comprehensive service plan pursuant to Rule .12(2) 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 beyond that which is identified as a learning need in the comprehensive service plan;

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 or mechanical 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 .12(2);

9. Corporal punishment;

(d) When there is a need for a chemical restraint, there shall be a verbal doctor's order authorizing the chemical restraint followed by a written doctor's order within one (1) business day thereafter.

1. The child's care must be monitored by a doctor for as long as the chemical restraint is ongoing.

2. There shall be no standing orders for chemical restraints.

(e) Restraints for positioning during physical therapy shall not be used as a form of behavior management.

(f) Time out. A child may be placed in a separate room or area, from which egress is prevented only if the following conditions are met:

1. If the room in which the child is to be placed has a door, the door must remain open at all times; and

2. The child is under the direct constant supervision of a designated staff member.

(g) 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.

(h) Centers 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 beyond first aid that is received by a child as a result of any behavior management.

(i) 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.

(j) A positioning or securing device used to maintain the position, limit mobility, or temporarily immobilize a child during medical, dental, diagnostic, or surgical procedures is permissible if ordered by a physician and removed upon the completion of the procedure.

(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 mechanical 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. All emergency safety interventions which employ the use of chemical restraints shall be implemented in accordance with the requirements set forth in Rule .18(1)(d).

(c) The center shall have 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 a physician's assessment 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) Beginning and ending time of the intervention;

   (viii) Outcome of the intervention;

   (ix) Detailed description of any injury arising from the incident or intervention; and

   (x) 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 comprehensive service plan.

(e) Center 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. Center 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 who has responsibility for the diagnosis and treatment of the child's behavior.

(k) Centers 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 beyond first aid that is received by a child as a result of any e mergency safety intervention;

2. Whenever a center utilizes emergency safety interventions three or more times in one month with the same child and/or whenever the center utilizes more than 10 emergency safety interventions for all children in care within a 30-day period.

(l) Centers 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 center, utilizing a master 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 center identifies opportunities for improvement as a result of such reviews or otherwise,

the center shall implement these changes through an effective quality improvement plan.

(n) All direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a 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. Centers shall check the Department's website for a list of approved training programs.

(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 mechanical 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 center director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the center'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.

8. A positioning or securing device used to maintain the position, limit mobility, or temporarily immobilize a child during medical, dental, diagnostic, or surgical procedures is not considered a manual hold.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.18
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.19. Grievances.

(1) The center shall develop and implement policies and procedures for children and families or guardians to voice grievances and to submit written grievances without fear of retaliation.

(2) All written grievances submitted by a child shall be recorded in the case record as well as a separate grievance or complaint log showing the grievance, description or method of explanation or resolution, and involved staff.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.19
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Grievances" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.20. Child Abuse and Sexual Exploitation.

(1) The center shall develop and implement policies and procedures that prohibit child abuse and sexual exploitation of children in care. Such policies and procedures shall incorporate requirements for the reporting of child abuse and sexual exploitation in accordance with State law.

(2) All reports of alleged child abuse and sexual exploitation of children in care shall also be reported immediately to the Child Care Licensing Section of the department.

(a) Such policies and procedures shall also include the following:

1. Provisions for the immediate reporting by any staff member of any suspected incident of abuse or sexual exploitation of a child to the director of the center;

2. Provisions for conducting internal investigations of such incidents (however, such provisions shall not relieve the center of the requirement to submit reports as required by Rule .16(a)1. above);

3. Provisions for preventing the recurrence of an alleged incident pending investigation;

4. Provisions for evaluating the continued use, pending investigation, of any staff member alleged to be involved in a reported incident of abuse or sexual exploitation; and

(b) As required in Rule .08(6)(d), all employees shall receive orientation and training on the center's abuse policies and procedures and reporting requirements.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.20
Authority: O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12.
History. Original Rule entitled "Child Abuse and Sexual Exploitation" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.21. Food Service.

(1) A center 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 or as prescribed by the child's physician.

(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) Food services of a center licensed to care for thirteen or more children are subject to the provisions of the Rules and Regulations of the Department of Human Resources for Food

Service, Chapter 290-5-14, if the center provides food services in a centralized kitchen area. Such a center must obtain a valid food service permit. Centers licensed to care for twelve or less children, or not required to obtain a food Service permit 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 center 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. 290-2-6-.21
Authority: O.C.G.A. Secs. 20-2-370, 49-5-8, 49-5-12.
History. Original Rule entitled "Food Service" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.22. Infection Control, Physical Plant and Safety.

(1) **Infection Control.** Each center shall have procedures for infection control. Policies and procedures shall be written, assembled and available to all staff to reduce the risk of infections originating, occurring, or acquired in the center. Such policies and procedures shall be included in an on-going prevention training program.

(a) Procedures to isolate children to prevent the spread of infections as deemed appropriate;

(b) Procedures for handling and disposing of hazardous waste products and soiled linens and diapers;

(c) Procedures for hand washing and hand antisepsis;

(d) Procedures to ensure that any person whose duties include direct child care, handling food, or handling clean linens, and who has an acute illness or readily contagious condition, shall not be allowed to work until no longer contagious;

(e) Procedures for reporting communicable diseases as required by the rules and regulations for notification of disease which have been promulgated by the Department.

(2) **Physical Plant and Safety.** Each center shall be physically separate and apart from any other facility licensed by the Department under O.C.G.A. 49-5-12.

(3) **Required Approvals.**

(a) A center shall be in compliance with all applicable zoning laws, ordinances, or rules and regulations which apply to its operation.

(b) All water and sewage disposal systems, if other than approved city and county systems, shall be approved by the proper authorities having jurisdiction.

(c) A center shall submit proof of compliance with applicable laws and regulations issued by the State Fire Marshal, the proper local fire marshal, or state inspector, including a certificate of occupancy if required. The premises of the center shall have functioning fire extinguishers and smoke detectors.

(d) All buildings and grounds shall be constructed and maintained in accordance with these rules. Centers that initially apply for a license or current licensees that plan to renovate buildings for housing residents shall submit building blueprints or similar schematic drawings or diagrams for review and approval by the department.

(4) **Accessibility.** All centers serving a child or children dependent on a wheelchair or other device for mobility shall have:

(a) At least two exits from the center, remote from each other, that are accessible to the child in the wheelchair and with easily negotiable ramps;

(b) All doorways and halls leading to exits, bedrooms, bathrooms, and social areas shall accommodate wheelchair access;

(c) At least one bathroom of sufficient size to accommodate a wheelchair and an assisting staff member.

(5) **Sleeping Areas.**

(a) The center shall have separate sleeping areas which contain not less than 63 square feet of usable floor space per resident. Single bedrooms shall contain at least 75 square feet of usable floor space. Usable floor space does not include built-in closet space. Beds shall be arranged to provide for at least three feet of space between the heads, foot, and sides of each bed. Boys and girls shall sleep in separate sleeping areas.

(b) Each child shall be provided with his or her own personal space and furnishings for storage of clothes and personal belongings.

(c) Each child shall be provided his or her own personal bed and mattress that is no shorter than the child's height and at least thirty inches wide. Clean sheets, pillows and pillow cases, blankets or bed covering shall be provided and sheets and pillow cases shall be changed or cleaned at least weekly. Waterproof mattresses shall be provided as needed as required by the child's assessment and comprehensive service plan.

(d) Bedrooms shall be provided with outside ventilation by means of windows, air conditioners, or mechanical ventilation.

(e) No staff member shall sleep in children's bedrooms. Separate sleeping quarters and lavatory for staff shall be provided in the living units.

(6) **Lavatory and Bathing Facilities.**

(a) There shall be lavatory (water basin and toilet) and bathing facilities for children that shall be located near the sleeping areas. Such facilities shall not be used routinely by staff or boys and girls simultaneously.

(b) There shall be at least one lavatory equipped with hot and cold water and mirror for every six residents or fraction thereof. Rooms that contain more than one toilet shall contain stalls for individual privacy. Each lavatory shall be supplied with toilet paper and holders, and individual hand towels, or disposable towels, or mechanical hand drying equipment. Each toilet shall have grab bars firmly installed and convenient to use.

(c) There shall be at least one shower or bathtub with hot and cold water for every six residents or fraction thereof. Bathtubs and shower stalls shall be equipped with nonslip surfaces and have grab bars firmly installed and convenient to use.

(d) Lavatory areas shall be ventilated with either an open screened window or functioning exhaust fan.

(7) **Living Room.** For centers licensed on or after the effective date of these rules, the center shall maintain a living room or den for the children residing in a living unit. Such space shall be equipped with comfortable furnishings suitable for relaxation and social interaction.

(8) **Dining Area.** The center shall maintain a dining area that is furnished to permit children, staff, and guests to eat together in a small group or groups.

(9) **Climate Control.** The center shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-two (82) degrees Fahrenheit, depending upon the season of the year.

(10) **Ceilings and Walls.** All ceilings shall be at least seven (7) feet in height. Ceiling and walls shall be of good repair.

(11) **Windows.** All windows that can be opened and that are used for ventilation shall have insect window screens. Windows and screens must be in good repair.

(12) The center shall be kept clean and free of hazards to health and safety and of debris and pests.

(a) Firearms or ammunition shall not be allowed on the center's premises.

(b) An effective pest control system shall be implemented. Pesticides, disinfectants, chemicals, and cleaning supplies, with hazardous labels, shall be stored in designated areas away from children and if used by children, such use shall be supervised by staff.

(13) **Exterior Grounds.** Exterior grounds of the center shall be free of hazards to health and safety.

(a) Garbage which is stored outside shall be stored in covered containers and shall be emptied at least weekly. Garbage storage areas and containers shall be cleaned periodically to eliminate buildup of dirt and grime that attracts pests and rodents.

(b) Playgrounds and recreation areas used by children shall be kept clean and free from litter and hazards to health and safety.

(c) Swimming Pools. If a center has a swimming pool on its grounds, such pool shall be enclosed with protective fencing and be free of contamination. A certified lifeguard shall be in attendance at all times that a swimming pool is in use by any resident.

(14) **Transportation.**

(a) Vehicles used by a center to transport children shall be insured and shall have a satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation Vehicle Safety Inspection Certification (Form 699) or its equivalent.

(b) When transporting children, a center's vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If a center authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of center vehicles by such residents.

(c) No vehicle shall be used to transport more children than the manufacturer's rated seating capacity for the vehicle.

(d) All vehicles used to transport children shall be equipped with safety equipment as required by federal and state laws.

(15) Children shall not be required to sleep in areas of the premises that are not routinely used as or specifically designated as bedrooms such as doorways, hallways, bathrooms, closets, crawl spaces, fire escapes, kitchens, communal living areas, etc.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.22
Authority: O.C.G.A. Secs. 40-8-76, 49-5-8, 49-5-12.
History. Original Rule entitled "Infection Control, Physical Plant and Safety" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.23. Enforcement and Penalties.

(1) **Plans of Correction**. If the Department determines that either a center or a facility applying to become licensed as a center does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the center not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise

the center or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the center to submit a revised plan of correction.

(a) The center shall comply with an accepted plan of correction.

(b) Where the Department determines that either the center or the facility applying to become licensed as a center has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for Children's Transition Care Centers shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and § 49-5-60*et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The center shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the center's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the center to each current and prospective child's parents and/or legal guardians.

(b) The center shall ensure the posting of the official notice at the center in an area that is visible to each child's parents and/or legal guardians.

(c) The center shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The center shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the center to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care at the center.

(g) 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. 290-2-6-.23
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.24. 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 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 a center 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 center 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 a center when residents are in imminent and substantial danger and the center 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 center at the time of the service of the order.

(4) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the center 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. 290-2-6-.24
Authority: O.C.G.A. Secs. 31-2-4, 31-2-6, 49-5-8, 49-5-12, 49-5-90.
History. Original Rule entitled "Emergency Orders" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.25. Diaster Preparedness.

(1) The center shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, 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 center or within a local or widespread area;

4. Loss of heat or air conditioning;

5. Fire, explosion, or other physical damage to the center; and

6. Pandemics or other situations where the community's need for services exceeds the availability of beds and services regularly offered by the center.

(b) There shall be plans to ensure sufficient staffing and supplies during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all 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 center's children in these situations.

(d) The center shall document participation of all areas of the center in quarterly fire drills.

(e) In addition to fire drills, the center 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 center 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 center's plan for the management of external disasters.

(h) The center's disaster preparedness plan shall be made available to the department for inspection upon request.

(i) 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. 290-2-6-.25
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Disaster Preparedness" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.26. Waivers and Variances.

(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by a center. The department may establish conditions which must be met by the center in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(2) Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording

protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(3) Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(4) Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Cite as Ga. Comp. R. & Regs. R. 290-2-6-.26
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Waivers and Variances" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Rule 290-2-6-.27. 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. 290-2-6-.27
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Severability" adopted. F. Jan. 27, 2009; eff. Feb. 16, 2009.

Subject 290-2-7. RULES AND REGULATIONS FOR OUTDOOR CHILD CARING PROGRAMS.

Rule 290-2-7-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereafter respectively ascribed to them:

(a) "Administrator" or "Executive Director" means the person responsible for overall administration of the Outdoor Child Caring Program.

(b) "Applicant" means the following:

1. When the outdoor child caring program 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 outdoor child caring program 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 outdoor child caring program 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 outdoor child caring program 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) "Board" unless otherwise indicated, shall mean the Georgia Board of Human Resources.

(e) "Camper" means a child who has been admitted to the Outdoor Child Caring Program for care.

(f) "Chemical restraint" means drugs that are administered to manage a child's behavior in a way that reduces the safety risk to the resident or others; that have the temporary effect of restricting the child's freedom of movement; and that are not being used as part of a standard regimen, as specified in the child's treatment plan, to treat current symptoms of a medical or psychiatric condition.

(g) "Child" means a person through 18 years of age.

(h) "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 Resources. 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.

(i) "Commissioner" means the Commissioner of the Georgia Department of Human Resources or his designee.

(j) "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.

(k) "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.*

(l) "Department" means the Department of Human Resources of the State of Georgia.

(m) "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.

(n) "Emergency safety intervention plan" means the plan developed by the therapeutic camp 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.

(o) "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.

(p) "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.

(q) "Governing Board" means the persons in which the ultimate legal responsibility, authority and accountability for the operation of the Outdoor Child-Caring Camp is vested.

(r) "License" means a written authorization granted by the Department to an applicant for license to operate an Outdoor Child Caring Program as a classification of a Child-caring Institution.

(s) "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.

(t) "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.

(u) "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.

(v) "Outdoor Child-Caring Program" means a child-caring institution, hereinafter also referred to as facility or program or camp that provides room, board and watchful oversight along with a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the children, through the age of eighteen (18) participating in the activities. The term does not include outdoor camps that operate for a time-limited period, not exceeding 14 weeks per year. These children may also be referred to in these rules as "residents" or "campers."

(w) "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 an outdoor child caring program and who:

1. Purports to or exercises authority of the owner in an outdoor child caring program;

2. Applies to operate or operates an outdoor child caring program;

3. Enters into a contract to acquire ownership of an outdoor child caring program.

(x) "Placement Agency" means any person other than the parent of a child who is legally responsible for placement planning for the child.

(y) "Plan of Correction" means a written plan submitted to the Department by the person or persons responsible for the Outdoor Child Caring Program. The Plan shall identify the existing areas of non-compliance of the Outdoor Child Caring Program, together with the proposed procedures, methods and period of time required to correct the areas of noncompliance.

(z) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.

(aa) "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.

(bb) "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.

(cc) "Room, Board and Watchful Oversight" means providing a safe, appropriate outdoor setting, adequately nutritious meals and oversight to ensure a child's basic safety needs are met.

(dd) "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.

(ee) "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.

(ff) "Social Service Worker (SSW)" means the person(s) employed by the facility who is (are) responsible for providing oversight of services to children and their families in the camp setting. The Social Service Worker 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 their service plan; and monitoring of their educational and/or vocational needs.

(gg) "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.

(hh) "Temporary License" means written authorization granted by the Department to an applicant for license to admit children to the Outdoor Child Caring Program on a conditional basis to allow a newly established Outdoor Child Caring Program a reasonable, but limited period of time to demonstrate that operational procedures are in satisfactory compliance with these rules and regulations, or to allow an established and currently operating Outdoor Child Caring Program a reasonable, but specified, length of time to comply with these rules and regulations, provided said Outdoor Child Caring Program shall first present a Plan of Correction which is acceptable to the Department.

(ii) "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.

(jj) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(kk) "Variance" means written permission by the Department or Board to do some act contrary to the literal rule.

(ll) "Waiver" means the official written relinquishment of a rule in the course of issuance of a license.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.01
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Social Services" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Definitions" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 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. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.02. Applicability.

(1) No person, institution, agency, society or facility shall operate an Outdoor Child Caring Program unless a license or permit has been obtained from the Department.

(2) The following types of child-caring institutions or activities are exempt from the requirements of these regulations:

(a) Child-caring institutions licensed by the Department pursuant to rules and regulations of the Department, Chapters 290-2-5 and 290-2-6, and which do not

provide outdoor child caring camping activities exceeding periods of more than 14-day duration.

(b) facilities licensed by the Department pursuant to rules and regulations for hospitals, Chapter 290-5-6.

(c) facilities licensed by the Department pursuant to rules and regulations for intermediate care homes, Chapter 290-5-9.

(d) facilities licensed by the Department pursuant to rules and regulations for drug abuse treatment programs, Chapter 290-4-2.

(e) facilities owned and operated by the federal government.

(f) summer camps established solely for recreational and educational programs.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.02
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Admissions" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Applicability" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.03. Organization and Administration.

(1) The legal basis for operation of an Outdoor Child Caring Program shall be documented through copies of the Articles of Incorporation, partnership agreements, and documents reflecting the creation of an association or a resolution authorizing the operation of the program.

(2) All Outdoor Child Caring Programs shall have a Governing Body that is responsible for and has authority over the policies and activities of the Outdoor Child Caring Program. If an Outdoor Child Caring Program is owned by a partnership, the partners shall be regarded as the Governing Body for the purposes of this subsection. If an Outdoor Child Caring Program is owned by a sole proprietor, the responsibilities imposed on a Governing Body by this subsection shall be borne by that proprietor.

(a) Outdoor Child Caring Programs that are owned corporately shall provide the Department with a list of names, addresses, and titles of the officers and/or executive committee of the Governing Body. Outdoor Child Caring Programs that are owned jointly or individually shall provide the Department with a list of names and addresses of the partners or owner. The Department shall be notified of any changes.

(3) The Governing Body shall be responsible for:

(a) Employing an Administrator or Executive Director;

(b) Developing and complying with written policies and operating procedures concerning organizational structure, personnel practices, admissions, care and services, appropriate behavior management and emergency safety interventions, and discharge of campers in accordance with these rules and regulations;

(c) Ensuring adequate financing;

(d) Ensuring compliance with minimum requirements;

(e) Periodically reviewing the program of care and services;

(f) Approving an annual budget; and

(g) Providing bonding for Board officers and staff who handle substantial operating or capital funds of the Outdoor Child Caring Program.

(4) The Governing Body shall visit the Outdoor Child Caring Program site at least twice a year to observe the operation of the program and the activities of the campers. This shall be documented in the minutes of the meetings of the Governing Body.

(5) The Outdoor Child Caring Program shall operate in accordance with its written policies and procedures. Copies of policies and procedures shall be made available to facility staff.

(6) The Governing Body shall be responsible for obtaining a satisfactory determination on a criminal records check for the Director and all staff whose duties involve personal contact with the campers.

(7) The Outdoor Child Caring Program shall maintain complete financial records. Books shall be audited annually by an independent certified public accountant. A copy of the accountant's statement of income and disbursements and the opinion letter from the audit report shall be submitted annually to the Department.

(8) A new Outdoor Child Caring Program shall have funds sufficient for the first year of operation. It shall have reserve funds or documentation of available credit, equal to the operating costs for the first three months.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.03
Authority: O.C.G.A. Secs. 49-5-12, 49-5-60.
History. Original Rule entitled "Services to the Child and His Family" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Organization and Administration" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.

Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.04. Criminal History Background Checks, Pesonnel.

(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new outdoor child caring program 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 children 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.

(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) An outdoor child caring program 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 Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

(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 sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;

(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;

(m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or

(n) 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 outdoor child placing agency 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 outdoor child caring program license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .04(2)(a)-(n) 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 outdoor child caring program license who acquires a criminal record as defined in Rule .04(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.

(c) 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 .04(2)(a)-(n) 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.

(4) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed outdoor child caring program, a person shall submit a

records check application and receive a satisfactory determination or be determined eligible to serve as a director as a result of an administrative hearing.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed outdoor child caring program 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. 16-21-1, relating to contributing to the delinquency of a minor;

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 outdoor child caring program, 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 serve as an employee 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 outdoor child caring program if it is determined that such person has a criminal record involving any of the covered crimes outlined in O.C.G.A. Secs. 16-4-1, 16-5-23, 16-6-1 and 16-21-1 and in Rule .04(2)(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, whichever is applicable.

(5) Personnel. In accordance with these rules and regulations, the outdoor child caring program shall employ and provide training and supervision for an adequate number of staff necessary to ensure the health and safety of the campers in its care.

(6) Outdoor Child Caring Programs shall have written job descriptions which specify what duties employees are expected to perform. A copy of the job descriptions shall be available to the employees and to the Department.

(7) The Administrator or Executive Director shall have a masters degree from an accredited college or university and a minimum of three years of increasingly responsible experience in the human service, mental health or health care field, or a Bachelors Degree plus five years experience in the field of child care, human services, mental health, at least two of which includes supervisory and/or administrative responsibility.

(8) The Administrator shall be responsible for implementing the policies adopted by the Governing Body, the on-going operation of the Outdoor Child Caring Program, and compliance with the "Rules and Regulations for Outdoor Child Caring Programs."

(9) The Administrator or his/her designee shall be present and responsible for the operation of the camp at all times. Staff on duty shall be made aware of the designated person.

(10) There shall be an effective written plan for staff supervision of the group sessions. The plan shall include the line of supervision, support staff, their location and accessibility.

(11) The staff member with primary responsibility for planning, developing, implementing service and Room Board and Watchful Oversight plans, supervising staff who deliver the services, and developing in-service training shall have a master's degree in psychology, social work, education or other related fields and experience and/or training in working with children in an outdoor Child Caring Program environment.

(12) Each Outdoor Child Caring Program shall have a social service worker on staff.

(13) The social service worker shall have at least a Bachelor's Degree from an accredited college or university.

(14) Each Outdoor Child Caring Program shall employ or contract with an adequate number of qualified and trained staff who provide room, board and watchful oversight appropriate to the types of children being served.

(15) The Outdoor Child Caring Program s shall arrange for the provision of professional services e.g., physicians, dentists, psychiatrists, psychologists, teachers, nurses, recreational therapists and other specialists according to the requirements of the Medicaid Rehabilitation Option Network.

(16) The Outdoor Child Caring Program shall have staff coverage throughout the 24-hour period.

(a) The Outdoor Child Caring Program 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.

(b) Supervisory staff shall be accessible to campers and to child care staff 24 hours per day. 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 campers in care.

(c) If volunteers are used as a supplement to child care staff, they shall meet the same requirements as the regular child care staff.

(d) Teachers who supervise campers' activities may be included in the provision of watchful oversight during the time they are responsible for a group.

(17) Child care staff or supervisory staff shall be available at all times so that no group will be without appropriate supervision.

(18) Tasks which conflict or interfere with their child care responsibilities shall not be assigned to child care staff. Job descriptions and staff assignments shall show no conflicts in assignments to child care staff.

(19) The personal qualifications of employees shall be verified including a satisfactory criminal history background check completed in accordance with O.C.G.A. Sec. 49-5-60*et seq.* and a ten-year employment history**.** Verification of educational qualifications shall include documentation of a high school diploma or official transcripts from an accredited institution of higher learning.

(a) At least three references shall be obtained for each potential employee prior to employment. Information obtained from the references shall be written and filed whether the interview is conducted in person or by telephone. References should attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with the types of children served by the camp.

(b) Each employee shall submit an oral or written statement to the facility at the time of application that they have never 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, sexually exploited, or deprived a child or 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.

(20) Child care staff shall be at least four years older than the oldest child in their group, have a high school education or an equivalency and experience in working with children in a group setting. Former campers employed as staff shall be at least 21 years of age.

(21) In addition to the initial orientation, including training on the facility's policies and procedures pertaining to behavior management techniques and emergency safety interventions, all staff working with campers shall receive annually at least 40 hours of in-service training related to children's service needs in a primitive environment. In-service training for staff working with campers shall be documented. This shall include the date, the subject, and name of the person who conducted the training.

(22) Training in first aid and C.P.R. shall be required within 90 days of employment for all child care staff who are not licensed/certified health professionals.

(a) Training shall be certified by a Red Cross instructor or a licensed/certified health professional.

(b) First aid training shall be updated at least every three years. Certificates or statements of training shall document that training has been updated.

(23) All child care staff shall have training by certified staff in water safety and lifesaving techniques.

(24) A specialist trained in the particular activity shall supervise the participation of the campers in high risk activities such as rock climbing, canoeing, caving, etc.

(25) Personnel records shall be maintained for each employee of the outdoor child caring program. These records shall contain as a minimum the following information:

(a) Identifying information such as name, address, telephone number, and emergency contact person(s);

(b) Qualifications for the position;

(c) Date, name of contact, and information received from pre-employment references;

(d) Date of employment;

(e) Verification of training, including dates of all such training;

(f) Annual reports of performance, including all records of employee discipline arising from the inappropriate use of behavior management techniques and emergency safety interventions;

(g) Criminal history background check determination;

(h) Date and reason for separation; and

(i) Forwarding address of separated employees.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.04
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Discharge Policies" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Personnel" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Criminal History Background Checks, Personnel" adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.05. Admission and Intake Policies.

(1) The Outdoor Child Caring Program shall admit only those campers for whom it has a program designed to meet the particular needs of the camper and who meet the admission policies.

(a) The Outdoor Child Caring Program shall provide information to the custodian about the services, environment, age ranges and behavioral characteristics of the other children in placement prior to admission.

(b) The Outdoor Child Caring Program shall maintain signed documentation from the custodian that they have received and considered the information provided in Rule .05(1)(a) above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.

(c) The Outdoor Child Caring Program shall have written admission policies which specify the age, sex, and types of needs of campers for which the camp is qualified by staff, program and equipment to meet.

(d) The Outdoor Child Caring Program shall apply to the Department for a new license prior to a change in the admission policies which would require a change in the conditions of the license.

(2) An Outdoor Child Caring Program shall not accept more campers than is specified on the license, or campers whose age and sex are inconsistent with the conditions of the license.

(3) Children under 8 years of age shall not be accepted for care in an Outdoor Child Caring Program.

(4) The Outdoor Child Caring Program shall not admit a camper who has not had a medical examination by a licensed physician within 30 days prior to admission. The report of the examination shall include an explanation of any known problem or potential problem, the

prescribed medical treatment and any recommendations for future care and examinations and a statement to the effect that the conditions are not incompatible with the rigors of the Outdoor Child Caring Program environment. The prescribed medical treatment and recommendations for future care shall be incorporated into the camper's service plan.

(5) Campers shall have had a dental examination by a licensed dentist within the six months prior to admission. Dental treatment shall be provided as recommended by the examining dentist.

(6) The Outdoor Child Caring Program shall not accept a camper for care until a psychological or psychiatric evaluation and an intake study has been made and based on an analysis and recommendation of the social service worker with approval of the Administrator has determined that the placement meets the needs and best interests of the camper.

(7) The intake study shall be prepared by the social service worker and shall be maintained in the Camper's record. The study shall include a summary of at least the following information:

(a) Current (within 1 year) evaluation by a licensed psychiatrist or psychologist authorized as a Medicaid Rehabilitation Option Provider, Community Resources provider, or other privately licensed psychiatrist or psychologist;

(b) A description of family relationships and the circumstances that make the placement necessary;

(c) The camper's developmental history;

(d) The parents' or placement agency's expectation of placement;

(e) The camper's understanding of placement;

(f) A description of the camper's personality, behavior, and interests;

(g) The camper's school history;

(h) History of previous placements;

(i) A statement about the camper's legal status;

(j) A statement of the camper's room, board and watchful oversight needs;

(k) The immediate and long-range goals of placement;

(l) The name of the family member or the placement agency who will be responsible for the relationship with the Outdoor Child Caring Program and the camper;

(m) Medical/dental history;

(n) Religious preference; and

(o) List of friends or others that may be permitted to visit with the camper if approved by the facility;

(8) The intake process shall include a discussion about placement with the camper and his or her parents or Placement Agency. It shall include a visit to the Camp.

(9) At the time of placement a written agreement shall be made between the Outdoor Child Caring Program, the camper and the camper's parents or placement agency. A copy of this agreement shall be in the camper's record. The agreement shall as a minimum include:

(a) Authorization to care for the camper;

(b) A medical consent form signed by a person authorized to give consent;

(c) Consent for camper to participate in trips or special activities;

(d) General goals and expectations for the camper's individual service plan;

(e) Written financial agreement including responsibility for medical, dental, clothing and other special needs; and

(f) Provision for notification of parents or placement agency in the event of unauthorized absences, medical or dental problems and any other significant event regarding the child, including the use of emergency safety interventions.

(10) Before admission, or at the time of admission, the Outdoor Child Caring Program shall provide written material to the camper's parents or placement agency which specifies:

(a) Rules regarding visits, mail, gifts, and telephone calls;

(b) Information on the nature and frequency of reports to the camper's parents or the Supervisory staff shall be accessible to campers and to child care staff 24 hours per day. All placement agency 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 campers in care.

(c) The facility's policy concerning behavior management and emergency safety interventions;

(d) The facility's policy or program concerning religious training;

(e) The name of the person or office that parents or the placement agency can contact if they feel their child's rights have been violated;

(f) Information regarding trips or special activities; and

(g) If the Outdoor Child Caring Program has a school program, information concerning its accreditation, approval or lack thereof.

(11) The Outdoor Child Caring Program shall provide orientation for new campers.

(12) The Outdoor Child Caring Program shall comply with the Interstate Compact on the Placement of Children, O.C.G.A. Chapter 39-4, when admitting children from another state.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.05
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Follow-Up Services" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Admission and Intake Policies" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 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. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.06. Support Services.

(1) Within 30 days of admission, an individual service plan shall be developed by camp staff, the camper and his parents or placement agency. The plan shall be filed in the camper's case record with copies or a summary being made available to the camper's parents or placement agency.

(2) The service plan shall:

(a) specify the camper's needs and the way these needs shall be met;

(b) include the objectives of placement and the estimated length of stay, daily individual and group activities to achieve the objectives;

(c) be utilized by staff members working with the camper;

(d) provide for the social and educational needs of the camper;

(e) provide for the coordination of specialized services that will be delivered by the Medicaid Rehabilitation Option Provider and measures for insuring their integration with the child's ongoing service plan;

(f) provide for meeting the medical needs of the camper;

(g) specify the degree of the family's involvement.

(3) There shall be a staffing conference at least every three months for the purpose of reviewing and assessing progress toward meeting the goals of the service and room, board and watchful oversight plan. The camper shall be included in the conference. Results of the conference shall be filed in the camper's record.

(4) A case review conference with the camper, parents and/or placement agency shall be conducted at least every 6 months.

(5) Counseling and/or other social services are an integral part of the camper's service plan. Implementation of these services shall be in accordance to the camper's individual service plan and shall be provided by the Medicaid Rehabilitation Option Network.

(6) The Outdoor Child Caring Program shall obtain professional consultation and treatment for campers with special needs. When these services are obtained, they shall be documented in the camper's case record.

(7) Information and statements from mental health professionals (psychiatrists, psychologists, social workers, etc.) shall be utilized in the assessment, service planning, and implementation of the plan and monitoring of the progress of the camper.

(8) Discharge Planning.

At least one month prior to planned discharge, except in cases of emergency discharges, an Outdoor Child Caring Program shall formulate an aftercare plan that identifies the supports and resources that the camper and camper's family are expected to need following discharge. When a camper is being discharged for placement in another institution or similar program, the receiving institution or program, except in cases of emergency discharges, shall be given at least thirty days notice of the proposed date of placement. A copy of the completed discharge summary shall be sent to the camper's parent (s) or guardian(s), or placement agency representative via e-mail, fax or mail. (Documentation should be kept in camper's file, to show summary was sent.)

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.06
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Records and Reports" adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974.
Repealed: F. Aug. 26, 1975; eff. Sept. 15, 1975.
Amended: New Rule entitled "Treatment Services" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Support Services" adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.07. Daily Care.

(1) A daily schedule shall be developed to meet Campers' needs.

(2) All staff having witnessed or having knowledge of a significant event for a Camper shall report such to the supervisor orally as soon as possible and in writing within 24 hours.

(3) The Outdoor Child Caring Program shall see that each Camper is supplied with personal clothing suitable to the camper's age and size and the season.

(4) Campers shall be given training in habits of personal care, hygiene, and grooming. Each camper shall be supplied with personal care, hygiene, and grooming equipment.

(5) Money earned by a camper or received as a gift or allowance shall be the Camper's personal property. A camper's money may be deposited with the Camp office but shall be accounted for separately from the Camp's funds.

(6) A camper shall not be required to use earned money to pay for room and board unless it is part of the service plan and is approved by the parent or placement agency and the director of the program.

(7) Campers shall be provided food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development.

   (a) "Food for Fitness - A Daily Food Guide," developed by the United States Department of Agriculture, shall be used as a basis for meeting these requirements.

   (b) Campers shall have a minimum of three meals available daily and snacks.

   (c) Menus, as served, shall be retained on file for one month after use.

   (d) No more than 14 hours shall pass between the last meal or snack of one day and the serving of the first meal of the following day.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.07
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Daily Care" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.08. Campers' Rights and Privileges.

(1) The staff of the Outdoor Child Caring Program shall allow privacy as needs indicate for each camper.

(2) Campers shall have access to a quiet, private area where they can withdraw from the group when appropriate.

(3) Termination of contacts between the camper and his or her family shall not be allowed while the camper is in care unless the rights of the parents have been terminated by court order or it has been determined by the placement agency that family contact is not in the camper's best interest. The frequency and nature of contact shall be based on the needs of the camper, and shall be determined with the participation of the camper, his or her family or placement agency and Outdoor Child Caring Program staff. Any limitations shall be filed in the camper's case record. Restriction of a contact shall be based on a determination by the staff along with any additional information from the Medicaid Rehabilitation Option Provider that due to the nature of the circumstances at that time that particular contact is not in the best interest of the camper. Reasons for the restrictions shall be shared with the Camper and the family and documented in the camper's record.

(4) The Outdoor Child Caring Program shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the camper and his or her family or placement agency.

(5) A camper shall be allowed to bring personal possessions to the Outdoor Child Caring Program and to acquire possessions. Limits put on the kind of possessions a camper may or may not bring or receive shall be applied equally to all Campers, shall be discussed with the camper and his or her parents or placement agency and shall be documented in the camper's record.

(6) The Outdoor Child Caring Program shall not place a camper in a position of having to acknowledge his or her dependency, destitution, or neglect. The Outdoor Child Caring Program shall not require the camper to make public statements about his or her background or dependence on the Camp, to publicly acknowledge gratitude to the Camp or to perform at public gatherings.

(7) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a camper or his or her family or Placement Agency shall not be made public. The Outdoor Child Caring Program shall not use reports or pictures from which campers can be identified without written consent from the camper and the parents or placement agency.

(8) The opinions and recommendations of the campers shall be considered in the development and evaluation of the camping program and activities.

(9) The Outdoor Child Caring Program shall have clearly written policies for the behavior management of campers. Copies shall be available to staff and campers.

(10) Discipline shall be consistent with the policies of the Outdoor Child Caring Program and shall not be physically or emotionally damaging.

(11) Staff members shall be responsible for all behavior management of campers.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.08
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Camper's Rights and Privileges" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as

specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.09. Behavior and Management and Emergency Safety Interventions.

(1) Behavior Management.

(a) The Outdoor Child Caring Program shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served 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 camper's service plan 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. 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 .08(3);

9. Corporal punishment; and

10. Seclusion not used appropriately as an emergency safety intervention.

(d) Campers shall not be permitted to participate in the behavior management of other campers or to discipline other campers.

(e) Outdoor Child Caring Programs 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 beyond first aid that is received by a camper 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 camper exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the camper or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the camper or others to greater risk of injury.

(b) Emergency safety interventions shall not include the use of any restraint or manual hold that would potentially impair the camper's ability to breathe or has been determined to be inappropriate for use on a particular camper due to a documented medical or psychological condition.

(c) The institution shall have written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each camper and the camper'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 an assessment at admission and at each annual exam by the camper's physician, a physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or a public health department that states there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that camper. Such assessment and documentation must be re-evaluated following any significant change in the camper'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 restraint 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 camper's medical and psychological 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 physical or mental health of the camper.

(f) Campers shall not be allowed to participate in the emergency safety intervention of another camper.

(g) Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the camper is with a staff member, the camper's behavior will be assessed, monitored, and documented to ensure that the camper does not appear to be exhibiting symptoms that would be associated with an injury. Authority O.C.G.A. Secs. 49-5-8 and 49-5-12.

(h) At a minimum, the emergency safety intervention program that is utilized shall include the following:

1. Techniques for de-escalating problem behavior including camper 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 camper;

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 camper 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 camper's ability to breathe;

9. Camp 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 .04(16) 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 camper'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 physician who has responsibility for the diagnosis and treatment of the camper's behavior.

(k) Outdoor Child Caring Program 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 beyond first aid that is received by a camper as a result of any e mergency safety intervention;

2. For any Outdoor Child Caring Program with a licensed capacity of 20 residents or more, any 30-day period in which three or more instances of emergency safety interventions of a specific camper occurred and/or whenever the Outdoor Child Caring Program has had a total of 10 emergency safety interventions for all campers in care within the 30-day period; and

3. For any Outdoor Child Caring Program with a licensed capacity of less than 20 residents, any 30-day period in which three or more instances of emergency safety interventions of a specific camper occurred and/or whenever the Outdoor Child Caring Program has had a total of five instances for all campers in care within the 30-day period.

(l) Outdoor Child Caring Program 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 camper's parents or legal guardians regarding the use of the intervention. A copy of such report shall be maintained in the camper's file.

(m) At least once per quarter, the institution, utilizing a master agency restraint log and the camper's case record, shall review the use of all emergency safety

interventions for each camper and staff member, including the type of intervention used and the length of time of each use, to determine whether there was a clinical 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 Outdoor Child Caring Program identifies opportunities for improvement as a result of such reviews or otherwise, the Outdoor Child Caring Program 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 restraint or manual hold that would potentially impair the camper's ability to breathe or has been determined to be inappropriate for use on a particular camper due to a documented medical or psychological condition.

3. When a manual hold is used upon any camper whose primary mode of communication is sign language, the camper 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 camper 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 camper's health given the camper'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 camper 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 camper to a hospital or mental health facility for evaluation.

7. The camper'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 or area in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's physician, psychiatrist, or licensed psychologist and documenting such authorization in the child's record.

2. A seclusion room or area shall only be used if a camper is in danger of harming himself or herself or others.

3. A camper placed in a seclusion room or area shall be visually monitored at least every 15 minutes.

4. A room or area used for the purposes of seclusion must meet the following criteria:

   (i) The room or area shall be constructed and used in such ways that the risk of harm to the camper is minimized;

   (ii) The room or area shall be equipped with a viewing window on the door so that staff can monitor the child;

   (iii) The room or area shall be lighted and well-ventilated;

(iv) The room or area shall be a minimum fifty (50) square feet in area; and

(v) The room or area must be free of any item that may be used by the camper to cause physical harm to himself/herself or others.

5. No more than one camper shall be placed in the seclusion room or area at a time.

6. A seclusion room or area monitoring log shall be maintained and used to record the following information:

   (i) Name of the secluded camper;

   (ii) Reason for camper's seclusion;

   (iii) Time of camper's placement in the seclusion room or area;

   (iv) Name and signature of the staff member that conducted visual monitoring; and

   (v) Time of the camper's removal from the seclusion room or area.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.09
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Medical and Dental Care" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.10. Medical and Dental Care.

(1) The Outdoor Child Caring Program shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.

   (a) The Outdoor Child Caring Program shall have a written agreement with external physicians, dentists and other health care providers for medical emergencies and routine medical care.

   (b) The Outdoor Child Caring Program shall instruct all staff members in the policies and procedures to be followed in an emergency.

(2) All campers shall be examined annually by a licensed physicianwith an initial physical examination documented at least 30 days before being admitted to the camp.

(3) Facilities for medical isolation shall be available on the premises of the Outdoor Child Caring Program or at a facility recommended by a physician. No person with a contagious disease shall remain in the group during the contagious period.

(4) All campers shall have a dental examination by a licensed dentist or a dental hygienist working under the supervision of a licensed dentist at least once every 6 months.

(5) The Outdoor Child Caring Program shall comply with laws, rules, and regulations regarding immunization.

(6) The Outdoor Child Caring Program shall comply with laws, rules, and regulations for acquiring, storing, and administering medication.

(a) Medicines shall be contained in a locked cabinet or metal box at the Outdoor Child Caring Program.

(b) The medicine cabinet or box shall have a separate compartment for storing poisons and drugs for external use only.

(c) The Outdoor Child Caring Program shall develop and implement policies and procedures for the appropriate use and management of all types of medications. All direct care Outdoor Child Caring Program staff shall receive orientation on the policies and procedures. Such policies and procedures shall include the following

(d) Non-prescription medications. No camper shall be given a nonprescription medication by staff members of the Outdoor Child Caring Program unless the child exhibits symptoms that the medication is designed to relieve.

(e) Prescription medications. No camper shall be given a prescription medication unless the medication is prescribed for the camper by an authorized health care professional.

(f) Prescription medications shall only be given to a camper as ordered in the camper's prescription. An institution shall not permit medications prescribed for one camper to be given to any other camper.

(g) A camper's attending physician shall be notified in cases of dosage errors, drug reactions, or if the prescription medication does not appear to be effective. This information will be documented on the back of the Medication Administrative Record.

(h) Psychotropic medications. No camper shall be given psychotropic medications unless use is in accordance with the goals and objectives of the camper's service plan. Psychotropic medications must be prescribed by a physician who has

responsibility for the diagnosis and treatment of the camper's conditions that necessitate such medication. Continued use of psychotropic medications shall be reviewed by the prescribing physician every sixty days.

(i) An Outdoor Child Caring Program shall designate and authorize classes of staff, such as Outdoor Child Caring Program Staff, to handout medications and supervise the taking of medications. Only designated and authorized staff shall handout and supervise the taking of medication. Staff will ensure medication has been taken and campers are not sharing medication. If designated and/or authorized staff makes 3 medicine errors in 1 month's time, staff will need to repeat the course before being able to hand out medications. Course curriculum shall be available to the Department and copy of the test kept in the employee's file.

(j) An Outdoor Child Caring Program shall maintain a record of all medications handed out by authorized staff and taken by camper to include: name of camper taking medication, name of prescribing physician and date of prescription (if the medication is prescription or psychotropic), required dosage, date and time taken, dosage taken, and name and signature of staff member that handed out and supervised the taking of medication. No blanks shall be left on the Medication Administrative Record, if the camper is away this absence is to be documented on the MAR.

(k) All expired medications shall be discarded and not handed out for use.

(7) First aid supplies shall be available and administered by a trained staff member. If campers are away from the camp during the time they need to take their medication or over twenty-hours, Camp staff shall keep medicines locked in the daypack and kept on the staff person who is responsible and trained to give medication.

(8) Persons administering medication shall have received appropriate training from a licensed/certified health professional. Documentation of training shall be filed in the individual's personnel record. Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(9) Policies and procedures for dealing with medical emergencies such as bee stings, multiple insect bites, snake bites, hypothermia, etc. shall be developed. Staff shall be instructed as to their individual responsibilities and action to be taken.

(10) Staff shall inquire of each camper on a daily basis as to signs of illness, fever, rashes, bruises and injuries and shall provide or make arrangements for follow-up care as the camper's condition may require and document such actions until the condition is resolved.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.10
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Education" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the

Agency.
Repealed: New Rule entitled "Medical and Dental Care" adopted. F. Aug. 21, 2006; eff. Sept. 10, 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. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.11. Education.

(1) The Outdoor Child Caring Program shall ensure that each child attends an appropriate educational program (regular, special education or vocational education) designed to meet his/her educational need.

(2) Prior to or upon admission an Individual Education Plan shall be developed by the Camp staff, Camper, parent or Placement Agency and a certified teacher. The I.E.P. shall be incorporated in the Camper's individual service plan.

(3) The I.E.P. shall conform with the State Standards and shall be updated annually.

(4) Certified teachers shall be used for on-site schools.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.11
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Campers' Records" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Education" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.12. Campers' Records.

(1) Each Camp shall maintain a permanent register with identifying information of all children accepted for service. In addition to other required documentation, each camper's record shall include:

(a) Name.

(b) Date of birth.

(c) Sex.

(d) Religion.

(e) Race.

(f) Names, addresses and phone numbers of parents, brothers, and sisters.

(g) Names, addresses and phone numbers of other persons who have a significant relationship with the child.

(h) Name, address and phone number of an emergency contact.

(i) Date of admission.

(j) Birth Certificate or other document which establishes identity, if required for enrollment in public school.

(k) A copy of the intake study.

(l) Placement Agreement.

(m) Service plan.

(n) Documentation of case reviews and updates of service plan.

(o) Health records of immunizations, examinations, treatments recommended and received.

(p) Reports of significant events occurring during time camper was receiving care.

(q) Discharge data including date and to whom discharged.

(2) The Camp shall ensure that case records are kept confidential and inaccessible to unauthorized persons, safe from fire, damage or theft.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.12
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Discharge" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Campers' Records" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.13. Discharge.

(1) The following persons shall be involved in planning the discharge of a camper from the Outdoor Child Caring Program:

(a) The camper,

(b) The camper's parents or placement agency,

(c) Outdoor Child Caring Program staff.

(2) The name, address, and relationship of the person to whom the camper is discharged shall be recorded.

(3) If, in the event of an emergency discharge, the Outdoor Child Caring Program is unable to plan for the discharge with the persons listed in these rules, the Outdoor Child Caring Program shall document circumstances surrounding the emergency discharge in the camper's record. Parents and placement agencies shall be advised of the policies related to emergency discharge prior to admission of a camper.

(4) The Outdoor Child Caring Program shall not discharge a camper to any one other than the parent or placement agency or an order from a court of competent jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.13
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Buildings, Grounds, and Equipment" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Discharge" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.14. Buildings, Grounds, and Equipment.

(1) Camps shall have access to a minimum of 10 acres per camper for the first 50 campers with an additional 5 acres per camper for each additional camper. Housing sites shall be located so as to provide visual separation of the groups.

(2) Housing sites shall not be subject to or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic or any similar hazards.

(3) All camp sites shall be well drained and free from depressions in which water may stand. Natural sinkholes, pools, swamps or other surface collectors of water within 200 feet of the periphery of the camp shall be either drained or filled to remove the still surface water. Mosquito breeding shall be prevented in such areas containing water not subject to such drainage or filling.

(4) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(5) The housing site shall provide a space for recreation reasonably related to the size of the program and the type of occupancy.

(6) Water shall be supplied from an approved public supply if available; if not available, the private system shall comply with Rules and Regulations for Water Supply Quality Control of the Georgia Department of Natural Resources.

(7) The use of a common drinking cup shall not be permitted.

(8) No tile or concrete sanitary sewers or septic tanks shall be allowed within a distance of fifty (50) feet, and no cesspool or septic tank open-jointed drain fields shall be allowed within a distance of one-hundred fifty (150) feet of the private water supply.

(9) Adequate and safe sewerage facilities with flush toilets shall be provided if water supply is available. Public sewers, subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system shall be provided. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(10) Where water supply is not available, sanitary type privies or portable toilets shall be provided. All such facilities shall be constructed as required by the Department. Privies, if provided, shall be maintained so as to prevent access of flies and animals to the contents therein, to prevent fly breeding and to prevent contamination of water supply.

(11) All facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner to eliminate possible health or pollution hazards.

(12) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each fifteen (15) occupants, with a minimum of one (1) unit for each sex in common use facilities.

(13) Separate toilet accommodations for males and females shall be provided in common use areas. Toilets shall be distinctly marked "Male" and "Female."

(14) Housing shall be structurally sound, in good repair, maintained in a sanitary condition and shall provide protection to the occupants against the elements.

(15) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable and so located as to prevent the entrance of ground and surface water.

(16) A balcony, upper story, attic or loft shall not be used for sleeping or group assembly.

(17) All outside openings in kitchen and dining rooms shall be protected with screening of 16 mesh or less.

(18) All screen doors shall be tight, in good repair and equipped with self-closing devices.

(19) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 50° Fahrenheit if during the period of normal occupancy the temperature in such quarters falls below 50° Fahrenheit.

(20) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided in sleeping areas. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet or other fire-

proof materials on the floor under each stove, extending at least eighteen (18) inches beyond the perimeter of the base of the stove.

(21) Any wall or ceiling within eighteen (18) inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe or vent passing through a wall, ceiling, floor or roof. Such vent or chimney shall extend above the peak of the roof.

(22) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded. All steam and hot water systems shall be provided with safety devices arranged to prevent hazardous pressures and excessive temperatures.

(23) All heating equipment shall be maintained and operated in a safe manner to eliminate possibilities of fire.

(24) Electrical wiring and lighting fixtures shall be installed and maintained in a safe condition.

(25) Bathing and hand washing facilities, supplied with hot and cold water shall be provided for the use of all occupants. These facilities shall be clean and sanitary and maintained in good repair.

(26) There shall be a minimum of one (1) showerhead per fifteen (15) persons. Showerheads shall be spaced at least three (3) feet apart, with a minimum of nine (9) square feet of floor space per unit. Adequate dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of non-absorbent, properly constructed floor drains. Separate shower facilities shall be provided for each sex. When common use shower facilities for both sexes are in the same building, they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling or roof, and shall be plainly designated "Male" or "Female."

(27) If laundry service is not otherwise provided, laundry facilities supplied with hot and cold water under pressure shall be provided for the use of all occupants.

(28) Bedding provided by the Outdoor Child Caring Program shall be clean and sanitary. All bedding shall be laundered or otherwise sanitized between assignment to different campers.

(29) Linens shall be changed as often as required for cleanliness and sanitation, but not less frequently than once a week.

(30) Bedwetters shall have their linens changed as often as they are wet.

(31) Adequate personal storage area shall be available for each child to separate his or her clothing from other children's personal belongings.

(32) Boys and girls shall not share the same sleeping unit.

(33) A separate bed, bunk or cot shall be available for each person. Tripledeck beds are prohibited. Beds shall be spaced in a manner which will provide a walk space on at least one side and at least one end of each bed.

(34) Food service facilities and program shall meet Chapter 290-5-14 Rules and Regulations for Food Service, Georgia Department of Human Resources.

(35) Poisonous and toxic materials shall be properly identified, stored separately from food and properly used. Poisonous polishes shall not be used on eating and cooking utensils.

(36) Persons with wounds or communicable diseases shall be prohibited from handling food.

(37) Food handlers shall practice good hygienic practices.

(38) Floors, walls and ceilings shall be kept clean and in good repair.

(39) Adequate lighting shall be provided and shall be properly protected from breakage.

(40) The kitchen area and cooking equipment shall be properly vented.

(41) Pets shall not be allowed in the food storage, preparation or dining area.

(42) Durable, clean containers of adequate size and tight fitting lids shall be conveniently located to each housing unit for storage of garbage and other refuse.

(43) Provisions shall be made for collection of refuse at least once a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with requirements of Chapter 290-5-14 Rules and Regulations for Food Service, Georgia Department of Human Resources.

(44) Storage facilities and areas shall be maintained in a sanitary condition.

(45) A vector control program shall be maintained to insure effective control of all insects and rodents in buildings and on the premises.

(46) If chemical control is needed to supplement good sanitation practices, proper pesticides shall be used in strict accordance with label instructions.

(47) Swimming pools shall be constructed in accordance with Department design standards and all pools shall be maintained and operated as required by local regulations and standards of the Department. Other swimming areas (lake, creeks, etc.) shall be kept clean of hazardous trash and debris.

(48) Documentation of current and approved fire, health, and safety inspections shall be kept on file at the Outdoor Child Caring Program. Copies of the inspection reports shall be

submitted to the Department when the signed application for licensure is submitted and annually thereafter.

(49) Fire drills shall be held at least 8 times a year. Written records of the drills shall be maintained.

(50) There shall be a disaster preparedness plan for staff and residents to follow for meeting disasters and emergencies such as fires or severe weather. The plan shall include procedures and action to be taken in case of adverse weather conditions such as extremely low temperatures, storms, tornadoes, etc. All staff members shall know the procedures and action to be taken for meeting disasters and emergencies.

(51) Horses and other animals maintained in any camp shall be quartered at a reasonable distance from any sleeping, living, eating or food preparation area.

(a) Stables and corrals shall be located as to prevent contamination of any water supply. Manure shall be removed from stalls and corrals as often as necessary to control flies.

(b) Horses, dogs or other domestic animals or pets shall not be permitted on a bathing beach or in water in the area used for waterfront activities.

(52) All dogs, cats and other warm-blooded pets owned or under the supervision of an occupant of any Camp shall be currently vaccinated against rabies in compliance with the law.

(a) Written records shall be kept on the type of vaccinations and the date of vaccinations.

(b) The premises shall be kept free of stray animals.

(53) Primitive campsites shall be maintained and operated in a safe and healthful manner.

(a) Drinking water used at primitive camps and on hikes and trips away from permanent campsites shall be from a source known to be safe (free of coliform organisms) or shall be rendered safe before used in a manner approved by the Department of Human Resources.

(b) Primitive campsites which are not provided with approved toilet facilities shall have a separate toilet area designated for each sex at a minimum ratio of one (1) toilet seat per 15 persons. Slit trenches or cat holes with a readily available supply of clean earth backfill or other disposal methods approved in writing by the Department of Health shall be utilized for the disposal of human excreta in these areas. Toilet areas shall be located at least one hundred and fifty (150) feet from a stream, lake or well and at least seventy-five (75) feet from a campsite, tent or other sleeping or housing facility.

(c) Solid wastes which are generated in primitive camps should be disposed of at an approved sanitary landfill or similar disposal facility. Where such facilities are not available, solid wastes shall be disposed of daily by burial under at least two (2) feet of compacted earth cover in a location which is not subject to inundation by flooding. Burying is not recommended.

(d) Hot water and detergent shall be used to wash all food utensils after each meal at primitive campsites. Where group dishwashing is practiced, all utensils shall be immersed for at least two (2) minutes in a lukewarm chlorine bath containing at least 50 ppm of available chlorine at all times. Where chlorine is used, a three compartment vat or three containers are required for washing, rinsing and immersion.

(e) No dish, receptacle or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, broken, damaged or constructed in such a manner as to prevent proper cleaning sanitizing.

(f) Disposable or single use dishes, receptacles or utensils used in handling food shall be discarded after one use.

(g) Eating utensils shall not be stored with foods or other materials and substances and shall be stored in clean dry containers.

(h) Persons who handle food and/or eating utensils for the group shall maintain personal cleanliness, shall keep hands clean at all times and shall thoroughly wash the hands with soap and water after each visit to the toilet. They shall be free of local infection commonly transmitted through the handling of food or drink and free of communicable disease.

(i) Food shall be stored in clean and dry containers that provide protection from insects, rodents and wildlife. Hazardous substances, medicines, etc., shall not be stored in containers with food.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.14
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Reports" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Buildings, Grounds, and Equipment" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.15. Reports.

(1) The governing board shall submit on a timely basis such financial, statistical reports, and board minutes and other information as may be required by the Department.

(2) Reporting. Detailed written summary reports shall be made to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit via email or fax on the required incident intake information form (IIIF) within 24 hours. This report shall be made regarding serious occurrences involving children in care, including but not limited to:

(a) Death or serious injury (requiring extensive medical care and/or hospitalization of any camper in care);

(b) Suicide attempts;

(c) Abuse;

(d) Any federal, state or private legal action by or against the Camp which affects any child, the conduct of the Camp or any person affiliated with the Camp;

(e) Closure of a living unit due to disaster or emergency situations such as fires or severe weather; and

(f) Any injury requiring medical treatment beyond first aid that is received by a camper as a result of any e mergency safety intervention.

(3) Child Abuse Reports. Whenever the outdoor child caring program 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 Resources (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 Office of Regulatory Services.

(4) The governing board of the Outdoor Child Caring Program shall report to the Department:

(a) Any change in administrator; and

(b) Any impending change that would necessitate a change in the conditions of the license, i.e., capacity, age range, sex, location or name.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.15
Authority: O.C.G.A. Secs. 19-7-5, 49-5-12.
History. Original Rule entitled "Application for License" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Reports" adopted. F. Aug. 21, 2006; eff. Sept. 10, 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. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.16. Application for License.

(1) Application for licensure of an Outdoor Child Caring Program shall be made on forms provided by the Department. The application shall be verified by both the Executive Director and Chairman of the Governing Body.

(2) The following material shall be filed with the application:

(a) Certified copy of the current Articles of Incorporation (if incorporated).

(b) Certified copy of the current Bylaws (if applicable).

(c) A list of the name and address of the current members of the Governing Body and a notarized letter of acceptance from each.

(d) A list of the professional staff including their education and experience.

(e) Plan for financing including an itemized annual budget, base for any schedule of fees, letter from C.P.A. stating that the bookkeeping system will be set up so that an audit can be made at the end of each fiscal year.

(f) Copy of personnel policies and practices.

(g) Outline of the Outdoor Child Caring Program's proposed program.

(h) Copy of admission policies and procedures.

(i) Documentation of need:

(I) Written communications from community leaders in the field of child welfare indicating a need for the services proposed by the applicant; or

(II) Recent research data establishing a need for the services being proposed; or

(III) Evidence that the services will be used by referral sources.

(j) Manual of operating procedures as referred to in Section 290-2-7-.03.

(k) Written disclosure concerning the status of all applications previously made (whether granted, denied, or pending) and licenses previously obtained (whether currently in force, revoked or suspended) for outdoor camping activities in other jurisdictions by agencies in common control with or under common control of the applicant Agency or Outdoor Child Caring Program or with which the applicant Agency or Outdoor Child Caring Program intends to cooperate in the care and service of children. The aforementioned requirement of disclosure will also apply to all applications and licenses for agencies with whom the Administrator or individual board members of the applicant Agency or Outdoor Child Caring Program are affiliated in any capacity. The purpose of this provision is to disclose to the Department full and complete information concerning the prior and continuing efforts of the applicant Agency or Outdoor Child Caring Program, its

Executive Director and individual members of the governing body in child care activities in other jurisdictions.

(3) 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.

(4) A license to operate an Outdoor Child Caring Program is not transferable. A new application shall be filed when there is a substantial change in membership (50%) of the governing body.

(5) The Department shall consider each application filed and in its discretion, either deny said application, suspend consideration of said application until additional requested information is received, or issue a temporary license, based on a determination that the Outdoor Child Caring Program has made adequate provision to meet these Rules. An Outdoor Child Caring Program's initial license shall be a temporary license, valid for a specified period not to exceed one year.

(6) If the department finds that any outdoor child caring program 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 outdoor child caring program, but such temporary license or commission shall not be issued for more than a one-year period.

(a) 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.

(b) 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.

(c) Upon consideration of an application for renewal of the initial temporary license granted to an Outdoor Child Caring Program the Department may, in its sole discretion, based on the Outdoor Child Caring Program's performance during the initial licensing period, either deny said renewal, issue a full one-year license, or issue an additional temporary license for a specified period not to exceed six months.

(7) An application for renewal of license shall be made no later than 60 days prior to the expiration of a Outdoor Child Caring Program's current license on forms provided by the

Department. The application for renewal shall be verified by both the Administrator and Chairman of the Governing Body and shall certify, unless noted otherwise therein, that all of these Rules have been and continue to be complied with and that all information previously filed with the Department is true and correct. All changes in membership of the Governing Body and personnel since the date of last application (whether for initial license or renewal) shall be fully documented, as to names, dates and circumstances.

(8) If an application for licensure is denied, or a license revoked, an application for a new license may not be filed within one year of such denial or revocation.

(9) Information required for relicensing shall be submitted on forms provided by the Department.

(10) The license shall be posted at some point near the entrance or part of the office that is open to view by the public.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.16
Authority: O.C.G.A. Secs. 31-2-4, 49-5-3, 49-5-12.
History. Original Rule entitled "Variances and Waivers" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Application for License" adopted. F. Aug. 21, 2006; eff. Sept. 10, 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. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.17. Variances and Waivers.

The Department may grant a variance to a rule when the variance is necessary because the rule is not applicable, or to allow experimentation and demonstration of new and innovative approaches to the delivery of services or the Outdoor Child Caring Program has met the intended purpose of the rule through equivalent rules. The Department may establish conditions which must be met by the Outdoor Child Caring Program in order to operate under the variance.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.17
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.
History. Original Rule entitled "Inspections: Access by Department Staff" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Variances and Waivers" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.18. Disaster Preparedness.

The Outdoor Child Caring Program shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, 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, involving any placement homes within a local or widespread area;

4. Loss of heat or air conditioning in facilities, outdoor temporary structures or primitive natural environments where campers may be housed;

5. Fire, explosion, or other physical damage to facilities, outdoor temporary structures or primitive environments where campers may be housed; and

6. Pandemics or other situations where the campers' need for services exceeds the capacity and availability of services regularly offered by the Outdoor Child Caring Program.

(b) There shall be plans to ensure sufficient camp staff and supplies for campers to provide room, board and watchful oversight during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all campers, should it be necessary, in vehicles appropriate to the camper's needs. Additionally there shall be written agreements with any agencies which have agreed to receive the program's campers in these situations.

(d) The Outdoor Child Caring Program shall document quarterly disaster drills.

(e) The disaster preparedness plan shall include a requirement that the program notify the Department of the emergency situation as required by these rules and notify the parents, placement agency or lawful custodians of the camper's whereabouts and condition.

(f) The Outdoor Child Caring Program 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 Outdoor Child Caring Program's plan for the management of external disasters.

(g) The Outdoor Child Caring Program's disaster preparedness plan shall be made available to the Department for inspection upon request.

(h) 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. 290-2-7-.18
Authority: O.C.G.A. Secs. 49-5-3, 49-5-12.

History. Original Rule entitled "Enforcement" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Inspections: Access by Department Staff" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule entitled "Disaster Preparedness" adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.19. Inspections: Access by Department Staff.

An application for license to operate an Outdoor Child Caring Program shall constitute consent by the Outdoor Child Caring Program for the staff of the Department to enter the premises or wherever campers are being cared for at any time during normal business hours, with or without prior notice for the purpose of reviewing records, obtaining pertinent information and determining compliance with these Rules.

Cite as Ga. Comp. R. & Regs. R. 290-2-7-.19
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Denial and/or Revocation of License" adopted. F. Nov. 8, 1984; eff. Dec. 10, 1984, as specified by the Agency.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule entitled "Inspections: Access by Department Staff" adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-2-7-.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 designee may issue emergency orders. Such orders may include the following:

(a) Emergency relocation of children when it is determined that the children are subject to an imminent and substantial danger.

(b) Emergency placement of a monitor or monitors in an outdoor child caring program 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 outdoor child caring program 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 outdoor child caring program when children are in imminent and substantial danger and the outdoor child caring

program 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 children 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 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. 290-2-7-.20
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. June 5, 2007; eff. June 15, 2007.
Repealed: New Rule entitled "Emergency Orders" adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-2-7-.21. Enforcement and Penalties.

(1) **Plans of Correction**. If the Department determines that either an Outdoor Child Caring Program or a facility applying to become licensed as an Outdoor Child Caring Program does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the agency not to exceed ten (10) working days with in which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the Outdoor Child Caring Program or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the camp to submit a revised plan of correction.

(a) The camp shall comply with an accepted plan of correction.

(b) Where the Department determines that either the Outdoor Child Caring Program or the facility applying to become licensed as an Outdoor Child Caring Program has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for an Outdoor Child Caring Program shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. Secs. 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and Sec. 49-5-60*et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The camp shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the camp's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the camp to each current and prospective child's parents and/or legal guardians.

(b) The camp shall ensure the posting of the official notice at the camp in an area that is visible to each child's parents and/or legal guardians.

(c) The camp shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The camp shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the camp to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care of the camp.

(g) 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. 290-2-7-.21
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12, 49-5-90*et seq.*
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Jan. 23, 3008; eff. Feb. 12, 2008.

Subject 290-2-8. REPEALED (290-2-8-.01 thru 290-2-8-.06).

Rule 290-2-8-.01. Child Care and Development. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.01
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Child Care and Development" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-8-.02. Social Aspects of Care. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.02
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Social Aspects of Care" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-8-.03. Recreation. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.03
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Recreation" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-8-.04. Education. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.04
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Education" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-8-.05. Religious Training. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.05
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Religious Training" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-8-.06. Health Aspects of Care. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-8-.06
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Health Aspects of Care" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Subject 290-2-9. REPEALED (290-2-9-.01 thru 290-2-9-.04).

Rule 290-2-9-.01. Construction. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-9-.01
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Construction" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-9-.02. Health Aspects. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-9-.02
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Health Aspects" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-9-.03. Safety Aspects. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-9-.03
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Safety Aspects" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-9-.04. Inspection. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-9-.04
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Inspection" was filed on October 1, 1974; effective October 21, 1974,
Amended: Rule repealed. Filed August 26, 1975; effective September 25, 1975.

Subject 290-2-10. REPEALED (290-2-10-.01 thru 290-2-10-.05).

Rule 290-2-10-.01. Staff-Child Ratio. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-10-.01
Authority: Ga. L. 1972. p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Staff-Child Ratio" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-10-.02. Intake Policies. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-10-.02
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Intake Policies" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-10-.03. Discharges. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-10-.03
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act. Secs. 1203, 1204, 1215).
History. Original Rule entitled "Discharges" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-10-.04. Personal Care. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-10-.04
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Personal Care" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Rule 290-2-10-.05. Physical Plant. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-10-.05
Authority: Ga. L. 1972, p. 1015, *et seq.* (Executive Reorganization Act. Secs. 1203, 1204, 1215).
History. Original Rule entitled "Physical Plant" was filed on October 1, 1974; effective October 21, 1974.
Amended: Rule repealed. Filed August 26, 1975; effective September 15, 1975.

Subject 290-2-11. REPEALED (290-2-11-.01).

Rule 290-2-11-.01. Reports to the Division of Community Services. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-11-.01
Authority: Ga. L. 1972, p. 1015. *et seq.* (Executive Reorganization Act, Secs. 1203, 1204, 1215).
History. Original Rule entitled "Reports to the Division of Community Services" was filed on October 1, 1974; effective October 21, 1974.

Amended: Rule repealed. Filed August 26,1975; effective September 15, 1975.

Subject 290-2-12. REPEALED (290-2-12-.01 thru 290-2-12-.14).

Rule 290-2-12-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.01
Authority: O.C.G.A. Secs. 49-5-3, 49-5-5, 49-5-12.
History. Original Rule entitled "Purpose" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.02
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Needs" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Applicability of Regulations" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.03
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Organization" was filed on Oct. 21, 1974; eff Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Organization and Administration" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.04
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Governing Board" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Personnel" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.05
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12, 39-4, 19-8.
History. Original Rule entitled "Policies and Procedures" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.

Amended: Rule repealed and a new Rule entitled "Agency Policies and Procedures" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.06
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12, 19-8-18.
History. Original Rule entitled "Finances" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Adoption Services" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.07
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12, 19-8.
History. Original Rule entitled "Personnel" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Services to Birth Parents/Farnily and Child" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.08
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Personnel Policies" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Foster Care Services" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.09
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Agency Setting" was filed on Oct. 21, 1974; eff. Nov. 10, 1974.
Amended: Rule repealed and a new Rule entitled "Records and Reports" adopted. F. Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.10
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Application for License" was filed on Mar. 19, 1984; eff. Apr. 18, 1984, as

specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.11
Authority: O.C.G.A. Secs. 31-2-4, 49-5-5.
History. Original Rule entitled "Variances and Waivers" was filed on Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.12
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Inspections" was filed on Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.13
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Enforcement" was filed on Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Rule 290-2-12-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-12-.14
Authority: O.C.G.A. Secs. 49-5-5, 49-5-12.
History. Original Rule entitled "Denial and/or Revocation of License" was filed on Mar. 19, 1984; eff. Apr. 18, 1984, as specified by the Agency.
Repealed: F. Mar. 16, 2000; eff. Apr. 5, 2000.

Subject 290-2-13. REPEALED (290-2-13-.01).

Rule 290-2-13-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-13-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Introduction and Definition" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Subject 290-2-14. REPEALED (290-2-14-.01 thru 290-2-14-.05).

Rule 290-2-14-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-14-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Agency Services" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-14-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-14-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Services to Natural Parents" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-14-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-14-.03
Authority: Ga. L. 1963. p. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Services to Children" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-14-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-14-.04
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Services to Foster Parents" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-14-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-14-.05
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Services to Adoptive Parents" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Subject 290-2-15. REPEALED (290-2-15-.01 thru 290-2-15-.04).

Rule 290-2-15-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-15-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Agency Records" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-15-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-15-.02
Authority: Ga. L. 1963. pp. 81-l21; Ga. L. 1972. pp. 1015, 1046, 1048.
History. Original Rule entitled "Child's Case Record" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-15-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-15-.03
Authority: Ga. L. 1963. pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Foster Home Record" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Rule 290-2-15-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-15-.04
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Adoptive Home Record" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Subject 290-2-16. REPEALED (290-2-16-.01).

Rule 290-2-16-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-16-.01
Authority: Ga. L. 1963, p. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048 and Ga. L. 1975, p. 1211.
History. Original Rule entitled "Reports to the Division of Community Services" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed and a new Rule entitled "Reports to the Division of Social Services" adopted. Filed November 3, 1975; effective November 23, 1975.
Amended: Rule repealed. Filed March 19, 1984; effective April 18, 1984, as specified by the Agency.

Subject 290-2-17. ORGANIZATION AND ADMINISTRATION.

Rule 290-2-17-.01. Purpose.

The purpose or function of the Maternity Home shall be clearly defined in its charter and/or constitution and by-laws.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Purpose" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.02. Need.

The Maternity Home shall meet a need in the geographical area it serves or plans to serve.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Need" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.03. Governing Board.

Each Maternity Home shall have a board of directors which operates as the governing board of the agency. The governing board shall be organized so that legal responsibility and administrative authority shall be clearly defined. This applies only to Maternity Homes chartered for non-profit operation. In a privately owned home where maternity care is provided, the owner and/or operator is legally responsible for the establishment and enforcement of policies and the operation of the Home.

(a) Composition of Board.

1. The governing board shall be made up of men and women who are representative of the community served. Board members should be selected who have personal qualifications, interest, time and ability to provide leadership, to represent the agency, to interpret its program, and to participate fully and consistently in carrying out their responsibilities.

2. The board shall be composed of not less than ten and not more than thirty-five members unless provided otherwise by local ordinance.

3. Members shall not receive a salary for their services but may be reimbursed for expense incurred in connection with their office.

4. A meeting of the governing body shall be held at least ten (10) times a year.

5. Provisions should be made for systematic rotation of board members through a plan of overlapping terms of office. The number of consecutive terms for membership shall be limited.

(b) Function and Responsibility of the Board. The governing board of a Maternity Home is responsible for establishing and maintaining its corporate entity. In carrying out this responsibility it is the duty of the Board to:

1. Appoint a well-qualified executive to whom responsibility for administration is delegated;

2. Assume joint responsibility with the executive for the determination of the general plans and policies of the Agency;

3. Insure adequate financing and budgeting for the Agency;

4. Interpret the Agency's program to the community. An informed citizenry is necessary for community understanding of unmarried parents and their needs, for wider use of agency services, for appropriate referrals, and for adequate financing;

5. Coordinate the work of the Agency with that of other agencies toward a broad community plan of service. The Maternity Home should be considered as only one resource in the service needed, and should be related to, and integrated with, all services in the community;

6. Periodically review the Agency's program in order to determine whether its existing policies are meeting current needs.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.03
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Governing Board" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.04. Finances.

The Agency shall have a sound plan of financing which assures sufficient funds to enable it to provide effective services. A new Agency shall have sufficient funds to finance its first year of operation. All accounts shall be audited at least annually by a certified public accountant and the report made a part of the Agency record. An estimated budget, showing details of income and expenditures for the approaching fiscal year, shall be prepared and approved by the board prior to the beginning of each fiscal year. Board officers and staff responsible for handling a substantial amount of funds shall be bonded. Fund raising shall be carried on according to approved and ethical processes. Unless specifically exempt by law, the Maternity Home must be registered with the Secretary of State as a charitable organization. For nonprofit agencies fees for clients shall be flexible, based on actual per diem cost rate. A sliding scale based on the client's ability to pay or her resources to meet the cost and the community's responsibility to provide an adequate facility is desirable.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.04
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.

History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.05. Policies and Procedures.

(1) The Agency shall have a written statement of purposes and objectives, services offered, eligibility requirements for service and the procedures for implementing services. These should be incorporated in an Agency manual which would be available for guidance of the board of directors, Agency staff and to referring agencies.

(2) The policies and procedures of the Maternity Home should carry out the purposes of services to unmarried parents:

   (a) to assure protection of the well-being and rights of the child born out of wedlock and his parents;

   (b) to make sure that their current needs are met;

   (c) to help them achieve a more satisfying need and socially acceptable way of life;

   (d) to promote normal growth and development of the child; and

   (e) to prevent the occurrence of consequent problems for the parent, child and community.

(3) No Maternity Home shall assume responsibility for placement directly or indirectly of children for adoption unless the Home has a child-placing license. Any evidence of violation of this requirement shall be sufficient ground for non-issuance of a license, or for revocation of a license already issued.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.05
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.06. Personnel.

(1) Staff should be selected not only for their training and competence for the particular position to be filled, but also for their ability to develop and maintain those attitudes which will contribute to the therapeutic climate of the agency and which will enable them to work effectively with unmarried parents. The work program for the unmarried mother shall not be used as a substitute for financing adequate staff. When unmarried mothers are housed on different floors there shall be at least one resident staff member on each floor. There shall be on duty at all times two adults serving in the capacity of housemother and an alternate person to be on call. There shall be on call at all times a registered nurse.

(2) Administrative Staff.

(a) The Executive Director.

1. The executive director should have at least one year of professional training and experience in social work, and knowledge and skill in administration and management. She should have an understanding of the problems involved in pregnancy and out-of-wedlock parenthood.

2. The executive director should have the ability to distinguish between the work she is equipped to undertake and that which must be done by professionally educated specialists.

3. The executive director shall be in full charge of the management of the Home and make regular reports to the board on all phases of its operation. She should perform the following duties:

(i) direction of the agency program;

(ii) provide professional leadership and technical consultation to the board, help to determine policy, and to assist in periodic evaluation of the Agency's services;

(iii) recruit, employ and discharge staff;

(iv) hold staff meetings at regular intervals, and discuss plans and policies with the staff;

(v) provide an in-service training program for personnel;

(vi) prepare annual budget for presentation to the board, keep board advised of financial needs, supervise purchasing, and operate within the budget established;

(vii) establish and maintain good working relationships with other social agencies and represent the Agency in the community;

(viii) interpret the Agency's program and services and give community leadership in developing resources for services to unmarried parents and their children.

(b) Assistant to the Executive. Each Maternity Home shall have an assistant to the executive to whom administrative responsibility can be delegated in the executive's absence.

(3) Social Service Staff.

(a) Caseworkers.

1. At least one caseworker shall be employed who is a graduate from an accredited school of social work. Other caseworkers who are college graduates with a minimum of one year work experience may be utilized as case aides if there is adequate supervision from a professionally trained caseworker.

2. There should be one caseworker for each twenty-five unmarried mothers.

3. There shall be at least one full time supervisor for each six (6) caseworkers. Supervisors shall be graduates of an accredited school of social work.

(b) Group Workers. A group worker with professional training in social work should carry responsibility for planning group activities and for working with selected activity groups that require skilled leadership.

(4) Resident Staff.

(a) A full time resident director shall be employed when the executive director does not live at the Home.

(b) Resident houseparents shall be at least twenty-five years of age and shall have at least a high school education or its equivalent. They shall have the ability to accept and work with unmarried mothers.

(5) Maintenance and Domestic Staff.

(a) Sufficient domestic and maintenance staff shall be employed so that the houseparents and the residents do not have to assume major responsibility for heavy household duties.

(b) Domestic staff shall be selected who have the ability to understand the confidentiality of the work and to respect the program.

(6) Clerical Staff. Each Maternity Home shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order. Unmarried mothers shall not be used in this capacity.

(7) Medical Staff.

(a) A licensed physician and a licensed pediatrician, when the Home operates a nursery, shall be available to coordinate the services of the Home with that of the hospital used for confinement, to provide consultation service to the staff regarding diagnosis and treatment of medical conditions and should be on call in case of illness not directly associated with pregnancy.

(b) A registered nurse shall be on call at all times, when the Home operates a nursery. If there is only one registered nurse, she should live in the Home and be on call by the practical nurse when an emergency arises.

(c) For immediate post partum care it is desirable to have one nurse for each five persons by day and for each ten persons by night.

(d) There shall be on duty at all times one attendant who meets the approval of the Home's physician for every six babies. During the time the attendant is caring for babies she should not give care to bed patients.

(8) Consultants and Other Specialists. Complete services to unmarried parents require utilization of many professional skills. Qualified specialists, including physicians, psychiatrists, psychologists, religious counselors, and attorneys should be available for direct work with the unmarried mother, and for consultation and interpretation to staff.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.06
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-17-.07. Personnel Policies.

(1) The Agency shall have written personnel policies and operating practices which should be available to all staff members. These should define:

(a) qualifications, duties and responsibility for each position in the Agency;

(b) salary scales and provisions for increments;

(c) hours of work, holidays, vacations, sick leave;

(d) conditions of employment, dismissal; and

(e) employment benefits, including retirement plan, social security, hospitalization, and other insurance. Personnel policies should be developed by a joint committee of board and staff. Lines of authority should be clearly defined, but with sufficient flexibility for effective intra-agency communication among all levels at administrative responsibility.

(2) Physical Examinations. All staff shall have a physical examination prior to employment and annually thereafter. A report of each examination shall be made a part of the employee's personnel file.

(3) Salaries. A salary scale for each type of position shall be established. Salary should be adequate to attract and keep competent staff, should be equivalent to prevailing rates and commensurate with the duties and responsibilities of the position.

(4) Living Arrangements. Resident staff shall be provided with quarters which are comfortable, insure reasonable privacy, rest during hours off duty, provision for personal belongings, and shall have bath and toilet facilities separate from those used by the unmarried mothers.

(5) Leave.

(a) Hours on duty shall not exceed 44 hours per week.

(b) Provision should be made for annual vacations, time off for study and training, institutes, and legal holidays.

(c) There shall be provision for sick leave for all permanent employees.

(6) Insurance and Retirement. Plans for social security, hospital and/or health insurance, and workmen's compensation should be made available for all staff.

Cite as Ga. Comp. R. & Regs. R. 290-2-17-.07
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Subject 290-2-18. INTRODUCTION AND DEFINITION.

Rule 290-2-18-.01. Introduction and Definition.

(1) The Children and Youth Act passed by the General Assembly of Georgia in 1963 placed the responsibility for the licensing of Maternity Homes with the Division for Children and Youth for the former Department of Family and Children Services, now succeeded by the Division of Community Services of the Department of Human Resources.

(2) A Maternity Home is defined in this Act as "any place in which any person, society, agency, corporation, or facility receives, treats, or cares for, within a period of six (6) months, more than one (1) illegitimately pregnant woman, either before, during or within two (2) weeks after childbirth. This definition shall not include women who receive maternity care in the home of a relative, or in general or special hospitals licensed according to law, in which maternity treatment and care is part of the medical services performed and the care of children is only brief and incidental."

(3) The Minimum Requirements and Desirable Standards for providing Maternity Home Care in Georgia were developed with the cooperation of the agencies concerned after careful study of those developed by other states and national organizations. They were

reviewed and approved by the State Board for Children and Youth on September 24, 1963.

(4) Licensing of Maternity Homes is considered to be a mutual process with the agencies and the Division working cooperatively together for the welfare of mothers and children who present special problems and special needs. These standards were designed to serve as a basis for licensing and as a guide to the Maternity Homes and the Division in their work together for better care and services. The word "shall" denotes a minimum requirement which all Maternity Homes must meet. The word "should" denotes a desirable standard.

Cite as Ga. Comp. R. & Regs. R. 290-2-18-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Introduction and Definition" was filed on October 21, 1974; effective November 10, 1974.

Subject 290-2-19. SOCIAL SERVICES.

Rule 290-2-19-.01. Casework.

(1) Casework services shall be an integral part of the service available to the unmarried mother. The goal of casework with the unmarried mother is:

(a) to prevent her future adjustment and the child's from being jeopardized by the out-of-wedlock pregnancy or birth;

(b) to promote her ability to function in a more satisfying and socially approved way; and

(c) to arrive at a plan that is best for her and the child.

(2) Private Home operators shall notify the Department of Human Resources, Division of Community Services each time an unmarried mother is admitted giving name of the unmarried mother, age, and date of admission. The Division of Community Services shall notify the local County Departments so that each unmarried mother may be offered social work service. Forms for this notification will be furnished by the Division.

(3) There shall be a social study by a caseworker on the Maternity Home's staff or by a caseworker of the referring agency for every unmarried mother accepted for care.

(4) The caseworker in the Maternity Home, in consultation with the administrator and/or supervisor, shall make the decision whether to accept an applicant for residential care, on the basis of the needs and problems of the girl and the make-up of the group currently in residence.

(5) The intake study shall include social information indicating that the unmarried mother is in need of the services of the Maternity Home.

(6) The caseworker shall discuss with the unmarried mother:

(a) the regulations of the Maternity Home and her responsibilities;

(b) the services available to her through the Maternity Home and community; and

(c) agreement that while she is in the care of the Maternity Home she may plan either to keep or to release her baby; but if she releases her child she will do so only to a representative of a licensed agency.

(7) Following admission, the caseworker has the responsibility for seeing the unmarried mother as often as her individual needs require. It should be possible for one caseworker to continue to work with the unmarried mother as long as necessary and/or until she can accept transfer to another worker or agency.

(8) Interviewing shall be focused on the unmarried mother's individual problems and on plans for the child.

(9) When social work responsibilities are shared by the Home's caseworker and the caseworker in the referring agency, careful planning and communication should take place to avoid duplication or conflict, and repetition of the same story to several people.

(10) If practical, the caseworker from the referring agency who would be responsible for continuing casework should provide the casework services for the unmarried mother. The Home's caseworker should help with adjustment to and use of the group living experience and coordination of services within the Maternity Home for each girl in accordance with the treatment plan.

(11) The caseworker should know at the time of discharge what plans the unmarried mother has for living arrangements, employment or school. It is the caseworker's responsibility to assist the unmarried mother directly or through referral to another agency when she needs help in this area.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Casework" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-19-.02. Group Work.

The Maternity Home is an experience in group living. How the group experience is used by the unmarried mother depends on the leadership. Each Maternity Home should have at least one professionally trained social group worker who can work with the group in the role of helper or enabler.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-19-.03. Psychiatric Services.

(1) Psychiatric services should be available in providing help to the unmarried mother whose personality disturbances have led to the out-of-wedlock pregnancy.

(2) The services of the psychiatrist may be used for:

   (a) consultation with the staff;

   (b) diagnostic interviews with unmarried mothers to help the caseworker plan individualized treatment; and

   (c) treatment for the severely disturbed unmarried mother for whom psychiatric treatment rather than casework is indicated.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.03
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-19-.04. Psychological Services.

Psychological services should be used selectively to contribute to diagnosis, or to vocational and educational planning. Psychological testing should be supplemented by consultation with the psychologist or psychiatrist.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.04
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-19-.05. Confidentiality.

Information regarding each unmarried mother shall be considered as confidential. Information should be shared only when professional judgment indicates it is in the best interest of the client or when the Agency's responsibility to the community requires it. In general it is desirable to secure written consent of the unmarried mother in order to share information with other agencies or individuals.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.05
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.

History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-19-.06. Case Records.

(1) A confidential case record shall be maintained for each unmarried mother. Records for each mother shall include:

(a) Application for service;

(b) Basic identifying information for unmarried mother and the putative father. Name, birthdate, nationality, religion, education, occupation, health history, marital status, home address;

(c) Background history or referral summary - and background history for the putative father;

(d) Authorization for medical care signed by mother at time of admission. For minors under eighteen (18) written approval shall be secured from parent or guardian;

(e) A copy of any financial agreements made;

(f) Date of admission to and discharge from the hospital if confinement is outside the Home;

(g) Name of baby, sex, and birthdate;

(h) Correspondence, regarding the mother;

(i) Plan for child at time of discharge of the mother;

(j) Narrative recording of casework interviews;

(k) Date of discharge of mother and to whom discharged if a minor.

(2) A confidential case record for the baby shall contain:

(a) A record of birth including birthdate, weight at birth, measurements, any defects, method of delivery, complications of pregnancy and delivery;

(b) An entry indicating birth registration;

(c) Any formula prescribed;

(d) Date of discharge;

(e) Name and address of person and/or name of agency and worker to whom discharged, if not to mother.

Cite as Ga. Comp. R. & Regs. R. 290-2-19-.06
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Subject 290-2-20. CARE AND PROGRAM.

Rule 290-2-20-.01. Health Program.

(1) Medical Services. Medical services for mothers and babies should be provided according to the best standards for maternal and child health which the local community affords and shall conform to standards established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. If considered by the Department of Human Resources as a hospital they shall meet standards of the Department of Human Resources for this service. Responsibility for the health supervision of the Maternity Home shall be placed in one licensed physician appointed by the governing board. The Maternity Home shall have an isolation facility available. There shall be an arrangement with the hospitals accepting unmarried mothers for confinement which insures that the unmarried mothers are protected from interviews with persons seeking to effect or facilitate an independent placement.

(a) Prenatal Care. The program of prenatal care shall include:

1. A complete medical and obstetrical history before admission to the Home. Preadmission physical should include blood test, vaginal smear and T. B. test;

2. Periodic examinations during pregnancy. Monthly during the first seven months, every two weeks during the eighth month and every week during the ninth month;

3. Medical care at time of delivery, including hospitalization, and nursing care where indicated. Confinement should take place in an accredited hospital meeting recognized standards, with facilities for dealing with complicated cases or emergencies. Confidentiality shall be respected for the unmarried mother entering a hospital. Maternity Homes operating own hospitals shall have an organized medical staff, medical service shall be approved by the proper accrediting agencies in the field of medicine and hospital care;

4. Dental examination and treatment;

5. Paramedical services, including nursing, nutrition, and health education.

(b) Postpartum Care of Mother. Provision shall be made for all mothers to receive a postpartum examination within six (6) weeks after confinement. Provision should be made to insure the mother's return to a clinic or private physician for necessary checkups and medical instruction on diet, exercises and/or any immediate

postpartum care that may be indicated. A mother shall not be required to remain after she has been medically discharged.

(c) Medical Records. A complete medical record shall be maintained on each unmarried mother. This record should include:

1. Report of the medical and obstetrical history obtained prior to admission;

2. Reports of all examinations while mother is in Maternity Home;

3. Delivery information on the infant;

4. Physician's discharge report.

(d) Pediatric Care of the Infant.

1. Care for the infant shall be supervised by a registered nurse experienced in the care of infants.

2. Provision shall be made for a complete physical examination within the first twenty-four (24) hours, or sooner if indicated. A repeat examination should be done within the first ten (10) days.

3. All newborn infants, particularly during the first forty-eight (48) hours shall be closely observed by the nurse or attendants.

4. Babies shall be held by nurse, attendant, or mother while being fed.

5. A separate room or space shall be provided for preparation of milk mixtures, other foods and water. Provision shall be made for sterilizing utensils, bottles, and nipples, and adequate refrigeration for storing of milk and food.

6. All formulas and changes in feeding shall be approved by the physician.

7. A mother who wishes to give personal attention to her baby, such as bathing and feeding, shall be permitted to do so. A mother who does not wish to see her child shall not be required to do so.

8. No visitor shall be permitted to see the baby except with the consent of both the mother and the director of the Home.

9. The Home shall not keep a baby longer than is necessary to make proper and sound plans for his care elsewhere.

10. A baby shall be discharged only to the following:

(i) His parent or legal guardian;

(ii) A licensed child-placing agency.

(2) Food Service.

(a) Menus shall provide for varied, balanced and adequate diet. The diet shall be planned in consultation with the physician in charge. Necessary changes in diet prescribed in individual cases by the physician shall be followed.

(b) All Maternity Homes should be aware of and should avail themselves of the services provided by nutritional consultants from the Department of Human Resources.

(c) Planned menus should be written out week-by-week and should be kept on file for at least six (6) months.

(d) The same food shall be served to the staff and unmarried mothers when they dine together, except when special diets must be prepared for any of the unmarried mothers.

(e) The milk supply shall meet local and State ordinances and codes.

(f) Kitchens and Kitchen equipment shall meet standards prescribed for eating establishments by the Local Health Department and the Department of Human Resources.

(g) The food needs of the pregnant woman and her baby will be met if each expectant mother receives every day:

Milk:	One Quart
Vegetables and Fruits:	A green leafy or deep yellow vegetable A raw vegetable or fruit A fruit or vegetable rich in Vitamin C
Bread or Cereal:	Whole-grain bread and cereals or enriched bread or cereal
Eggs:	One egg
Meat:	One serving. Liver should be served once a week.
A good source of Vitamin D:	Cod-Liver Oil or some other source directed by the doctor.

Cite as Ga. Comp. R. & Regs. R. 290-2-20-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-20-.02. Program.

Activities within the Home should be developed in such a way as to assure the unmarried mother as much freedom as possible.

(a) Regulations.

1. The Maternity Home should define for the girls in residence the requirements which are essential in a group living situation and for orderly maintenance of a Home.

2. Regulations shall not infringe on the unmarried mother's privilege of writing and receiving uncensored mail and visits from her family. Visits from her family may be limited, if it seems to be wise from a casework basis.

(b) Recreation.

1. A recreational program shall be provided which will meet the need for individual activities, as well as for group participation. It is desirable to encourage unmarried mothers interested in community activities to participate in them.

2. Ample yard space which provides privacy and which is equipped with comfortable outdoor furniture shall be available.

3. It is desirable for the recreation program in the Home to be planned and developed by workers trained and experienced in the field of group work and recreation. Carefully selected volunteer workers supervised by professional leadership can be used quite effectively in providing recreational activities.

(c) Education.

1. Educational activities should be planned in accordance with the treatment plan for the individual unmarried mother.

2. Formal academic instruction shall be available for those whose education has been interrupted. Arrangements should be made with the local board of education to insure that credit will be given for work completed under a qualified teacher. Safeguards are necessary to assure that information about the girls will be kept confidential when credits are transferred.

3. Vocational training should be available for those who wish to participate on a voluntary basis.

4. Informal educational activities should include instruction in arts and crafts, discussion groups on subjects of current interest to the residents, and health education. Health education instruction should be under the supervision of qualified nursing or medical staff.

(d) Work Program.

1. Residents should not be considered as substitutes for employed staff.

2. Work assignments shall be planned as part of the treatment program and should be geared to the physical health and emotional well-being of the prospective mother.

3. Assignments which could augment emotional problems shall be avoided. An unmarried mother shall not be permitted to work in the nursery except on a planned casework basis.

(e) Religious Services.

1. The Maternity Home program should offer opportunities for religious activities and for development of ethical standards and spiritual values.

2. Residents should be encouraged but not forced to participate in religious services. Unmarried mothers should not be denied the privilege of attending the church of their choice, however, religious services should be available in the Maternity Home for those who wish to attend there.

3. An unmarried mother wishing consultation with her pastor shall be provided the opportunity.

4. A religious counselor assigned to the Maternity Home is desirable, however, clergymen of all the major faiths should be available.

Cite as Ga. Comp. R. & Regs. R. 290-2-20-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Subject 290-2-21. BUILDINGS, GROUNDS, AND EQUIPMENT.

Rule 290-2-21-.01. Location.

(1) The Maternity Home shall be located advantageously to medical services, to transportation, to churches, to shopping districts, and to recreation resources.

(2) No Maternity Home shall be located in an area in which industries or rooming houses predominate.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Location" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-21-.02. Construction.

(1) Any individual or group which proposes to build a new maternity home or any maternity home planning for extensive remodeling shall comply with local building codes in all such construction. Building plans shall be submitted to the Department of Human Resources, Division of Community Services for approval and for referral to proper authorities. Rooms should he planned to accommodate not more than two (2) unmarried mothers. Some single rooms are desirable. A recreation room for the exclusive use of the unmarried mothers shall be provided. A room insuring privacy where unmarried mothers can visit with their families shall be provided. A recovery room shall be provided on the first floor when unmarried mothers are housed on the second floor.

(2) Separate, private offices shall be provided for the casework staff when the offices are housed in the Maternity Home.

(3) An isolation room and bath for unmarried mothers admitted prior to examination for communicable diseases shall be provided.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.02
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Construction" was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-21-.03. Maintenance.

The buildings, grounds, and equipment shall be kept clean and in good repair.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.03
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048.
History. Original Rule entitled "Maintenance" was filed un October 21, 1974; effective November 10, 1974.

Rule 290-2-21-.04. Health Aspects.

(1) General Sanitation. Proper facilities for sanitation shall be provided throughout the building and premises for the purpose of insuring cleanliness and protection against disease.

(2) Water. Drinking water shall be supplied from an approved public supply if available; if not available, the private system shall comply with county and State ordinances and codes.

(3) Sewerage. Sewerage shall be disposed of through municipal systems where such are available. If municipal systems are not available, the private system shall comply with the existing local and State ordinances.

(4) Heat, Light, and Ventilation.

(a) Heating facilities shall conform to recommendations of competent heating and plumbing engineers. All heating systems shall be installed with safety devices, to prevent fire, explosion and other hazards.

(b) Natural light shall be available in every room used by the unmarried mother and staff. Window areas shall not be less than 1/6 of the floor area of each room.

(c) In combination with natural light, electric lighting shall be installed of sufficient quantity and diffusion as to prevent injury to eyesight.

(d) Natural ventilation shall be available in every room used by the unmarried mother and staff. Cross ventilation shall be provided in sleeping rooms. Rooms which are abnormally damp shall not be used as living quarters.

(5) Bath and Toilet Facilities.

(a) There shall be an adequate supply of hot and cold water to serve the Maternity Home. Toilet facilities shall be maintained in a sanitary condition equal to standards prescribed by the local health department or the Department of Human Resources.

(b) There shall be separate toilet and bath facilities for the unmarried mothers and staff.

(c) There shall not be less than one lavatory with hot and cold water, one toilet, and a bathtub or shower for every four unmarried mothers. Both tubs and showers are desirable, one or the other to be used in accordance with the physician's recommendations.

(d) All showers, tubs, and toilets should be in stalls with provision for privacy.

(6) Sleeping Facilities.

(a) The area of a sleeping room shall not be less than 700 cubic feet per unmarried mother in single rooms, and 500 cubic feet per unmarried mother in multiple rooms.

(b) Each unmarried mother shall have a separate bed which has substantial springs, a comfortable mattress, and suitable bed covering.

(c) Beds shall be at least four feet apart at the head, foot, and sides.

(d) Each unmarried mother shall have adequate closet and drawer space for personal possessions in the room assigned to her.

(e) Sleeping quarters shall not be below the ground level.

(7) Nursery.

(a) Size. The nursery shall be large enough to allow a minimum of 30 square feet of floor space and 300 cubic feet of air space per infant.

(b) Location, Ventilation, Lighting and Construction.

1. The nursery should be near the maternity rooms but out of the line of traffic.

2. There should be outside windows for lighting and ventilation. Temperature should be kept constant at about 80°F with a relative humidity of 50%.

3. Walls, ceiling, and floors should be washable.

(c) An isolation nursery should be equipped for use of any infant who is ill or suspected of being ill.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.04
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-21-.05. Safety Aspects.

(1) General. Secure railing shall be provided for flights of more than four steps and for all galleries more than four feet from the ground.

(2) Fire Prevention.

(a) Serious consideration shall be given to see that the buildings are so constructed, equipped and located as not to be fire hazards.

(b) If the buildings are of frame construction they shall be over 70 feet apart at the nearest points.

(c) All electrical and heating installations shall be approved by Underwriters Laboratory or other nationally recognized testing laboratory, and shall be installed accordingly.

(d) Inflammable material, such as gasoline, kerosene, fuel oil, etc., shall be stored according to regulations as set forth in the Georgia Safety Fire Law.

(3) Fire Protection.

(a) The staff in the Maternity Home shall be trained in properly reporting a fire, in evacuating the building.

(b) There shall be at least one fire extinguisher for every 2000 square feet of floor area and for each floor. Fire extinguishers shall be provided in accordance with the recommended standards of the National Fire Protection Association for First Aid Fire Fighting Appliances. They shall be inspected regularly and kept charged and filled at all times.

(c) There shall be more than one means of egress leading to the outside of buildings from each floor; such exits should open outward and should not be locked from the inside.

(d) Fire exits (doors, hallways and stairs) shall be kept well-lighted, clean and ready for instant use.

(e) The required exit signs should remain in place and exit lights kept on.

(f) Fire alarm sounding devices shall be installed so as to be audibly heard throughout the building.

(g) A certificate of occupancy shall be obtained from the State Fire Marshal for all buildings.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.05
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Rule 290-2-21-.06. Inspection.

All Maternity Homes shall request and secure inspections at least annually from local and state health authorities and from local or state fire safety authorities. Reports of such inspections shall be submitted to the Division of Community Services.

Cite as Ga. Comp. R. & Regs. R. 290-2-21-.06
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972. pp. 1015, 1046, 1048. Effective November 10, 1974.
History. Original Rule was filed on October 21, 1974; effective November 10, 1974.

Subject 290-2-22. REPORTS TO THE DIVISION OF SOCIAL SERVICES.

Rule 290-2-22-.01. Reports to the Division of Social Services.

(1) Every Maternity Home shall keep accurate statistical reports that give the complete scope of the work of the agency and shall be available to the Division of Social Services as requested.

(2) An annual financial report shall be submitted to the Division of Social Services.

(3) Notice of the closing of a Maternity Home shall be sent to the Division with the license issued to the facility attached.

Cite as Ga. Comp. R. & Regs. R. 290-2-22-.01
Authority: Ga. L. 1963, pp. 81-121; Ga. L. 1972, pp. 1015, 1046, 1048 and Ga. L. 1975, p. 1211.
History. Original Rule entitled "Reports to the Division of Community Services" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed and a new Rule entitled "Reports to the Division of Social Services" adopted. Filed November 3, 1975; effective November 23, 1975.

Subject 290-2-23. REPEALED (290-2-23-.01 thru 290-2-23-.05).

Rule 290-2-23-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-23-.01
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Organization and Administration" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-23-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-23-.02
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Definitions" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-23-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-23-.03
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Licensing Procedures" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983.

Rule 290-2-23-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-23-.04
Authority: O.C.G.A., Secs., 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Petition for Adoption of Rule" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-23-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-23-.05
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Petition for Declaratory Ruling" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Subject 290-2-24. REPEALED (290-2-24-.01 thru 290-2-24-.10).

Rule 290-2-24-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.01
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "The Day Care Family" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.02
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Admission of Children" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.03
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Staff" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983.

Rule 290-2-24-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.04
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Records" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.05
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).

History. Original Rule entitled "Health and Safety" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.06
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Nutritution and Food Service" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.07
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Program" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.08
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Equipment" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.09
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Building and Grounds" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Rule 290-2-24-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-24-.10
Authority: O.C.G.A., Secs. 31-2-4, 50-13-4 (1982, and 1982 Supp.).
History. Original Rule entitled "Outdoor Play Space" was filed on October 21, 1974; effective November 10, 1974.
Amended: Rule repealed. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency.

Subject 290-2-25. REPEALED (290-2-25-.01 thru 290-2-25-.04).

Rule 290-2-25-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-25-.01
Authority: Ga. L. 1973, p. 192 *et seq.*, as amended by Ga. L. 1976, p. 1537 *et seq.*
History. Original Rule was filed on July 25, 1977; effective August 14, 1977.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-2-25-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-25-.02
Authority: Ga. L. 1973, p. l92 *et seq.*, as amended by Ga. L. 1976, p. 1537 *et seq.*
History. Original Rule was filed on July 25, 1977; effective August 14, 1977.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-2-25-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-25-.03
Authority: Ga. L. 1973, p. 192 *et seq.*, as amended by Ga. L. 1976, p. 1537 *et seq.*
History. Original Rule was filed on July 25, 1977; effective August 14, 1977.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-2-25-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-2-25-.04
Authority: Ga. L. 1973, p. 192 *et seq.*, as amended by Ga. L. 1976, p. 1537 *et seq.*
History. Original Rule was filed on July 25, 1977; effective August 14, 1977.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Subject 290-2-26. EMERGENCY MEDICAL SERVICES TO PREGNANT WOMEN.

Rule 290-2-26-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereafter respectively ascribed to them:

(a) "Cost of Care" means the cost of services rendered by a hospital for care required to be provided under the provisions of the law and rules and regulations, and for services rendered by a physician in connection there with, at the lesser of the actual charges or the reimbursement rate currently in effect for the hospital and physician under the medical assistance program for the needy [Title XIX of the Social Security Act (42 U.S.C.A. Section 1396, *et seq.*), as amended], but shall not include any portion of such cost which is paid by the indigent patient, by the spouse or a relative of the indigent patient, by the father of the child, by insurance, or by any governmental or other public agency pursuant

to any federal, state, or local program paying cost of health care for indigent patients, other than the program established by the Act.

(b) "Department" means the Georgia Department of Human Resources.

(c) "Health Care Advisory Officer" means the person designated by the governing authority of a county to make determinations of indigency for residents of the county.

(d) "Hospital" means a hospital which is permitted to operate by the Department of Human Resources pursuant to O.C.G.A. § 31-7-1, *et seq.*

(e) "Indigency" means the inability of a patient or other person to pay the entire cost of care determined in accordance with O.C.G.A. § 31-8-43(a).

(f) "Statewide Standards for Determining Indigency" means those standards adopted by the Commissioner of the Department of Human Resources to determine levels of indigency for the purposes of the law.

(g) "Patient" means a pregnant woman who receives services under the law.

(h) "Family" means the adult patient (or married minor patient), the patient's spouse, and any dependent children who reside together, or the (unmarried) minor patient, the patient's parent(s) and any dependent children of the patient or parent(s) who reside together.

(i) "Active labor" means regular, progressive uterine contractions producing cervical thinning and dilation, as determined by a licensed physician.

(j) "Resident of the County" means a person who is domiciled in the county, as defined in O.C.G.A. Chapter 19-2, subject to verification as specified in the Indigency Worksheet Instructions.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.01
Authority: O.C.G.A. § 31-8-40, *et seq.*
History. Original Rule entitled "Definitions" was adopted as Emergency Rule 290-2-26-0.5-.01. Filed on June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed on October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.02. Emergency Services Procedures.

Any hospital which operates an emergency service (room) where necessary emergency services to pregnant women are usually and customarily provided shall provide the appropriate, necessary emergency services to any pregnant woman who is a Georgia resident and presents herself in active labor at the hospital. Such services include initial care provided in the emergency room, intrapartum and postpartum care provided in the hospital's obstetrical department, and pediatric examination for the newborn infant. Such services shall be provided within the scope of

generally accepted practice based upon the information furnished the hospital by the pregnant woman, including such information as the pregnant woman reveals concerning her prenatal care, diet, allergies, previous births, general health information, and other such information as the pregnant woman may furnish the hospital.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.02
Authority: O.C.G.A. § 31-8-42.
History. Original Rule entitled "Emergency Services Procedures" adopted as Emergency Rule 290-2-26-0.5-.02. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.03. Procedures for Determining Cost of Care.

(1) Payments received by the hospital or physician from the patient, the patient's spouse, family member, father of the patient's child, insurance, or any other third party payor other than the county, shall constitute payment to the hospital or physician and shall be excluded from the definition of cost of care.

(2) When a hospital provides care to a woman who is not a resident of the same county,"cost of care" is the actual charges for care rendered or the Medicaid reimbursement rate for the same care in the hospital in the woman's county of residence, whichever is less. If the woman's county of residence has more than one hospital, the rate is the average Medicaid rate of all the hospital's in the woman's county of residence or actual charges, whichever is less.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.03
Authority: O.C.G.A. section § 31-8-43.
History. Original Rule entitled "Procedures for Determining Cost of Care" was adopted as Emergency Rule 290-2-26-0.5-.03. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.04. Procedures for Transfer When Another Level of Care is Required.

If in the medical judgment of the physician responsible for the emergency service, the woman requires a level of obstetrical care that the hospital is unable to provide, then the hospital and physician shall:

(a) Provide, within the capabilities of the hospital, such services as the circumstances require. Such services shall be provided within the scope of generally accepted practice based

upon the information furnished the hospital by the pregnant woman, including such information as the pregnant woman reveals concerning her prenatal care, diet, allergies, previous births, general health information, and other such information as the pregnant woman may furnish the hospital.

(b) Contact a receiving hospital and an attending physician which provide a level of obstetrical care that the woman requires, and notify such hospital and physician that the patient is in transit. Such transfer shall be from the emergency room to the obstetrical department of the receiving hospital.

(c) Arrange suitable transportation for the woman, if necessary, and send the receiving hospital any available information on the woman's medical history and condition. However, transportation to the receiving hospital shall not be authorized until the physician considers the patient sufficiently stabilized for transport.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.04
Authority: O.C.G.A. 31-8-42.
History. Original Rule entitled "Procedures for Transfer When Another Level of Care is Required" was adopted as Emergency Rule 290-2-26-0.5-.04. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 18, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.05. Appointment of Health Care Advisory Officer.

The governing authority of each county, by resolution, is responsible for designating a person to be known as the Health Care Advisory Officer. The governing authority may change the person designated as the Health Care Advisory Officer, and any such change shall be made by resolution of the governing authority, a copy of which shall be mailed to the Commissioner of the Department or his designee within 15 days after its adoption. If the county fails or refuses to appoint a Health Care Advisory Officer, the governing authority of the county shall be deemed to be such officer.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.05
Authority: O.C.G.A. § 31-8-43.
History. Original Rule entitled "Appointment of Health Care Advisory Officer" was adopted as Emergency Rule 290-2-26-0.5-.05. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.06. Duties of County of Residence.

It is the duty of the governing authority of the county to pay the hospital and physician for the billed amount of the cost of care of any patient determined to be indigent under the standards set forth herein. If the billed amount is not paid within 120 days after the mailing of a request for a

determination of indigency, the county will be charged interest on the billed amount at the rate specified in O.C.G.A. § 48-2-40 for unpaid taxes.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.06
Authority: O.C.G.A. § 31-8-43.
History. Original Rule entitled "Duties of County of Residence" was adopted as Emergency Rule 290-2-26-0.5-.06. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.07. Eligibility Criteria and Determination.

(1) When a woman receives services from a hospital, hospitals, or physicians under the provisions of the law, and claims indigency, the Chief Administrative Officer of the hospital shall determine whether any portion of the cost of services may be paid by the medical assistance program for the needy, or by insurance, or by any other governmental or public agency with a federal, state, or local program, and provide written notification of determination to the Health Care Advisory Officer of the woman's county of residence. Such notification shall include a certification by the Chief Administrative Officer on the Certification and Acknowledgment Form that an appropriate investigation has been made and the results of such determination, the amount to be paid if the determination shows that a portion of the cost of services is available from such sources as identified above, and a request for a determination of indigency on the woman. Such request shall be made on a form entitled "Request for a Determination of Indigency". If the woman receives services in more than one hospital because of transfer, each hospital must submit a request in order to seek reimbursement under this program.

(2) The Health Care Advisory Officer of the woman's county of residence shall complete a determination of indigency in accordance with these rules and regulations and notify the hospital, the governing authority of the patient's county of residence, and the patient of the results of the determination not later than 60 days after receipt of the request. Notifications shall be made on a standard form designated by the Department. If the Health Care Advisory Officer fails to respond to a request for determination within the 60 day time limitation, the county of residence of the patient is liable for the payment of cost of care of the woman. The Health Care Advisory Officer shall establish and maintain files showing names of county residents who the Officer has determined to be indigent. These records are required to the end that certification of indigency may be expedited. The Health Care Advisory Officer should develop standards to protect the confidentiality of these records consistent with the "Open Records Act", O.C.G.A. § 50-18-70, *et seq.* The fact that the patient has obtained prenatal care or any treatment whatsoever relating to the pregnancy will not, in and of itself, preclude such patient from utilizing the benefits of this program, nor will such prenatal care or any treatment whatsoever relating to the pregnancy preclude the delivery from being characterized as an emergency.

(3) Eligibility is based on family income and family size. The gross family income is used to determine eligibility and in order to be considered indigent, the family income must be less than 125% of the federal poverty level. Only the income of the patient and legally liable adult family members is considered in making the eligibility determination.

(4) The Request for Determination of Indigency Form (Sections A and B) and the Certification and Acknowledgment Form are completed before a patient is discharged from the hospital, and are forwarded by the Hospital Administrative Officer to the Health Care Advisory Office of the patient's county of residence. The Health Care Advisory Officer completes a determination of indigency on the patient, and returns the Request for Determination of Indigency to the Hospital Administrative Officer within 60 days of the date received. The Health Care Advisory Officer also notifies the patient of the outcome of the determination. The county governing authority is notified of only those persons determined to be indigent.

(5) In order to do an eligibility determination, the Health Care Advisory Officer must have contact with the patient and complete an Indigency Worksheet. The completed worksheet provides the total family income and family size which are basic to using the Eligibility Determination Scale. The scale is designed to simplify the process of determining whether a patient's family income is less than 125% of the federal poverty level. Individuals whose income is less than 125% of the federal poverty level are eligible for this program. A copy of the Eligibility Determination Scale is attached here to and reflected as "Annex A".

(6) In addition to establishing the eligibility of a pregnant woman for the Emergency Medical Services Program, it is the responsibility of the Health Care Advisory Officer to determine the amount of repayment to the county for which the patient, and each other legally responsible person, is liable. This amount can range from a minimum of $100 to a maximum of 65% of the actual cost.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.07
Authority: O.C.G.A. § 31-8-43.
History. Original Rule entitled "Eligibility Criteria and Determination" adopted as Emergency Rule 290-2-26-0.5-.07. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Rule 290-2-26-.08. Violations.

Any violations of the law or rules and regulations by the hospital should be referred to the Office of Regulatory Services of the Department of Human Resources for enforcement proceedings.

ANNEX A INDIGENCY STANDARDS TOTAL ANNUAL GROSS INCOME

%POVERTY LEVEL

		100%	105%	110%	115%	120%	125%	[GREATER THAN]125%
		PAY CATEGORY						
FAMILY SIZE	EARNINGS PERIOD	Pay $100	Pay 25%	Pay 35%	Pay 45%	Pay 55%	Pay 65%	Pay 100%
1	ANNUAL MONTHLY WEEKLY	$5,250.00 [LESS THAN] $437.50 $100.96	$5,512.50 [LESS THAN] $459.38 $106.01	$5,775.00 [LESS THAN] $481.25 $111.06	$6,037.50 [LESS THAN] $503.13 $116.11	$6,300.00 [LESS THAN] $525.00 $121.15	$6,562.50 [LESS THAN] $546.88 $126.20	$6,562.50 [GREATER THAN] $546.88 $126.20
2	ANNUAL MONTHLY WEEKLY	$7,050.00 [LESS THAN] $587.50 $135.58	$7,402.50 [LESS THAN] $616.88 $142.36	$7,755.00 [LESS THAN] $646.25 $149.13	$8,107.50 [LESS THAN] $675.63 $155.91	$8,460.00 [LESS THAN] $705.00 $162.69	$8,812.50 [LESS THAN] $734.38 $169.47	$8,812.50 [GREATER THAN] $734.38 $169.47
3	ANNUAL MONTHLY WEEKLY	$8,850.00 [LESS THAN] $737.50 $170.19	$9,292.50 [LESS THAN] $774.38 $178.70	$9,735.00 [LESS THAN] $811.25 $187.21	$10,177.50 [LESS THAN] $848.13 $195.72	$10,620.00 [LESS THAN] $885.00 $204.23	$11,062.50 [LESS THAN] $921.88 $212.74	$11,062.50 [GREATER THAN] $921.88 $212.74
4	ANNUAL MONTHLY WEEKLY	$10,650.00 [LESS THAN] $887.50 $204.81	$11,182.50 [LESS THAN] $931.88 $215.05	$11,715.00 [LESS THAN] $976.25 $225.29	$12,247.50 [LESS THAN] $1,020.63 $235.53	$12,780.00 [LESS THAN] $1,065.00 $245.77	$13,312.50 [LESS THAN] $1,109.38 $256.01	$13,312.50 [GREATER THAN] $1,109.38 $256.01
5	ANNUAL MONTHLY WEEKLY	$12,450.00 [LESS THAN] $1,037.50 $239.42	$13,072.50 [LESS THAN] $1,089.38 $251.39	$13,695.00 [LESS THAN] $1,141.25 $263.37	$14,317.50 [LESS THAN] $1,193.13 $275.34	$14,940.00 [LESS THAN] $1,245.00 $287.31	$15,562.50 [LESS THAN] $1,296.88 $299.28	$15,562.50 [GREATER THAN] $1,296.88 $299.28
6	ANNUAL MONTHLY WEEKLY	$14,250.00 [LESS THAN] $1,187.50 $274.04	$14,962.50 [LESS THAN] $1,246.88 $287.74	$15,675.00 [LESS THAN] $1,306.25 $301.44	$16,387.50 [LESS THAN] $1,365.63 $315.14	$17,100.00 [LESS THAN] $1,425.00 $328.85	$17,812.50 [LESS THAN] $1,484.38 $342.55	$17,812.50 [GREATER THAN] $1,484.38 $342.55
7	ANNUAL MONTHLY WEEKLY	$16,050.00 [LESS THAN] $1,337.50 $308.65	$16,852.50 [LESS THAN] $1,404.38 $324.09	$17,655.00 [LESS THAN] $1,471.25 $339.52	$18,457.50 [LESS THAN] $1,538.13 $354.95	$19,260.00 [LESS THAN] $1,605.00 $370.38	$20,062.50 [LESS THAN] $1,671.88 $385.82	$20,062.50 [GREATER THAN] $1,671.88 $385.82
8	ANNUAL MONTHLY WEEKLY	$17,850.00 [LESS THAN]	$18,742.50 [LESS THAN]	$19,635.00 [LESS THAN]	$20,527.50 [LESS THAN]	$21,420.00 [LESS THAN]	$22,312.50 [LESS THAN]	$22,312.50 [GREATER THAN]

		$1,487.50 $343.27	$1,561.88 $360.43	$1,636.25 $377.60	$1,710.63 $394.76	$1,785.00 $411.92	$1,859.38 $429.09	$1,859.38 $429.09
9	ANNUAL MONTHLY WEEKLY	$19,650.00 [LESS THAN] $1,637.50 $377.88	$20,632.50 [LESS THAN] $1,719.38 $396.78	$21,615.00 [LESS THAN] $1,801.25 $415.67	$22,597.50 [LESS THAN] $1,883.13 $434.57	$23,580.00 [LESS THAN] $1,965.00 $453.46	$24,562.50 [LESS THAN] $2,046.88 $472.36	$24,562.50 [GREATER THAN] $2.046.88 $472.36
10	ANNUAL MONTHLY WEEKLY	$21,450.00 [LESS THAN] $1,787.50 $412.50	$22,522.50 [LESS THAN] $1,876.88 $433.13	$23,595.00 [LESS THAN] $1,966.25 $453.75	$24,667.50 [LESS THAN] $2,055.63 $474.38	$25,740.00 [LESS THAN] $2,145.00 $495.00	$26,812.50 [LESS THAN] $2,234.38 $515.63	$26,812.50 [GREATER THAN] $2,234.38 $515.63

For Families Exceeding 10 Members, Add $1800 To The Annual Income For Each Additional Family Member

LEGEND: [LESS THAN] = LESS THAN

[GREATER THAN] = MORE THAN OR EQUAL TO

BASED ON ANNUAL REVISION GE POVERTY INCOME GUIDELINES

published 3/8/85 FEDERAL REGISTER, VOL. 50, NO. 46.

Cite as Ga. Comp. R. & Regs. R. 290-2-26-.08
Authority: O.C.G.A. § 31-8-46.
History. Original Rule entitled "Violations" was adopted as Emergency Rule 290-2-26-0.5-.08. Filed June 19, 1985; effective June 19, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired October 16, 1985.)
Amended: Permanent Rule of the same title adopted. Filed October 18, 1985; effective November 7, 1985.

Subject 290-2-27. RULES AND REGULATIONS FOR SPECIAL NEEDS CHILDREN.

Rule 290-2-27-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these Rules and Regulations shall have the meaning hereafter respectively ascribed to them:

(a) "Special needs child" means a child who has been in the care of a public or private agency or individual other than the legal or biological parent for more than 24 consecutive months; a child who is a member of a sibling group of two or more placed in the same home; a child with a physical, mental or emotional disability, as validated by a licensed physician or psychologist.

(b) "Child-placing agency" means any nonprofit institution, society, agency or facility, whether incorporated or not, which is licensed by the Department for the purpose of placing children in an adoptive home for adoption.

(c) "Department" means the Department of Human Services of the State of Georgia.

(d) "Disruption" means the termination of adoption proceedings prior to finalization of the adoption.

(e) "Payments" means funds provided to a child-placing agency from a combination of state and Federal Title IV-E funds for placing a child with special needs who is under the jurisdiction of the Department in an adoptive home for the purpose of adoption.

Cite as Ga. Comp. R. & Regs. R. 290-2-27-.01
Authority: O.C.G.A. Sec. 49-5-8.
History. Original Rule entitled "Definitions" adopted. F. Nov. 16, 1990; eff. Dec. 6, 1990.
Repealed: New Rule of same title adopted. F. Dec. 11, 2009; eff. Dec. 31, 2009.

Rule 290-2-27-.02. Administration of Special Needs Funds.

(1) Payment may only be granted for a special needs child as defined by this chapter.

(2) Payment may not exceed $4,000 for each such adoption arranged by an agency.

(3) One-half of such payment shall be made at the time of placement and the remaining amount shall be paid when the adoption is finalized.

(4) If the adoption disrupts prior to finalization, the state shall be reimbursed by the child-placing agency in an amount calculated on a prorated basis based on length of time the child was in the home and the services provided.

Cite as Ga. Comp. R. & Regs. R. 290-2-27-.02
Authority: O.C.G.A. Sec. 49-5-8(a)(7)(G).
History. Original Rule entitled "Administration of Special Needs Funds" adopted. F. Nov. 16, 1990; eff. Dec. 6, 1990.

Subject 290-2-28. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM.

Rule 290-2-28-.01. Title and Purpose.

(1) These rules shall be known as the Rules and Regulations for Georgia Temporary Assistance for Needy Families (TANF) Program. The purpose of this program shall be to provide necessary assistance on a temporary basis to needy families with children and to provide parents, legal guardians, or other caretaker relatives of children with job preparation, work opportunities, enforcement of child support and other necessary

support services to enable these named individuals to become self-sufficient and leave the program as soon as possible.

(2) These rules and regulations shall not be interpreted to entitle any person or family to cash assistance under the Georgia TANF Program.

(3) The Georgia TANF Program replaces the Aid to Families with Dependent Children Program.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.01
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-180, 49-4-182, 49-4-183.
History. Original Rule entitled "Title and Purpose" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.02. Definitions.

(1) Unless the context otherwise requires, the words and phrases set forth herein shall mean the following:

(a) "Applicant" means a person who applies for assistance under the state plan.

(b) "Assistance" means the temporary assistance provided to needy families with children in accordance with Part A of Title IV of the federal Social Security Act, as amended, regulations promulgated pursuant thereto by the Secretary of Health and Human Services, all applicable laws of this state, and regulations of the Board of Human Resources.

(c) "Board" means the Board of Human Resources.

(d) "Cash assistance" means the money payment component of the TANF assistance.

(e) "Commissioner" means the Commissioner of the Department of Human Resources.

(f) "Department" means the Department of Human Resources.

(g) "Earnings" means payment received in return for services rendered.

(h) "Family" means one or more children living with a responsible parent, both parents, or other caretaker relative or legal guardian.

(i) "Family maximum" means the maximum amount of cash assistance per month that can be paid to a family based on the number of individuals in the family.

(j) "Gross income ceiling" is the amount of income, currently set at 185% of the Standard of Need, that a family may not exceed to be potentially eligible for Georgia TANF cash assistance.

(k) "Income" means all money received by all members of the family from any source.

(l) "Recipient" means a person who receives assistance pursuant to the state plan.

(m) "Resident" means an individual who resides in Georgia.

(n) "Resources" means cash, property or assets owned by members of the family which are available to be converted into cash to meet financial obligations.

(o) "Sanction" means a 25% reduction of any cash assistance provided to a family for an initial material violation of program requirements and termination of cash assistance for a subsequent material violation. Material violations are listed at Rule 290-2-28-.17(1)(a) through (c). The 25% reduction for an initial material violation shall continue for a minimum of one month or until compliance with the requirement which was violated, up to a maximum of three months.

(p) "Standard of need" means an amount, set by the General Assembly, that is a compilation of the cost of basic needs indexed to the number of individuals in the family.

(q) "State plan" means the plan submitted by the State of Georgia to the Secretary of Health and Human Services, pursuant to Part A of Title IV of the federal Social Security Act, as amended particularly by the Act of August 22, 1996, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

(r) "TANF" means temporary assistance for needy families.

(s) "Work activity" means a work activity as defined by Part A of Title IV of the federal Social Security Act, as amended. The term currently includes any of the following:

1. Unsubsidized employment;

2. Subsidized private sector employment;

3. Subsidized public sector employment;

4. Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available;

5. On-the-job training;

6. Job search and job readiness assistance, but such activity by a recipient shall be limited to no more than six weeks, only four weeks of which may be consecutive, unless the state's unemployment rate is 50 percent above the national average, in which case such activity shall be limited to no more than 12 weeks, only four weeks of which may be consecutive.

7. Community service programs;

8. Vocational educational training, not to exceed 12 months with respect to any individual;

9. Job skills training directly related to employment;

10. Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of a high school equivalency;

11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in a case of a recipient who has not completed secondary school or received such a certificate of high school equivalency; and

12. The provision of child care services to an individual who is participating in a community service program.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.02
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Definitions" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.03. Program Administration.

(1) The Department of Human Resources, Division of Family and Children Services shall administer the Georgia TANF Program in compliance with all relevant federal and state laws, the state plan and as outlined in these rules.

(2) TANF services shall be delivered at the local level through the network of county departments of family and children services.

(3) Nothing in these rules and regulations shall be construed to be in conflict with the requirements of Part A of Title IV of the federal Social Security Act, as amended, Title

49 of the Official Code of Georgia Annotated, the state plan, and any future amendments to these laws or plan.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.03
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Program Administration" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.04. Compliance with Requirements of the United States Department of Health and Human Services.

The Georgia TANF Program shall be operated in compliance with Part A of Title IV of the federal Social Security Act, as amended by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.04
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Compliance with Requirements of the United States Department of Health and Human Services" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.05. Reporting Requirements.

The department shall publish an annual report and such interim reports as necessary as required in Code Section 49-4-183(c)(3).

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.05
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Reporting Requirements" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.06. Issuance Method Payment of Benefits.

Cash assistance for the Georgia TANF Program shall be made by check or electronic benefit transfer.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.06
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-13.
History. Original Rule entitled "Issuance Method Payment of Benefits" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.07. Hearings and Appeals.

(1) An applicant for or recipient of assistance under the Temporary Assistance for Needy Families Act, shall be authorized to request and receive a hearing to challenge any denial, reduction, or termination of assistance based upon any action by the department of family and children services in accordance with Chapter 290-1-1 of the department's rules.

(2) Such hearing shall be conducted by the Office of State Administrative Hearings in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," the rules and regulations of the Office of State Administrative Hearings, and the rules and regulations of the department. A decision issued by an administrative law judge is a final decision pursuant to O.C.G.A. Section 50-13-41(c), subject to the right to judicial review of contested cases under Chapter 13 of Title 50.

(3) Nothing contained in these rules shall operate to create an entitlement to the receipt of cash assistance under the Georgia TANF Program.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.07
Authority: O.C.G.A. §§ 49-1-2, 49-2-6, 49-4-3, 49-4-13.
History. Original Rule entitled "Hearings and Appeal" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. Sep. 21, 2020; eff. Oct. 11, 2020.

Rule 290-2-28-.08. Confidentiality.

Records, information and communication of the department including county departments of family and children services, which identify applicants for or recipients of cash assistance under the TANF Program shall be confidential and shall not be considered public records. The disclosure of information concerning applicants and recipients will be limited to purposes directly connected with administration of the TANF Program and/or the department.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.08
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Confidentiality" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.09. Domestic Violence.

The department shall screen and identify applicants and recipients of Georgia TANF Program who have a history of being domestic violence victims. The department shall refer such individuals to counseling and supportive services. If there is a determination of good cause by the department, the department shall waive program requirements, such as work requirements, cooperation with child support, residency, family cap and lifetime limits for so long as necessary, when such requirements make it more difficult for the victim to escape domestic violence or unfairly penalize individuals who are or have been victims of domestic violence or individuals who are at risk of further domestic violence.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.09
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Domestic Violence" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.10. Residency.

Applicants and recipients must be residents of Georgia. Families moving into Georgia after receiving cash assistance from another state shall be paid cash assistance amount for their family size for which they would have received in the previous state of residence or the Georgia cash assistance amount whichever is less, for a period up to one year. This provision shall apply until the end of the twelfth month of residency in Georgia. In addition, families moving into Georgia from another state shall receive cash assistance only for the time period for which they would have been eligible in the previous state of residence or the time period permitted by Georgia, whichever is shorter.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.10
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183, 49-4-187.
History. Original Rule entitled "Residency" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.11. Lifetime Maximum.

Cash assistance to a recipient who is not a minor child and who is head of the household or married to a head of the household shall be limited to a lifetime maximum of 48 months, whether or not consecutive, beginning January 1, 1997, unless the department determines that a recipient qualifies for an extension on grounds of hardship pursuant to Rule 290-2-28-.19.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.11
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Lifetime Maximum" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.12. Basic Non-Financial Eligibility Requirements.

The following non-financial criteria are considered in determining TANF eligibility.

(a) **Age.** Assistance will be provided for children under age 18. Families will have the option to include children between the age of 18-19 who are still in high school.

(b) **Application for other benefits.** Applicants/recipients must apply for all other benefits for which the applicants/recipients may be eligible.

(c) **Enumeration.** Applicants/recipients will be required to provide a social security number according to established rules. Sanctions will be applied if a number is not provided.

(d) **School attendance.** Children must attend school according to guidelines established by the State Department of Education. Failure to ensure that children attend school will result in sanctions. In addition, no assistance will be provided to teenage parents who do not attend high school or other equivalent training program. Adults who are older than age 20 and younger than age 51 who have no high school diploma and are not engaged in a work activity will be encouraged to work toward getting a diploma or recognized equivalent, with special emphasis on those older than 20 and younger than age 26 who have at least a tenth grade education.

(e) **Immunization.** A preschool age child must have received immunizations for those diseases specified in Chapter 290-5-4 of the department's rules as a condition of assistance being provided for such children including the presentation of a certificate of immunization, unless:

1. There is appropriate evidence from the local health department or a physician that an immunization sequence has been started and can be completed within a period of up to 180 days, in which case a waiver of the immunization requirement for up to 180 days shall be granted;

2. After examination by the local board of health or a physician, any preschool age child found to have a physical disability which may make vaccination undesirable, in which case a certificate to that effect issued by the local board of health or the physician may be accepted in lieu of a certificate of immunization and shall exempt the child from obtaining a certificate of immunization until the disability is relieved; or

3. The parent or legal guardian furnishes an affidavit swearing or affirming that the immunization conflicts with the religious beliefs of the parent or legal guardian.

(f) **Living with a parent, guardian or other caretaker relative.** The child must live with a parent, guardian, or other caretaker relative. If the only child in the family receives Social Security Income (SSI), the family is eligible for cash assistance.

(g) **Work Requirements.** Work requirements will be administered based on federal law and regulations.

(h) **Deprivation.** Deprivation, for purposes of determining eligibility for cash assistance, will be based on economic need. Child support referrals will be completed for parents outside of the home. Families with both parents in the home will be provided assistance. A connection to the workforce will be required when both able-bodied parents are in the home.

(i) **Third Party Responses.** Applicants/recipients must provide information regarding third party resources.

(j) **Voluntary Quit.** Applicants/recipients who voluntarily quit a job without good cause shall be sanctioned.

(k) **Personal Responsibility and Work Plans.** Specific plans outlining personal responsibilities and work requirements shall be developed for all families receiving assistance. The Personal Responsibility and work Plans shall:

1. Define recipient and department responsibilities in carrying out the terms of the plan. The family members must meet the terms of their individual personal responsibility and work plans as a condition of eligibility for cash assistance. Such plans may include any or all of the following:

   (i) Attendance at parent/teacher conferences;

   (ii) Assurance that minor dependent children attend school;

   (iii) Participation in parenting classes, including all teens whether or not they are parents;

   (iv) Participation in financial management, counseling, and life skills classes;

   (v) Participation in substance abuse counseling/treatment;

   (vi) Participation in mental health counseling/treatment;

   (vii) Participation in rehabilitation services;

   (viii) Adherence to the goals set in the individual's initial assessment and subsequent case review process;

   (ix) Compliance with a Division of Family and Children Services' child welfare case plan as appropriate;

   (x) Cooperation with Child Support Enforcement; or

   (xi) Attendance at family planning counseling.

(2) Emphasize the temporary and contractual nature of assistance;

(3) Focus on the goal of self-sufficiency; and

(4) Ensure that family members are provided certain services to include counseling on abstinence until marriage.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.12
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Basic Non-Financial Eligibility Requirements" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.13. Basic Financial Eligibility Requirements.

(1) The family's income and resources shall be considered in determining eligibility for cash assistance.

(2) **Resources.** The resource limit for the Georgia TANF Program shall be $1,000.00.

(a) The resources of all individuals included in the family shall be considered in determining the family's resources. Resources including, but not limited to, cash, checking and saving accounts, credit union accounts, vehicles and non-earned income tax credit tax refunds shall be counted in determining eligibility.

(3) **Vehicles.** The equity value of one vehicle per family up to the amount of the food stamp program vehicle exemption shall not be counted as a resource to the family if the vehicle is used for work, training, or education preparatory to employment of job search. A $1,500.00 exclusion of the equity value of one vehicle is allowed if the family is not using the vehicle for work, training or education preparatory to employment or job search.

(4) **Income.** Income limits shall be based on the state's gross income ceiling and standard of need. To be determined eligible, the income of all family members must be below the gross income ceiling. Net income shall be compared to the state's standard of need. The state shall pay the deficit up to the family maximum.

(a) The income of all family members shall be considered except as exempted in (c) below. Income including, but not limited to, wages, unemployment benefits, child support, contributions, and social security benefits shall be considered in determining eligibility. Deductions shall apply to earnings.

(b) The income of other legally responsible persons in the home (such as the parents of a minor caretaker) shall be considered.

(c) Income including, but not limited to, educational assistance, adoption assistance, SSI, the earnings of a child who is a full-time student, and state and federal earned income tax credit income shall be excluded from consideration in determining eligibility.

(5) **Individual Development Accounts (IDA).** Funds deposited in an IDA, up to $5,000.00, shall not be considered in determining eligibility for cash assistance. An IDA may be established as a trust by or on behalf of an individual for the following purposes: post-secondary education, first home purchase, and/or business capitalization. The individual may only contribute amounts that are derived from earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1986. The funds may be matched by a not-for-profit organization.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.13
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Basic Financial Eligibility Requirements" adopted. F. Jun. 10, 1997; eff. July 1,

1997, as specified by the Agency.

Rule 290-2-28-.14. Ineligibility.

An applicant or recipient shall be ineligible for cash assistance if any of the following exist:

(a) The applicant's or recipient's family does not include a minor child;

(b) The applicant or recipient does not cooperate with the department in establishing paternity, in providing assistance in a fraud and abuse investigation, or in establishing, modifying, or enforcing a support order with respect to a child of an applicant or recipient, and the applicant or recipient does not qualify for any good cause exception which may be established by the board;

(c) The applicant or recipient fails to assign to the department any rights that applicant or recipient may have to support from any other person, not exceeding the total amount of assistance so provided to the family which accrue or have accrued before the date the recipient family leaves the program, in accordance with the provisions of Part A of Title IV of the federal Social Security Act, as amended;

(d) The applicant or recipient is convicted of a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1 on or after January 1, 1997;

(e) The applicant or recipient is convicted of any felony under Article 2 of Chapter 13 of Title 16, "Georgia Controlled Substances Act," on or after January 1, 1997;

(f) The applicant or recipient is under 18 years of age, is not married, has a minor child at least 12 weeks of age in his or her care, and has not completed a high school education or its equivalent, unless the applicant or recipient participates and obtains passing grades in:

1. Educational activities directed toward the attainment of a high school diploma or its equivalent; or

2. An alternative educational training program that has been approved by the department;

(g) The applicant or recipient is under 18 years of age, has never married, and is either pregnant or has a minor child in his or her care, unless:

1. The applicant or recipient and the child or children live in a place of residence maintained by the applicant's or recipient's parent, legal guardian, or other adult relative of the applicant or recipient as such parent's, legal guardians, or adult relative's own home; or

2. The applicant or recipient lives in a foster home, maternity home, or other supportive living arrangement supervised by an adult;

(h) The applicant or recipient is fleeing to avoid prosecution or custody or confinement after conviction of a felony under the laws of the place from which the applicant or recipient is a fugitive;

(i) The applicant or recipient violates a condition of probation or parole imposed under state or federal law; or

(j) The recipient is pregnant and fails to participate actively in prenatal care as arranged by the department at a level defined by the department.

(k) Paragraphs (f) and (g) of this rule shall not apply if the applicant or recipient has no parent or legal guardian whose whereabouts are known, or no parent or legal guardian of the applicant or recipient allows the applicant or recipient to live in the home of that of the parent or legal guardian, or the department otherwise determines that there is good cause not to apply the prohibitions contained in said paragraphs.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.14
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183, 49-4-186.
History. Original Rule entitled "Ineligibility" adopted. F. Jun. 10, 1997; eff July 1, 1997, as specified by the Agency.

Rule 290-2-28-.15. Family Cap.

Assistance paid to a recipient family shall not include an increase in benefits as a result of the birth of a child during the period in which the family is eligible for TANF assistance or during a temporary period in which the family or recipient is ineligible for TANF assistance pursuant to a sanction for failure to comply with eligibility requirements. This rule shall be implemented as follows:

(a) For families who apply for assistance on or after May 1, 1997, the time limit will be a total of ten months;

(b) For families who began receiving assistance prior to May 1, 1997, but who have not received assistance for 24 months, the time limit will be ten months beginning May 1, 1997;

(c) For families who have received assistance for 24 or more months after January 1, 1994 and before May 1, 1997, the 24 month time limit will apply. Such families are not eligible for an additional ten months time limit;

(d) Family cap provisions do not apply to a child born as a result of a verifiable rape or incest; and

(e) If there is a general increase in the amount of TANF assistance provided to all program recipients, families impacted by the family cap are eligible for this increase.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.15
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183, 49-4-186.
History. Original Rule entitled "Family Cap" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.16. Qualified Aliens.

(1) The term "qualified alien" means a qualified alien as defined in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Public Law 104-193.

(2) Qualified aliens who arrived in the United States prior to August 22, 1996, if otherwise eligible for assistance under the former Aid to Families with Dependent Children program, shall continue to be eligible for assistance under the Georgia TANF Program upon meeting the same qualifications and conditions as other applicants. Qualified aliens who arrived in the United States on or after August 22, 1996, if otherwise eligible, shall be eligible for TANF assistance until July 1, 1998, unless such period is extended by the Georgia General Assembly.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.16
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183, 49-4-188.
History. Original Rule entitled "Qualified Aliens" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.17. Sanctions.

(1) A recipient shall be subject to sanction for failing to comply with the state plan if the recipient:

(a) Fails to report that a child is absent from home for a period of 45 consecutive days or, in the case of a child who is a recipient, being absent from home for a period of 45 consecutive days; provided, however, that a child who is a recipient shall not be sanctioned if the department determines there is good cause not to sanction the child under such circumstances;

(b) Violates any personal responsibility or work participation requirement; provided, however, that a single custodial parent with a child under 12 months of age may be exempt from any work participation requirement until adequate child care is available; or

(c) Except for violations of Rule 290-2-28-.14 which result in the recipient no longer being eligible for assistance, violates any other term or condition specified in the federal Social Security Act, as amended, the state plan or the rules and regulations of the board.

(2) Prior to imposition of any sanction for failing to comply with any requirement contained in this rule, the department shall engage in a conciliation process with the recipient; provided, however, that the department shall not be required to engage in such a conciliation process if the recipient commits multiple material violations of the same requirement.

(3) The 25% reduction in cash assistance sanction will be applied for one month or until the recipient complies with the requirement (up to a maximum of three months).

(4) If the recipient does not come into compliance within the required time frame of three months, the recipient will be determined to have committed a second material violation and cash assistance to the family shall be terminated.

(5) If the recipient commits a second material violation, cash assistance to the family will be terminated. A second material violation occurs when:

(a) A recipient commits a first material violation and does not come into compliance within three months; or

(b) A recipient commits a first material violation, and then commits a second material violation within twenty-four months.

(6) The department may determine that there is good cause not to apply sanctions in specific circumstances.

(7) If the department notifies the recipient that a sanction is to be imposed, the recipient has the right to request a fair hearing and to request continuation of benefits until the administrative hearing decision becomes final.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.17
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183, 49-4-185.
History. Original Rule entitled "Sanctions" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.18. LEARNFARE.

(1) The Department of Human Resources, Division of Family and Children Services shall establish a LEARNFARE Pilot Program in at least 10 counties in Georgia. The counties selected for this pilot will provide evidence that the local cooperation needed to allow the program to be successfully implemented has been assured. The purpose of this pilot program will be to require school attendance of all teenagers. For the purposes of LEARNFARE, teenagers are defined as youth ages 13-16.

(2) School is defined as a public school, private school, vocational, technical or adult education school, valid home study program authorized under Code Section 20-2-690, or a course of study meeting the standards established by the Department of Education or

Department of Technical and Adult Education for the granting of a General Equivalency Diploma (GED).

(3) Teenagers residing in counties chosen to participate in LEARNFARE who are included in a cash assistance grant under TANF, reside with a parent or guardian, and who have not graduated from high school or received a GED shall be required to meet the LEARNFARE provisions.

(4) Teenagers in LEARNFARE counties must meet school attendance requirements. A teenager shall be considered to have met the attendance requirement by having no more than two full days of unexcused absences in a calendar month. The school system's definition of excused/unexcused absences shall apply.

(5) If the school that the teenager is currently enrolled in does not keep attendance records, the teenager shall be considered to be meeting the attendance requirement if the school verifies the continuing enrollment of the teenager in the semester or quarter under review.

(6) Either the teenager or the teenager's parent shall cooperate in providing information needed to verify enrollment information or good cause. If the teenager or the teenager's parent does not cooperate, the teenager will be removed from the TANF grant until compliance is effected.

(7) Upon a determination that a teenager has failed to meet attendance requirements without good cause, the teenager will be removed from the TANF grant for the next possible payment month.

(8) Sanctions applied under this Section shall be effective for one month for each month that the teenager failed to meet the monthly attendance requirement.

(9) If a teenager drops out of school, the sanction shall remain in effect until the teenager or teenager's family provides written proof from the school system that the teenager has re-enrolled and has met the monthly attendance requirement for one-calendar month.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.18
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-192.
History. Original Rule entitled "LEARNFARE" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 290-2-28-.19. Hardship Standards.

(1) In certain situations, the department may determine that certain obligations, requirements, and criteria may be waived for specific applicants or recipients on grounds of hardship.

(2) These situations may include, but are not limited to, mental illness or emotional trauma, mental retardation, physical disability, domestic violence, or natural disasters which

impact the family's capacity to comply with the provisions of the Georgia TANF Program.

(3) A state level review shall be conducted to determine on a case by case basis whether the hardship is of such severity and importance to warrant a hardship exemption.

Cite as Ga. Comp. R. & Regs. R. 290-2-28-.19
Authority: O.C.G.A. Secs. 49-1-2, 49-2-6, 49-4-3, 49-4-183.
History. Original Rule entitled "Hardship Standards" adopted. F. Jun. 10, 1997; eff. July 1, 1997, as specified by the Agency.

Subject 290-2-29. RULES AND REGULATIONS FOR MATERNITY HOMES.

Rule 290-2-29-.01. Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sections 49-5-3, 49-5-8, 49-5-12*et seq.*, and 49-2-17 *et seq.*

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.01
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-2-17.
History. Original Rule entitled "Legal Authority" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.02. Applicability of Rules.

(1) No person, institution, agency, society or facility shall operate a maternity home unless a license or permit has been obtained from the Department.

(2) The following types of maternity homes or activities are exempt from the requirements of these regulations:

(a) Facilities licensed by the Department of Community Health pursuant to rules and regulations for hospitals, Chapter 290-9-7;

(b) Facilities licensed by the Department of Community Health pursuant to rules and regulations for intermediate care homes, Chapter 290-5-9;

(c) Facilities licensed by the Department of Community Health pursuant to rules and regulations for birthing homes, Chapter 290-5-41;

(d) Facilities, agencies and homes wherein children and youth are detained which are operated by any department or agency of state, county, or municipal government; and

(e) Facilities owned and operated by the federal government.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.02
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Applicability of Rules" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.03. Title and Purpose.

These rules shall be known as the Rules and Regulations for Maternity Homes. The purpose of these rules is to provide minimal requirements for the licensing and inspection of maternity homes within the state of Georgia.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.03
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Title and Purpose" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.04. Definitions.

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

(a) "Adult" means any person 18 years of age or older who resides in the home.

(b) "Applicant" means the following:

1. When the home 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 home 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 home 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 home 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 home 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) "Board" means the persons or legal entity in whom the ultimate legal responsibility, authority and accountability for the conduct of the home is vested.

(e) "Chemical restraint" means a drug or medication used as a restriction to manage the resident's behavior or restrict the resident's freedom of movement and is not a standard treatment or dosage in use for the resident's condition as specified in the service plan.

(f) "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 (6) or more children.

(g) "Child placement," or "placement activity" means the selection, by a person or agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family. This definition includes any preparation of a home study of a foster home or of a prospective adoptive home. Counseling with respect to options available, legal services, or services as an agent for the purpose of notice of withdrawal of consent by the birth parent does not constitute child placement under this definition.

(h) "Child placing agency" means a child welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which places children in foster homes for temporary care or in prospective adoptive homes for adoption. Agencies that arrange for children to receive care in foster homes or in prospective adoptive homes must make arrangements to assess the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster or adoptive person or family will provide.

(i) "Commissioner" means the Commissioner of the Department of Human Services.

(j) "Confinement" means the concluding state of pregnancy from the onset of labor to the birth of the child.

(k) "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.

(l) "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*.

(m) "Day(s)" means calendar day(s) unless otherwise specified.

(n) "Department" means the Georgia Department of Human Services.

(o) "Director" means the chief administrative or executive officer of the home.

(p) "Disaster Preparedness Plan" means a written document that identifies potential hazards or events that, should they occur, would cause an emergency situation at the home and that proposes, for each identified emergency situation, a course of action so as to minimize the threat to the health and safety of the residents within the home.

(q) "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 youth from doing immediate harm to self or others.

(r) "Emergency safety intervention plan" means the plan developed by the home utilizing an approved nationally recognized, evidence-based, training program for emergency safety intervention. The plan shall clearly identify the emergency safety interventions staff may utilize and those that may never be used.

(s) "Employee" means any person, other than a director, employed by a home to perform any duties which involve personal contact between that person and any resident being cared for at the home and also includes any adult person who resides at the home or who, with or without compensation, performs duties for the home which involve personal contact between that person and any resident cared for by the home.

1. For purposes of these rules, an employee does not mean a youth that resides at the home and performs duties for the home;

2. For purposes of criminal history background check determinations, an "employee" means any person employed by the home or any adult person that resides at the home or who provides care to residents placed in the home.

(t) "Executive Director" means the person responsible for overall administration of the home.

(u) "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.

(v) "Foster care" means supervised care in a substitute home or a child caring institution on a 24 hour full-time basis for a temporary period of time.

(w) "Foster home" means a private home where the foster parent(s) live which has been approved by the institution/agency to provide 24 hour care, lodging, supervision and maintenance for no more than six (6) children under the age of 19.

(x) "Foster parent" means an adult person approved by the institution 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 their own home.

(y) "Home" means a maternity home or second chance home as referenced in these rules.

(z) "Human services professional" means a person employed by the home who provides direct services and supervision to residents and their child(ren) in the home setting. The human services professional 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 home'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.

(aa) "Infant" means a child from birth to one (1) year old.

(bb) "Isolation" means the separation of one (1) or more persons from others in order to reduce the spread of illness.

(cc) "Isolation room" means a bedroom with its own bathroom in which residents with acute illness are kept separate from other residents in order to reduce the spread of the illness.

(dd) "License" means a document issued by the Department that grants permission for the holder to provide services.

(ee) "Living unit" means the physical location where residents live within the home.

(ff) "Manual hold" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a resident's body and is considered a form of restraint. A manual hold does not include briefly holding a resident without undue force to calm or comfort the resident, holding a resident by the hand or by the shoulders or back to walk the resident safely from one (1) area to another where the resident is not

forcefully resisting the assistance, or assisting the resident in voluntarily participating in activities of daily living.

(gg) "Maternity home" means any place in which any person, society, agency, corporation or facility receives, treats or cares for, within any six-month period, more than one (1) pregnant woman whose child is to be born out of wedlock, either before, during or within two (2) weeks after childbirth. For purposes of these rules, services provided include full-time residential care, support and supervision for more than one (1) pregnant youth through 21 years of age who is either admitted during pregnancy or within two (2) weeks after delivery, and who is not related to the owner by blood or marriage. For purposes of these rules, a maternity home may only provide such services to youth admitted to the home for a maximum period of eight (8) weeks following delivery unless providing second chance home services.

(hh) "Mechanical Restraint" means a device attached or adjacent to the resident's body that is not a prescribed and approved medical protection device and that she cannot easily remove that restricts freedom of movement or normal access to her body. A mechanical restraint does not include devices used to assist a youth with appropriate positioning or posture secondary to physical impairments or disabilities.

(ii) "Medicaid Rehabilitation Option Provider" 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 her best possible functional level.

(jj) "Medication error" means any deviation from the prescribed dosage, use or administration of a medication. A resident's refusal to take medication as prescribed constitutes a medication error. For over the counter medications, a medication error is any use that is not in accordance with the directions or instructions on the bottle.

(kk) "Notifiable diseases" are those diseases, injuries, and conditions requiring notice and reporting to the county board of health and the Georgia Department of Community Health.

(ll) "Outbreak" means two (2) or more cases of similar illness not considered foodborne or waterborne.

(mm) "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 home and who:

1. Purports to or exercises authority of the owner in a home;

2. Applies to operate or operates a home;

3. Enters into a contract to acquire ownership of a home.

(nn) "Placement" means any activity by any person that provides assistance to a parent or guardian in locating and effecting the move of a child to a foster home or adoptive home, including assessing suitability of homes for placement. Counseling with respect to options available, legal services, or services as an agent for purposes of notice or withdrawal of consent by the birth parent does not constitute placement activity.

(oo) "Plan of correction" means a written plan submitted by the home acceptable to the Department. The plan shall identify the existing noncompliance of the home, the responsible staff, the proposed procedures, methods, means and period of time to correct the noncompliance. The plan shall also include the date of the implementation of the corrective action plan.

(pp) "Postnatal" means the six-week period after an infant is born.

(qq) "Postpartum" means the six-week period after giving birth.

(rr) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the Department.

(ss) "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.

(tt) "Psychotropic medication" means a prescription drug that is used to treat or manage a psychiatric symptom or challenging behavior. Some psychotropic medications fall into specific medication classes like antipsychotics or antidepressants. In other cases, the medications may be primarily used for other diseases but have been found effective in controlling behaviors thus making that specific use a psychotropic medication.

(uu) "Records check application" means two (2) 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.

(vv) "Resident" means a pregnant or parenting youth or a child(ren) of a parenting youth who lives in the home.

(ww) "Room, board and watchful oversight" means providing a safe, comfortable room, adequately nutritious meals and oversight to ensure a resident's basic safety needs are met.

(xx) "Safeguard" means to take reasonable measures to eliminate the risk of harm to a resident receiving care. Where a specific method is not otherwise prescribed in these

regulations, safeguards may include, but are not limited to, locking up a particular substance or item, storing a substance or item out of reach, erecting a barrier that prevents a resident in care from reaching a particular place, item or substance, using protective safety devices, or providing supervision.

(yy) "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.

(zz) "Seclusion" means the involuntary confinement of a resident away from other residents, due to imminent risk of harm to self or others, in a room or an area from which the resident is physically prevented from leaving.

(aaa) "Second chance home" means a licensed maternity home that provides full-time residential care, support and supervision to pregnant and parenting youth through 21 years of age and their child(ren) that is expected to last for more than an eight (8) week period following delivery. Program services include parenting skills, such as child development, education, job training, transitioning to independent living, family budgeting, health and nutrition, and other skills to promote residents' long-term independence and the well-being of their child(ren).

(bbb) "Self-administration of medications" means that a resident administers prescription and non-prescription medication in the manner directed by the physician without assistance or direction.

(ccc) "Self-possession of medication" means that a resident carries medication on her person to allow for immediate and self-determined administration.

(ddd) "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 resident's age, developmental level, physical, emotional, and social needs.

(eee) "Temporary license" means written authorization granted by the Department to an applicant for license to admit residents to the home on a conditional basis to allow a newly established home a reasonable, but limited period of time to demonstrate that operational procedures are in satisfactory compliance with these rules and regulations, or to allow an established and currently operating home a reasonable, but specified, length of time to comply with these rules and regulations, provided said home shall first present a Plan of Correction which is acceptable to the Department.

(fff) "Time-out" means a behavior management technique that involves the brief separation of a resident from the group, not to exceed 20 minutes, designed to deescalate the

resident. During "time-out" a resident's freedom of movement is not physically restricted.

(ggg) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(hhh) "Variance" means a decision by the Department to grant a modification to all or part of the literal requirements of a rule to a home subject to the rule.

(iii) "Waiver" means a decision by the Department not to apply all or part of a rule to a home subject to the rule.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.04
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Definition" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.05. Application for or Renewing a License.

(1) **Application for License.**

(a) The Applicant Defined.

1. The home is owned by a sole proprietorship, the individual proprietor shall apply for the license, complete the statement of responsibility and serve as the licensee.

2. The home is owned by a partnership, the general partners shall apply for the license, complete the statement of responsibility and serve as the licensee.

3. The home 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.

4. The home 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.

(2) No person, partnership, association, corporation or entity shall operate a maternity home in the state without first obtaining a license to operate the home by demonstrating compliance with the necessary requirements set forth in these rules.

(3) No licensed maternity home shall provide room, board and watchful oversight to more than 16 residents including infants on its premises.

(4) Application for the issuance of an initial license to operate a home shall be made in writing on forms provided by the Department, shall be signed by the person seeking authority to operate the home, shall be notarized, and shall include at least the following information.

a. Name of home, address, the phone number; and email address;

b. Applicant's address and phone number;

c. Sources of financial support;

d. Written verification of compliance with local zoning requirements for the home where they are defined in zoning ordinances;

e. Copy of the current fire marshal's certificate of approval;

f. A statement of compliance with applicable state statutes and regulations and local ordinances approvals;

g. Resident capacity;

h. Total number of employees, by category;

i. Services provided; and j. A statement verifying the required experience of the administrator and other professional staff.

(5) **Time for Filing.** An application for a license shall be submitted at least 90 days prior to the proposed opening date of the new home.

(6) **Criminal Records Check Required.** The director and employees, of a home must submit to criminal records checks in connection with any application for a license and employment.

(7) **Separate License Applications.** A separate license application is required for each geographical location which a home proposes to operate even when all of the proposed homes are owned by the same person or entity.

(8) **Notice of Denial.** If the Department determines that an 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 license and shall provide an opportunity for hearing to the applicant.

(9) **False or Misleading Information.** The application for a license including the application for a criminal records check must be truthfully and fully completed. In the event that the Department has reason to believe that the 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.

(10) **Departmental Approval Required.** A home shall not begin operation without departmental approval.

(11) **Amended License.** An application for an amended license shall be submitted at least 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 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. An application shall be submitted for the following proposed changes:

(a) A change in the name of the home;

(b) A change of ownership;

(c) A change in the ages of residents to be served;

(d) Additions or changes in the uses of the building(s) that will affect the home's licensed capacity.

(12) **Application for Renewal of a Continuing License**.

(a) An application for the renewal of a continuing license to operate a home shall be made in writing on the forms provided by the Department. The forms shall be signed by the person seeking authority to operate the home. The forms shall be notarized and contain information required in subsection (b):

(b) An annual report shall be submitted to the Department as part of the renewal application. This report shall include the period of July 1 through June 30 of the prior year and shall include the following:

1. Number of residents admitted;

2. Age, race, and educational levels of residents;

3. Length of stay of residents during the prenatal period. If residents left the home prior to delivery, the total number of residents that left and the reasons for leaving shall be included;

4. Residents who returned after delivery and length of stay;

5. Infants admitted and length of stay;

6. Residents who applied but were not admitted, and reasons such residents were not admitted; and

7. Residents who applied for admission and the decision regarding admission is pending.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.05
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-5-60, 49-5-62, 49-5-69.
History. Original Rule entitled "Application for or Renewing a License" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.06. Organization and Administration.

(1) **Program Purpose.** In accordance with these rules and regulations, a licensed maternity home 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 of the residents it serves, including referral sources.

(2) **Program Description and Implementation**. A program description which includes the purpose or function of the proposed home shall be clearly defined. The program description shall include:

(a) Written policies and procedures describing the scope of services to be provided, including room, board and watchful oversight and the manner in which such services will be provided and supervised through the home;

(b) A description of the services that are provided directly by the home and how the services will be coordinated with the Medicaid Rehabilitation Option provider or other available community or contract resources;

(c) Eligibility requirements for resident service and for providers of care; and

(d) A statement that the home shall only accept residents whose known needs can be met by the home based on pre-placement assessment, planning, and room, board, and watchful oversight capacity. No home shall provide services for residents whose needs for room, board, and watchful oversight cannot be met based upon the resident's physical, educational, or emotional needs.

(e) No licensed home shall assume responsibility for placement directly or indirectly of children for adoption unless the home has a child-placing license. Any evidence of violation of this requirement shall be sufficient ground for non-issuance of a license, or for revocation of a license already issued.

(f) Notice of the closing of a maternity home shall be sent to the Department with the license issued to the home attached.

(3) **Reporting of Serious Occurrences or Incidents.** Whenever the home has reason to believe any of the occurrences or incidents listed below has occurred, the home shall make a report summarizing the occurrence or incident to the Department of Human Services, Office of Residential Child Care.

(a) The summary report, including an initial safety plan, shall be made via email or facsimile within 24 hours of the occurrence or incident or when the home first became aware of the occurrence or incident, and must contain all of the information required on the incident intake information form, as relevant.

(b) The report shall be made regarding any serious occurrences or incidents involving residents in care, including but not limited to:

1. Accidents or injuries requiring medical treatment and/or hospitalization;

2. Police involvement;

3. Death;

4. Notifiable diseases, acquired by residents or staff, as defined by the Department of Public Health;

5. Suicide attempts;

6. Allegations of child abuse or neglect;

7. Closure of the home or any part of the home due to disaster or emergency situations such as fire or severe weather;

8. Any use of an emergency safety intervention; or

9. Any incident which results in any federal, state or private legal or administrative action by or against the home which affects any resident or the conduct of the home.

(c) A detailed investigative report which includes steps taken by the home to prevent further incidents of a similar nature from occurring shall follow in five (5) business days of the initial report if not already provided.

(4) **Child Abuse Reports.** Whenever the home has reason to believe that a resident in care has been subjected to child abuse it shall cause a report of such abuse to be made immediately 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 Office of Residential Child Care.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.06
Authority: O.C.G.A. Secs. 19-7-5, 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Organization and Administration" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.07. Board of Directors.

(1) Each maternity home shall have a clearly identified Board of Directors, which operates as the governing body of the home and is responsible for, and has authority over, the home's policies and activities and ensuring compliance with these rules and regulations. If a home is individually owned, the owner and/or operator is responsible for the establishment and enforcement of policies and the operation of the home.

(2) The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for a license on a form provided by the Department. If a home is individually owned, then the owner(s) will complete the statement of responsibility.

(3) **Composition of the Board.**

(a) The Board shall be composed of at least five (5) members.

(b) At least one (1) of the Board members shall be a bona fide resident of Georgia.

(c) Provision shall be made for systematic rotation of board members through a plan of overlapping terms of office.

(d) Provision shall be made for removal of inactive Board members.

(e) Employees of the home shall not serve as members of the Board.

(4) **Functions and Responsibilities of the Board of Directors.** The Board shall:

(a) Employ and dismiss an Executive Director;

(b) Delegate to the Executive Director the authority and responsibility for the employment of other staff members and the management of the affairs of the home according to the home's established policies;

(c) Refrain from direct administration or operation of the home either through individual members or committees, except in emergencies;

(d) Approve written policies for accepting youth for placement;

(e) Be responsible for the home's compliance with all applicable state laws and regulations;

(f) Be responsible for adequate financing and budgeting for the home;

(g) Meet at least quarterly;

(h) Keep complete minutes of each meeting reflecting official actions of the Board pertaining to and affecting any aspect of the program. Minutes of each meeting shall be kept permanently on file and be available for review upon request by the Department;

(i) Notify the Department's Office of Residential Child Care in writing within five (5) days when there is a change in the Executive Director or in the corporate structure, organization, or administration of the home;

(j) Inform the Department within 24 hours by phone and in writing within 10 days of notice to the home of any legal or administrative action brought against the home or any person affiliated with the home which affects any child in care or personnel or relates in any manner to the conduct of the home;

(k) Keep the Department informed on a quarterly basis, or more often if requested by the Department, concerning the status of current or previous judicial or administrative action against the home; and

(l) Be responsible for the disposition or storage of records of the home according to these rules, should the home cease operations.

(5) If the governing body is a national or regional organization and has a local advisory board or committee, minutes of the local group setting forth changes in policies and administrative decisions affecting the local operation shall be made available to the licensing authority.

(6) Board members shall have no direct or indirect financial interest in the assets, leases, business transactions, or in current professional services of the home. Any potential conflict of interest shall be declared by a Board member and the minutes shall record the declaration and abstention from the vote when a conflict exists.

(7) The home shall provide the Department with a list that includes the name, address and office held, if applicable, of all Board members and shall have on file a notarized copy of each member's letter of acceptance.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.07
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Board of Directors" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.08. Financing.

(1) The home shall:

(a) Have a sound plan of financing which assures sufficient funds to support adequately the services offered, to provide for residents accepted for care including care of infants born to residents, and to carry out the stated purposes of the home. A full and complete accounting of the financial affairs of the home shall be provided to the Board on an annual basis;

(b) Provide evidence that it has sufficient funds available to pay operating costs including compensation for a sufficient number of administrative and service staff through the current year of operation for which the license is to be issued;

(c) Maintain financial records of all receipts, disbursements, assets and liabilities and shall establish an accounting system capable of tracking all movements of funds and the actual expenditures for each case;

(d) Provide bond for Board members, the Director and staff responsible for handling substantial amounts of funds;

(e) Not require gratuities such as money or other things of value or services from residents or their representatives beyond the established fee; and

(f) Comply with all local and state and federal laws relating to the solicitation of funds.

(2) A schedule of fees shall be established and implemented and made available to a parent(s) or legal guardian(s), or legal representative(s) of residents considered for admission to the home. The schedule shall detail the basic cost of services and any additional costs for other services.

(3) An audited financial report shall be conducted annually by an independent certified public accountant.

(4) An annual budget shall be prepared and subsequently approved. Copies of the current year's budget and expenditure records shall be maintained for examination and review by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.08
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Financing" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.09. Policies and Procedures.

(1) In accordance with these rules and regulations, a licensed maternity home shall develop, implement, and comply with written administrative and operational policies and procedures that shall include, but are not limited to, the following:

(a) Person(s) empowered and responsible for determining all policies and procedures;

(b) Periodic rotation of the governing board including term limits if applicable;

(c) Specification of the home's philosophy, purpose, and program orientation;

(d) Hiring of employees and/or acquiring of volunteers;

(e) Characteristics of the residents served;

(f) Referral sources;

(g) Services that are limited to a specified time period;

(h) A description of the range of services provided and the manner in which identified services will be provided;

(i) Assignment of rooms to residents based on an assessment of age, gender, and developmental, social, and emotional needs;

(j) Behavior management and the emergency safety intervention plan including the emergency safety interventions that will be used;

(k) Maintenance and security of case and personnel records specifying who shall supervise the maintenance of records, who shall have custody of the records, how records will be secured, and to whom records may be released and for what purposes;

(l) Filing and processing of grievances by staff and residents;

(m) Child abuse and exploitation reporting;

(n) Handling of life, limb, or function-threatening emergencies;

(o) Infection control;

(p) Quality improvement process;

(q) Admissions and discharge;

(r) Visiting hours and communications with person(s) outside the home;

(s) Emergency medical care of residents with a local hospital or other health care facility that provides emergency services;

(t) Handling emergency medical situations regarding the child(ren) of residents in care should a parenting resident refuse medical treatment for her child;

(u) Use and management of all types of medications; and

(v) Disaster preparedness.

(2) The home's policies and procedures shall address each component of the rules and their subsections.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.09
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Policies and Procedures" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.10. Personnel.

(1) **Director.** The governing body of the maternity home shall designate a director who shall be authorized to manage the home.

(a) Any director employed on or after the effective date of these rules shall possess at least one

(1) of the following qualifications:

1. A master's degree from an accredited college or university in the area of social science, social work, childhood education, business or public administration or a related field plus two (2) years of experience in a related field;

2. A bachelor's degree from an accredited college or university in the area of social science, social work, childhood education, business public administration or a related field plus four (4) years of experience in a related field; or

3. A licensed registered nurse, doctor, or other licensed health care professional plus two (2) years of experience in a related field.

(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, sexually exploited, or deprived a child or 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 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 temporarily absent from the home and resident(s) are present in the home, a staff person designated by the director as responsible for supervising the operation of the home must also be present in the home. If the director remains unavailable for more than 14 consecutive calendar days, the officially designated person shall have qualifications equivalent to the director's qualifications.

(2) **Staffing.** The home shall have sufficient numbers of qualified and trained staff as required by these rules to provide for the needs, care, protection, and supervision of residents in care. 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 residents in care. There shall be sufficient relief staff to ensure adequate coverage of all functions.

(a) All staff 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 (such as a decision of a court or jury, or a Department investigation or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or 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 orientation and training as required by these rules;

3. Not have made any material false statements concerning qualifications requirements either to the Department or the proposed licensee as evidenced by a signed statement; and

4. Any adult living in the home must be checked against the child abuse and neglect registry for information, and must provide information from any other state in which the adult has resided in the previous five (5) years to check any child abuse and neglect registry maintained by that state.

Maternity homes shall comply with these requirements before serving residents.

(b) Human services professionals. The home shall have a designated human services professional to provide oversight of services to residents and their families in the home setting. There shall be at least one (1) human services professional employed for every 16 residents in care. The total number of residents in care must not exceed 16 including infants. The home'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, nursing or healthcare, or a related field and either have two (2) years experience in a field related to the type of residents served or be supervised by another human service professional with a master's degree in one (1) of the above disciplines; or

   (ii) Possess a master's degree from an accredited college or university in one (1) of the above disciplines.

(c) Direct Care Staff. A maternity home shall have designated direct care staff to supervise residents and be responsible for living units where the residents reside.

1. No maternity home shall admit or retain residents whose needs for room, board and watchful oversight cannot be met. The home shall have sufficient numbers of qualified and trained staff to provide for the room, board and watchful oversight of residents.

2. Any direct care staff shall be at least 21 years of age and possess a high school diploma or general education diploma (GED) and have current evidence of certification of a biennial training program in adult, child, and infant cardiopulmonary resuscitation (CPR) and a biennial 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 90 days of employment.

3. Directors and human services professionals may not concurrently serve as direct care staff.

4. When volunteers are utilized a qualified staff member of the home shall be designated to plan, supervise, and coordinate the volunteer's functions as well as an appropriate training program.

(d) Staff Training. Prior to working with residents, all staff, including the director, who work with residents shall be oriented in accordance with these rules.

1. [Staff] orientation shall include instruction in:

(i) The home'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 and exploitation policies and procedures;

(v) Reporting requirements for suspected cases of child abuse and sexual exploitation, notifiable diseases and serious injuries;

(vi) Policies and procedures for handling medical emergencies (life-threatening, limb-threatening, or function-threatening conditions), and managing use of medications by residents in care;

(vii) Infection control policies and procedures;

(viii) The home's policies and procedures regarding appropriate behavior management and emergency safety interventions; and

(ix) Privacy and confidentiality of residents.

2. In addition to orientation, all staff, including the director, shall receive training which shall include 24 clock hours of formal, annual training or instruction in resident and child care issues related to the employee's job assignment and to the types of services provided by the home. Annual training shall be counted from the date of hire.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.10
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Personnel" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.11. Personnel Records.

(1) A home shall maintain written records for each employee, contractor, volunteer, and the director. Such records shall include the following:

(a) Identifying information such as name, address, telephone number, copy of state or federal issued identification, and emergency contact person(s) including telephone number(s);

(b) A 10-year employment history or a complete employment history if the person has not worked 10 years, including explanations for any gaps in employment;

(c) Records of educational qualifications including copies of transcripts, diplomas, current licenses, and verifications;

(d) Documentation of at least two (2) professional, educational, or personal references that attest to the person's capabilities of performing the duties for which he or she is employed and to the person's suitability of working with the types of residents being served. The document must contain the name, address, and signature of the person providing the reference or must be documented on the appropriate letterhead of the business/organization providing the reference;

(e) 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;

(f) Documentation from a licensed physician or other licensed healthcare professional of a health screening examination, that includes a tuberculosis screening, within thirty days of hiring sufficient in scope to identify conditions that may place residents at risk of infection, injury or improper care, and documentation of such screening annually thereafter;

(g) Date of employment;

(h) The person's current job description or statements of the person's duties and responsibilities;

(i) Documentation of orientation and training, including dates of all such training, as required by these rules; and

(j) 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 these rules related to residents in care and the employee. Individual performance evaluations shall be conducted at least annually.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.11
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-5-60, 49-5-69.

History. Original Rule entitled "Personnel Records" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.12. Maintenance of Case Records.

(1) A confidential case record shall be maintained for each resident which includes:

(a) Completed application for admission and services with identifying information that includes, but is not limited to, name, birth date, age, race, marital status, religion;

(b) Date of admission and source of referral including all documents related to the referral and admission of the resident to the home;

(c) Name, address, and telephone numbers of the parent(s) or legal guardian(s) or legal representative(s) of the resident;

(d) Assessment of services needed;

(e) Case plan or out-of-home family services agreement;

(f) Documentation of case reviews and updates of case plan;

(g) Educational and vocational information;

(h) Authorization for medical care, if resident is a minor;

(i) Medical and obstetrical history and examination completed no more than seven (7) days prior to or seven (7) days following admission to the home;

(j) Record of medical and dental services received;

(k) Medical records, including documentation of visits to physicians and dentists, records of prescriptions and administration of medicines, immunization records, and orders for modified diets;

(l) Authorization for receiving or sending information concerning the resident;

(m) Correspondence and contacts with other persons or agencies concerning the resident;

(n) Copy of financial agreements;

(o) Copy of any agreement with a transitional agency, entity or person providing services to the resident, such as a child placing agency, adoption agency or attorney;

(p) Approved visitation and contact plan including type, duration, location both on-site and off-site, and frequency, as well as any rationale for restrictions on family involvement; the home shall maintain documentation of resident's adherence to and the home's oversight of the visitation and contact plans;

(q) Documentation of hospital care and delivery dates;

(r) Name of baby and sex;

(s) A record of birth including birth date, weight at birth, measurements, any birth defects, method of delivery, and complications of pregnancy and delivery;

(t) Name, address, and title of person and/or agency to whom baby discharged, if not to mother;

(u) Date, time and circumstances of discharge from the home and the resident's plan for herself and baby; and relationship and signature of the individual to whom the resident was discharged, if a minor; and

(v) Signed acknowledgement of resident's rights.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.12
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12
History. Original Rule entitled "Maintenance of Case Records" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.13. Retention and Confidentiality of Case Records.

(1) Case records shall be retained in the home for at least two (2) years following discharge of residents.

(2) The home shall ensure that case records are kept confidential and inaccessible to unauthorized persons in locked fireproof storage.

(3) 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.

(4) A home shall maintain the confidentiality of all residents' case records. Employees of the home shall not disclose or knowingly permit the disclosure of any information in a case record except to appropriate home staff for reasons of the provision of care or services; the parent(s) or legal guardian(s), legal counsel, a court of legal jurisdiction, licensing staff, other authorized public officials in the performance of their mandated duties, or a licensed child placing agency.

(5) All maternity home staff, consultants, contractors, volunteers and others with access to information about the resident must be informed, in writing, of their responsibility to maintain resident confidentiality as evidenced by their signature.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.13
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Retention and Confidentiality of Casework Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.14. Criminal History Background Checks.

(1) **Criminal History Background Checks for Owners Required**. Prior to approving any license for a new maternity home, 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 (1) of the following:

1. Maintains an office at the location where services are provided to residents;
2. Resides at a location where services are provided to residents;
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.

(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.

(c) A maternity home 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.*:

1. A violation of Code Section 16-5-1, relating to murder and felony murder;
2. A violation of Code Section 16-5-21, relating to aggravated assault;
3. A violation of Code Section 16-5-24, relating to aggravated battery;
4. A violation of Code Section 16-5-70, relating to cruelty to children;

5. A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

6. A violation of Code Section 16-6-1, relating to rape;

7. A violation of Code Section 16-6-2, relating to aggravated sodomy;

8. A violation of Code Section 16-6-4, relating to child molestation;

9. A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;

10. A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other homes;

11. A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;

12. A violation of Code Section 16-8-41, relating to armed robbery;

13. A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or

14. 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.

(d) An owner with a valid maternity home license issued on or before the effective date of these rules shall be required to obtain a criminal records check determination.

(e) An owner with a valid maternity home license on or before the effective date of these rules who is determined to have a criminal record 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."

(f) An owner with a valid maternity home license who acquires a criminal record subsequent to the effective date of these rules shall disclose the criminal record to the Department.

(g) If at any time the Department has reason to believe an owner holding a valid maternity home license has a criminal record, 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.

(h) Owners of a licensed maternity home shall submit a records check application no less than every five (5) years from the date of receipt of the initial satisfactory criminal history background check determination and either receive a subsequent satisfactory criminal history background check determination or have the unsatisfactory criminal history background check determination reversed as a result of an administrative hearing.

(i) Documentation of required criminal history background check determinations must be maintained in the owner's file.

(2) **Criminal History Background Checks for Directors Required**. Prior to serving as a director of a licensed maternity home, a person shall submit a records check application and receive a satisfactory determination or be determined eligible to serve as a director as a result of an administrative hearing.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed home 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;

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) In lieu of a records check application, a director 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, whichever is applicable.

(c) Directors of a licensed maternity home shall submit a records check application no less than every five (5) years from the date of receipt of an initial satisfactory criminal history background check determination and either receive a subsequent satisfactory criminal history background check determination or have the unsatisfactory criminal history background check determination reversed as a result of an administrative hearing.

(d) Documentation of required criminal history background check determinations must be maintained in the director's file.

(3) **Criminal History Background Checks for Employees Required**. Prior to serving as an employee other than a director of a licensed maternity home, 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 obtain a satisfactory determination or be determined eligible to serve as an employee as a result of an administrative hearing.

(a) A person with an unsatisfactory background check determination may not serve as an employee of a licensed maternity home 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;

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) In lieu of a records check application, an 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, whichever is applicable.

(c) Employees of a licensed maternity home shall submit a records check application no less than every five (5) years from the date of receipt of an initial satisfactory criminal history background check determination and either receive a subsequent satisfactory criminal history background check determination or have the unsatisfactory criminal history background check determination reversed as a result of an administrative hearing.

(d) Documentation of required criminal history background check determinations must be maintained in the employee's personnel file.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.14
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-2-14.1, 49-5-60, 49-5-62, 49-5-69, 49-5-73.
History. Original Rule entitled "Criminal Background Checks" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.15. Basic Maternity Home Programs-Casework Services.

(1) **Basic Maternity Home Programs. Preplacement Assessment.** A preplacement assessment shall be performed during which the home and legal custodian determine whether the home can meet the known needs of the resident. All relevant information required for admission to the home shall be reviewed in preplacement assessment and planning. Documentation of the preplacement assessment shall be maintained in the resident's file.

(2) **Basic Maternity Home Programs. Preplacement Assessment**. Prior to admission, the home shall provide the legal custodian with written information that includes:

(a) The home's program purpose and program description;

(b) The description of service planning and normal daily routines of residents;

(c) The description of health services including how the home handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);

(d) The home's policies and procedures for behavior management and grievances;

(e) The home's policies and procedures for visiting hours and communications with persons outside the home;

(f) The names and telephone numbers of the resident 's designated human services professional and primary direct care staff; and

(g) A schedule of fees if placement is not done under a purchase of service agreement.

(3) **Basic Maternity Home Programs. Preplacement Assessment.** The director of the home, in consultation with the human services professional, shall make the decision whether to accept an applicant for residential care on the basis of assessed needs of the resident and the make-up of the group currently in the home. A home shall only admit a youth whose known needs can be met by the home based on a preplacement assessment. Documentation of the preplacement assessment shall be maintained in the resident's file. The preplacement assessment shall include:

(a) Reasons for placement; and

(b) Placement needs such as social, health, educational, family, behavioral, and personal developmental history. In addition, the history shall include pregnancy status.

(4) **Basic Maternity Home Programs. Preplacement Visit.** The home shall document a preplacement visit by the resident, and the parent(s) or legal guardian(s), or placing agency representative if there is a reasonable likelihood that the resident will be admitted.

(5) **Basic Maternity Home Programs. Admission**. Upon admission, the human services professional shall discuss with the resident and obtain signed documentation from the legal custodian that they have received and considered the information provided in the rules and determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the potential resident being placed. Information provided to the resident shall include:

(a) Rules of the home and resident responsibilities;

(b) Services available through the home and community;

(c) Rights regarding residence in the home;

(d) Normal daily routines of residents;

(e) Health services, including how the home handles illnesses, injuries, and medical emergencies, particularly with regard to the residents' child(ren);

(f) Policies and procedures for behavior management and grievances;

(g) Policies and procedures for visiting hours and communications with persons outside the home; and

(h) Contact information for the resident's designated human services professional and primary residential staff.

(6) **Basic Maternity Home Programs. Assessment.** The home's 15 day assessment shall be coordinated by the resident's designated human services professional. The home shall assess the needs of the resident in the areas of health care, room, board and watchful

oversight, education, family relationships, personal, social and vocational development, and any behavioral issues that require monitoring. This assessment is intended to expand upon the initial preplacement assessment required by these rules. If an assessment is not completed within 15 days, the reasons for the delay shall be documented in the resident's case record and such documentation shall include statements indicating when the assessment is expected to be completed.

(7) **Basic Maternity Home Programs. Assessment.** A home shall obtain the resident's records from all prenatal health care and counseling services in order to complete the health needs component of the assessment.

(8) **Basic Maternity Home Programs. Assessment.** A home shall obtain the resident's school records from the last school attended in order to complete the education needs component of the assessment.

(9) **Basic Maternity Home Programs. Service Plan.** A written room, board and watchful oversight plan shall be developed within 15 days of admission by the resident's human services professional in concert with the resident's primary direct care staff, meaning the staff who has responsibility for supervision of the resident in the living unit where the resident resides. The plan shall contain the following data:

(a) The results of the assessment and identified needs;

(b) Statements of time-limited goals and objectives for the resident and methods of achieving them and evaluating them;

(c) Statements of activities to be followed by the resident and staff members in pursuit of the stated goals and objectives;

(d) Statements of any special care and services that will be arranged for or provided directly. Statements of special care and services include, but are not limited to, therapy, enhanced supervision, medications used to manage behaviors, and ongoing conditions;

(e) Statements of goals and plans for discharge including the entity to whom the youth will be discharged and the proposed date of discharge;

(f) Statements of the types of discipline that should be employed when necessary; and

(g) Statements of any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the resident would be adversely affected by such communications or visits.

(10) **Basic Maternity Home Programs. Service Plan.** The resident must be involved in the development of the service and room, board and watchful oversight plans, and its periodic updates as described below. For minor residents, the parent(s) or legal guardian(s), or child placing agency representative shall also be involved. The home

must provide a copy or summary of the service plan to the resident and the parents or managing conservator of a minor resident. The involvement in and receipt of the service plan shall be documented by signature.

(11) **Basic Maternity Home Programs. Service Plan.** The service and room, board and watchful oversight plan shall be updated by the human services professional at a minimum of every month and following any significant change in circumstances including childbirth. Pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.

(a) The resident's primary direct care staff shall participate in updating the service and room, board and watchful oversight plan.

(b) The home shall be responsible for implementing the service and room, board and watchful oversight plan.

(12) **Basic Maternity Home Programs. Discharge.** The human services professional shall develop and implement a discharge plan for the resident that includes living arrangements, employment and/or school. It is the human services professional's responsibility to assist the resident directly or through referral to another agency when she needs help in these areas.

(13) **Basic Maternity Home Programs. Discharge.** The home must involve the resident and if applicable, the parents or legal guardians of the resident in discharge planning.

(14) **Basic Maternity Home Programs. Discharge.** During a resident's placement in a home, the preliminary plans for discharge shall be adjusted according to the resident's circumstances. At least two (2) months prior to planned discharge, except in cases of emergency discharges, a home shall formulate an aftercare plan that identifies the supports and resources that the resident and resident's family are expected to need following discharge. When a resident is being discharged for placement in another home or similar program, the receiving home or program, except in cases of emergency discharges, shall be given at least 14 days notice of the proposed date of placement.

(15) **Basic Maternity Home Programs. Discharge.** Emergency discharges are authorized when the health and safety of the resident or other residents in residence might be endangered by the resident's further placement in the home. At least 72 hours of prior notice of discharge shall be provided to the resident, parent(s) or legal guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the resident's case record.

(16) **Basic Maternity Home Programs. Discharge.** Program participants may be terminated for repeated failure to fulfill resident responsibilities. Participants will receive a minimum of 14 days written notice of intent to terminate, during which time the resident may remain in the program with her child(ren), unless safety concerns are identified.

(17) **Basic Maternity Home Programs. Discharge.** When a resident is discharged, a home shall compile a complete written discharge summary within 30 days of the discharge. Such summary shall include:

(a) The name, address, telephone number and relationship of the person or entity to whom the resident was discharged, or the name of the placing agency if discharged to a placement agency;

(b) The date and circumstances of the resident's discharge must be documented in the resident's record;

(c) A summary of all the services provided for the resident to meet assessed needs while the resident was in the home;

(d) A summary of the resident's and the family's goals and objectives and accomplishments during care;

(e) A summary of any problems encountered by the resident and the family during care and;

(f) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.

(18) **Basic Maternity Home Programs. Discharge.** Upon discharge, the home must inform residents of how long and where resident records will be maintained. A copy of the completed discharge summary shall be made available to the resident, and if applicable, her parent(s), legal guardian(s), or placement agency representative when it is completed.

(19) **Basic Maternity Home Programs. Casework Services.** All residents in care and families and legal guardians of residents in care shall receive case work services as provided in their service plan from their assigned human services professional or other appropriate professionals who shall meet with and counsel with the residents. The results of such counseling shall be recorded in the resident's case records. The purpose of such services are to identify and monitor the resident's progress relative to the needs, goals and objectives identified in assessments and service plans and to discuss any problems being encountered by or with the residents in care.

(20) **Basic Maternity Home Programs. Educational and Vocational Services**. A home shall not admit a resident unless an educational program commensurate with the specific educational and vocational needs of the resident can be provided.

(21) **Basic Maternity Home Programs. Educational and Vocational Services**. Provisions shall be made for mandatory education of all residents 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.

(22) **Basic Maternity Home Programs. Educational and Vocational Services**. A resident's assigned human services professional shall monitor the resident'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 resident's educational or vocational performance while residing in the home shall be maintained in the resident's case record.

(23) **Basic Maternity Home Programs. Educational and Vocational Services**. Residents attending public schools who wish to participate in extracurricular activities shall be provided such reasonable opportunities by the home in accordance with the resident's service plan.

(24) **Basic Maternity Home Programs. Educational and Vocational Services**. Residents' daily activities as stated in their service plans shall provide for study time during the periods the residents are attending school.

(25) **Basic Maternity Home Programs. Other Services Counseling.** The home must ensure that counseling about the different options regarding pregnancy is available to residents.

(26) **Basic Maternity Home Programs. Other Services Counseling.** The home must ensure that residents have information, training, and counseling available regarding health aspects of pregnancy, preparation for childbirth, and recovery from childbirth.

(27) **Basic Maternity Home Programs. Other Services. Recreation and Leisure.** The home 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. Residents' activities as stated in their service plans shall provide for leisure and recreational time. A home shall procure and maintain a variety of recreational and leisure equipment and supplies such as games, sporting equipment, reading materials, and art supplies.

(28) **Basic Maternity Home Programs. Other Services. Correspondence.**The home shall not infringe on the resident's privilege of writing and receiving uncensored mail and visits from her family. Visits from her family may be limited, in accordance with the service plan.

(29) **Basic Maternity Home Programs. Other Services. Clothing.** The home shall ensure that all residents have adequate, properly fitting, seasonable clothing as required for health, comfort, physical well-being., and individual needs.

(30) **Basic Maternity Home Programs. Other Services**Daily routines of residents shall provide for appropriate personal care, privacy, hygiene, and grooming commensurate with age, gender, and cultural heritage. All necessary toiletry items and supplies, such as and not limited to, soap, shampoo, hair brushes, toothbrushes and paste, deodorant, lotion, and bath towels, shall be provided.

(31) **Basic Maternity Home Programs. Other Services.** Residents shall not be held solely responsible for the accomplishments of any work activity of the home such as food preparation, laundering, housekeeping, or home maintenance. Residents shall not be considered substitutes for employed staff.

(32) **Basic Maternity Home Programs. Other Services.** Residents shall not be used for the purposes of soliciting funds for the home, nor shall residents be used in connection with any advertisement or publicity without the consent of the resident or legal guardian(s).

(33) **Basic Maternity Home Programs. Other Services. Religious Services.** Residents shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage.

(34) **Basic Maternity Home Programs. Other Services Child Care** No resident shall be responsible for the care of another resident for any period of time unless staff is present. In accordance with her service plan, a birth mother can assume responsibility for her child(ren).

(35) **Basic Maternity Home Programs. Infant Care.** All infants, particularly during the first 48 hours in the home shall be closely observed by the residential care staff.

(36) **Basic Maternity Home Programs. Infant Care.** Infants shall be held by a nurse, attendant, or resident while being fed.

(37) **Basic Maternity Home Programs. Infant Care.** A separate room or space shall be provided for preparation of milk mixtures, other foods and water. Provisions shall be made for sterilizing utensils, bottles, and nipples, and adequate refrigeration for storing of milk and food.

(38) **Basic Maternity Home Programs. Infant Care.** All formulas and changes in feeding shall be approved by the physician.

(39) **Basic Maternity Home Programs. Infant Care.** A resident who wishes to give personal attention to her infant, such as bathing and feeding, shall be permitted to do so. A resident who does not wish to see her child shall not be required to do so.

(40) **Basic Maternity Home Programs. Infant Care.** No visitor shall be permitted to see the infant except in accordance with the service plan.

(41) **Basic Maternity Home Programs. Infant Care.** The home shall not keep an infant longer than is necessary to make proper and sound plans for his or her care elsewhere.

(42) **Basic Maternity Home Programs. Infant Care.** An infant shall be discharged only to the following:

(a) His or her parent or legal guardian or

(b) A licensed child-placing agency.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.15
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Basic Maternity Home Programs-Casework Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.16. Basic Maternity Home Programs-Health Services.

(1) **Basic Maternity Home Programs. Health Services.** Health services for residents and infants shall be provided according to the best standards for maternal and child health which the local community affords and shall conform to standards established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Responsibility for the health supervision of the home shall be placed in one (1) licensed physician appointed by the governing board. The home shall have an isolation room available. There shall be an arrangement with the hospitals accepting residents for confinement which ensures that the residents are protected from interviews with persons seeking to effect or facilitate an independent placement.

(2) **Basic Maternity Home Programs. Health Services.** Within 15 days of admission, an assessment of the resident's medical and dental health shall be completed by the designated intake human services professional.

(3) **Basic Maternity Home Programs. Health Services. Prenatal Care.**The home must ensure that residents have access to prenatal health care, delivery, and immediate postpartum health care, and postpartum convalescent health care for the period post delivery and prior to discharge from the home.

(4) **Basic Maternity Home Programs. Health Services. Prenatal Care.** The program of prenatal care shall include:

(a) A complete medical and obstetrical history before admission to the home;

(b) A general physical examination of the resident shall be provided within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within two (2) weeks prior to admission. The admission physical shall include a pregnancy test, complete blood count (CBC), vaginal smear, and T. B. test;

(c) Periodic examinations during pregnancy according to the standard of care for the community. Such examinations shall occur at minimum, monthly during the first seven (7) months, every two (2) weeks during the eighth month, and every week during the ninth month;

(d) Medical care at time of delivery, including hospitalization, and nursing care where indicated;

(e) Confinement in an accredited birthing facility meeting recognized standards, with facilities for dealing with complicated cases or emergencies;

(f) Paramedical services, including nursing, nutrition, and health education.

(5) **Basic Maternity Home Programs. Health Services. Postpartum Care.** The home shall ensure that each resident is informed of the need for a postpartum examination, unless the examination is provided before her discharge from the home. Provisions shall be made for all residents to receive a postpartum examination within 8 weeks after confinement if she remains in residence. Provisions shall be made to ensure the resident's return to a public health clinic or physician, physician's assistant, advanced practice registered nurse, or midwife for necessary checkups and medical instruction on postpartum care that may be indicated. A resident shall not remain in the home for more than eight (8) weeks after delivery once she has been medically discharged.

(6) **Basic Maternity Home Programs. Health Services. Postnatal Care.** The home shall ensure that each resident is informed of the need for postnatal examination for her infant, unless the examination is provided before the infant's discharge from the home. Provisions shall be made for a complete physical examination by a physician, physician's assistant, advanced practice registered nurse, midwife, or public health clinic within the first 24 hours or sooner if indicated. A repeat examination shall be completed within the first 10 days. The repeat physical examination shall be completed by a physician, physician's assistant, advanced practice registered nurse, registered nurse, midwife, or public health clinic.

(7) **Basic Maternity Home Programs. Health Services. Medical Care.** The home shall ensure that residents receive timely, qualified medical and dental care when they are ill and that they continue to receive necessary follow-up medical care. Arrangements shall be made with at least one (1) physician and one (1) dentist or a health care agency that provides physician and dental services for the medical care of the residents. Residents shall receive annual medical check-ups and semiannual dental check-ups.

(8) **Basic Maternity Home Programs. Health Services. Dental Care.**A general dental examination of the resident shall be provided for within 30 days of admission unless such an examination has been completed within six (6) months prior to admission. Such examinations shall be done by a licensed dentist and shall be repeated at least every six (6) months.

(9) **Basic Maternity Home Programs. Health Services. Emergency Care.**The home shall ensure that residents receive timely, qualified medical or psychological 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 residents with a

local hospital or other health care facility that provides emergency services or with a local physician.

(10) **Basic Maternity Home Programs. Health Services. Medications.** The home shall develop and implement policies and procedures for the use and management of over-the-counter, general prescription, and psychotropic medications. All direct care staff shall receive orientation on the policies and procedures.

(11) **Basic Maternity Home Programs. Health Services. Medications.**The home shall maintain a list of non-prescription medications approved for use by pregnant women. No resident shall be given a non-prescription medication by staff members of the home unless the resident exhibits symptoms that the medication is designed to relieve and it is listed on the approved list.

(12) **Basic Maternity Home Programs. Health Services. Medications. Prescription Medications.** No resident shall be given a prescription medication unless the medication is prescribed for the resident by an authorized health care professional.

(13) **Basic Maternity Home Programs. Health Services. Medications.** Prescription medications shall only be given to a resident as ordered in the resident's prescription. A home shall not permit such medications prescribed for one (1) resident to be given to any other resident.

(14) **Basic Maternity Home Programs. Health Services. Medications.** A resident's attending physician shall be notified in cases of medication errors, adverse reactions, or if the prescription medication does not appear to be effective as soon as the home becomes aware of such an event.

(15) **Basic Maternity Home Programs. Health Services. Medications.** A home shall designate and authorize classes of staff, such as residential staff, to handout medications and supervise the taking of medications. Only designated and authorized staff shall handout and supervise the taking of medication.

(16) **Basic Maternity Home Programs. Health Services. Medications.** A home shall maintain a record of all medications and nutritional supplements handed-out by authorized staff and taken by residents to include: name of resident taking medication, resident's allergies, name of prescribing physician, date of prescription (if the medication is prescription or psychotropic), route of administration, required dosage, date and time taken, dosage taken, and name and signature of staff member who handed-out and supervised the taking of the medication.

(17) **Basic Maternity Home Programs. HealthServices. Medications. Self-Administration/Self-Possession of Medications.**

(a) Residents may self-possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent onset of asthma

symptoms, while at school or in the community, if the following conditions are met:

1. There is written approval from the resident's physician or other health care provider and the resident or parent or legal guardian (if resident is under 18) to possess and use the inhaler;

2. The director of the home or designee has received a copy of the written approvals from the physician and the parent or legal guardian; or

3. There is on file a written emergency care plan prepared by a licensed physician in collaboration with the resident and his or her parent or legal guardian. The plan shall contain specific instructions on the resident's needs including what to do in the event of an emergency.

(b) Residents with a need for emergency medication may also be allowed to self-possess and self-administer such medication, provided that they meet the same conditions established above. Residents who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions stated above.

(c) A resident whose parent or legal guardian and physician provide written permission will be able to self-administer and self-possess his/her own medications.

(d) A medication that a resident possesses must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration.

(e) The director of the home or designee may discontinue a resident's right to self-administer and/or self-possess if there is misuse by the resident. The denial shall follow a consultation with the parent or legal guardian.

(18) **Basic Maternity Home Programs. Health Services. Medications.** All medication shall be stored in labeled containers as prepared by a pharmacy, physician, or pharmaceutical company with the resident's name, the name of the medication, dosage, and the frequency of administration.

(19) **Basic Maternity Home Programs. Health Services. Medications.** All prescription and non-prescription medications, including medications requiring refrigeration, shall be kept in a locked storage cabinet or container which is not accessible to the residents and stored separate from cleaning chemicals and supplies or poisons. The keys to the locked cabinets or containers shall not be accessible to residents.

(20) **Basic Maternity Home Programs. Health Services. Medications.** All expired medications shall be discarded according to the community standard and not handed-out

for use. The home shall remain responsible for the safeguarding of such medications even after discarding.

(21) **Basic Maternity Home Programs. Health Services. Medical Records.**A complete medical record shall be maintained on each resident. This record shall include:

(a) Report of the medical and obstetrical history obtained prior to admission;

(b) Reports of all examinations while resident is in the home;

(c) Delivery information on the infant; and

(d) Physician's discharge report.

(22) **Basic Maternity Home Programs. Health Services. First Aid Supplies.**Each living unit shall have a first aid kit and instruction manual; such kit shall contain scissors, tweezers, gauze pads, cotton balls, adhesive tape, thermometer, assorted band-aids, antiseptic cleaning solution, and bandages.

(23) **Basic Maternity Home Programs. Health Services. Nutrition.**The home shall provide food that meets residents' individual nutritional requirements and in accordance with the American College of Obstetrics and Gynecology (ACOG).

(24) **Basic Maternity Home Programs. Health Services. Nutrition.**The home shall make provision for three (3) regularly scheduled meals daily and provide for additional nutrition between meals, mid-morning, afternoon, and evening, as needed and desired by residents.

(25) **Basic Maternity Home Programs. Health Services. Nutrition.** The home shall provide any special diet prescribed by a resident's physician.

(26) **Basic Maternity Home Programs. Health Services. Nutrition.** The home shall offer nutritional counseling and guidance to all residents. Content of the counseling and guidance program must meet generally accepted standards in regard to nutrition during pregnancy and lactation.

(27) **Basic Maternity Home Programs. Health Services. Nutrition.** Food preparation, storage, and serving facilities and procedures must meet local health department requirements and recommendations.

(28) **Basic Maternity Home Programs. Health Services. Healthcare Crises.** Detailed written summary reports shall be made to the Department via email or fax on the required incident intake information form (IIIF) within 24 hours in the case of any notifiable disease, outbreak or significant increase in institutional-associated infections above the norm or baseline in an institution or employees who work there. If the outbreak, unusual incident, or epidemic has an unexpected pattern of cases, suspected cases, deaths, or increased incidence of disease that is a major public health concern,

then such outbreak, unusual incident, or epidemic shall be reported immediately via telephone.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.16
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Basic Maternity Home Programs-Health Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.17. Basic Maternity Home Programs-Behavior Management and Emergency Safety Interventions.

(1) **Basic Maternity Home Programs. Behavior Management.** Every home shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of residents served and room, board and watchful oversight capacities in accordance with its program purpose, the anticipated behavioral problems of the residents, and acceptable methods of managing such problems.

(2) **Basic Maternity Home Programs. Behavior Management.** Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, treatment goals, safety, security, and these rules and regulations.

(3) **Basic Maternity Home Programs. Behavior Management.** Behavior management shall be limited to the least restrictive appropriate method, as described in the resident's service plan and in accordance with the prohibitions as specified in these rules and regulations.

(4) **Basic Maternity Home Programs. Behavior Management.** The following forms of behavior management shall not be used:

(a) Assignment of excessive or unreasonable work tasks;

(b) Denial of meals and hydration;

(c) Denial of sleep;

(d) Denial of shelter, clothing, or essential personal needs;

(e) Denial of essential program services;

(f) Verbal abuse, ridicule, or humiliation;

(g) Chemical restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

(h) Denial of communication and visits unless restricted;

(i) Corporal punishment;

(j) Seclusion not used appropriately as an emergency safety intervention.

(5) **Basic Maternity Home Programs. Behavior Management.** 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.

(6) **Basic Maternity Home Programs. Behavior Management.** Homes 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 beyond first aid that is received by a resident as a result of any behavior management.

(7) **Basic Maternity Home Programs. Behavior Management.** 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.

(8) **Basic Maternity Home Programs. Emergency Safety Interventions.** Emergency safety interventions, including physical restraint, mechanical restraint, chemical restraint, seclusion, or any other, shall not be used on residents of homes.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.17
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Basic Maternity Home Programs-Behavior Management and Emergency Safety Interventions" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.18. Second Chance Home Programs-Casework Services.

(1) **Second Chance Home Programs.** Second chance home programs that care for pregnant residents must also meet all rule requirements for basic maternity home programs in relation to those residents.

(2) **Second Chance Home Programs. Preplacement Assessment.** A preplacement assessment shall be performed during which the home and legal custodian determine whether the home can meet the known needs of the resident. All relevant information required for admission to the home shall be reviewed in preplacement assessment and planning. Documentation of the preplacement assessment shall be maintained in the resident's file.

(3) S**econd Chance Home Programs. Preplacement Assessment**. Prior to admission, the home shall provide the legal custodian with written information that includes:

(a) The home's program purpose and program description;

(b) The description of service planning and normal daily routines of residents;

(c) The description of health services including how the home handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);

(d) The home's policies and procedures for behavior management and grievances;

(e) The home's policies and procedures for visiting hours and communications with persons outside the home;

(f) The names and telephone numbers of the resident's designated human services professional and primary direct care staff; and

(g) A schedule of fees if placement is not done under a purchase of service agreement.

(4) **Second Chance Home Programs. Preplacement Assessment.** The director of the home, in consultation with the human services professional, shall make the decision whether to accept an applicant for residential care on the basis of assessed needs of the resident and the make-up of the group currently in the home. A home shall only admit a youth whose known needs can be met by the home based on a preplacement assessment. Documentation of the preplacement assessment shall be maintained in the resident's file. The preplacement assessment shall include:

(a) Reasons for placement; and

(b) Placement needs such as social, health, educational, family, behavioral, and personal developmental history. In addition, the history shall include pregnancy status.

(5) **Second Chance Home Programs. Preplacement Visit.** The home shall document a preplacement visit by the resident, and the parent(s) or legal guardian(s), or placing agency representative if there is a reasonable likelihood that the resident will be admitted.

(6) **Second Chance Home Programs. Admission**. Upon admission, the human services professional shall discuss with the resident and obtain signed documentation from the legal custodian that they have received and considered the information provided in the rules and determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the potential resident being placed. Information provided to the resident shall include:

(a) Rules of the home and resident responsibilities;

(b) Services available through the home and community;

(c) Rights regarding residence in the home;

(d) Normal daily routines of residents;

(e) Health services, including how the home handles illnesses, injuries, and medical emergencies, particularly with regard to the residents' child(ren);

(f) Policies and procedures for behavior management and grievances;

(g) Policies and procedures for visiting hours and communications with persons outside the home; and

(h) Contact information for the resident's designated human services professional and primary residential staff.

(7) **Second Chance Home Programs. Assessment.** The home's 15 day assessment shall be coordinated by the resident's designated human services professional. The home shall assess the needs of the resident in the areas of health care, room, board and watchful oversight, education, family relationships, personal, social and vocational development, and any behavioral issues that require monitoring. The assessment is intended to expand upon the initial preplacement assessment required by these rules. If an assessment is not completed within 15 days, the reasons for the delay shall be documented in the resident's case record and such documentation shall include statements indicating when the assessment is expected to be completed.

(8) **Second Chance Home Programs. Assessment.** A home shall obtain the resident's records from all prenatal health care and counseling services in order to complete the health needs component of the assessment.

(9) **Second Chance Home Programs. Assessment.** A home shall obtain the resident's school records from the last school attended in order to complete the education needs component of the assessment.

(10) **Second Chance Home Programs. Service Plan.** A written room, board and watchful oversight plan shall be developed within 15 days of admission by the resident's human services professional in concert with the resident's primary direct care staff, meaning the staff who has responsibility for supervision of the resident in the living unit where the resident resides. The plan shall contain the following data:

(a) The results of the assessment and identified needs;

(b) Statements of time-limited goals and objectives for the resident and methods of achieving them and evaluating them;

(c) Statements of activities to be followed by the resident and staff members in pursuit of the stated goals and objectives;

(d) Statements of any special care and services that will be arranged for or provided directly. Statements of special care and services include, but are not limited to, therapy, enhanced supervision, medications used to manage behaviors, and ongoing conditions;

(e) Statements of goals and plans for discharge including the entity to whom the child will be discharged and the proposed date of discharge;

(f) Statements of the types of discipline that shall be employed when necessary; and

(g) Statements of any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the resident would be adversely affected by such communications or visits.

(h) Separate service plans shall be developed for infants and children of parenting residents.

(11) **Second Chance Home Programs. Service Plan.** The resident shall be involved in the development of the service and room, board and watchful oversight plans, and its periodic updates as described below. For minor residents, the parent(s) or legal guardian(s), or child placing agency representative shall also be involved. The home shall provide a copy or summary of the service plan to the resident and the parents or managing conservator of a minor resident. The involvement in and receipt of the service plan shall be documented by signature.

(12) **Second Chance Home Programs. Service Plan.** The service and room, board and watchful oversight plan shall be updated by the human services professional at a minimum of every six (6) months and following any significant change in circumstances including childbirth. Pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.

(a) The resident's primary direct care staff shall participate in updating the service and room, board and watchful oversight plan.

(b) The home shall be responsible for implementing the service and room, board and watchful oversight plan.

(13) **Second Chance Home Programs. Discharge.** The human services professional shall develop and implement a discharge plan for the resident that includes living arrangements, employment and/or school. It is the human services professional's responsibility to assist the resident directly or through referral to another agency when she needs help in these areas.

(14) **Second Chance Home Programs. Discharge.** The home must involve the resident and if applicable, the parents or legal guardians of the resident in discharge planning.

(15) **Second Chance Home Programs. Discharge.** During a resident's placement in a home, the preliminary plans for discharge shall be adjusted according to the resident's circumstances. At least two (2) months prior to planned discharge, except in cases of emergency discharges, a home shall formulate an aftercare plan that identifies the supports and resources that the resident and resident's family are expected to need following discharge. When a resident is being discharged for placement in another home or similar program, the receiving home or program, except in cases of emergency discharges, shall be given at least 14 days notice of the proposed date of placement.

(16) **Second Chance Home Programs. Discharge.** Emergency discharges are authorized when the health and safety of the resident or other residents in the residence might be endangered by the resident's further placement in the home. At least 72 hours of prior notice of discharge shall be provided to the resident, parent(s) or legal guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the resident's case record.

(17) **Second Chance Home Programs. Discharge.** Program participants may be terminated for repeated failure to fulfill resident responsibilities. Participants will receive a minimum of 14 days written notice of intent to terminate, during which time the resident may remain in the program with her child(ren), unless safety concerns are identified.

(18) **Second Chance Home Programs. Discharge.** When a resident is discharged, a home shall compile a complete written discharge summary within 30 days of the discharge. Such summary shall include:

(a) The name, address, telephone number and relationship of the person or entity to whom the resident was discharged, or the name of the placing agency if discharged to a placement agency;

(b) The date and circumstances of the resident's discharge must be documented in the resident's record;

(c) A summary of all the services provided for the resident to meet assessed needs while the resident was in the home;

(d) A summary of the resident's and the family's goals and objectives and accomplishments during care;

(e) A summary of any problems encountered by the resident and the family during care and;

(f) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.

(19) **Second Chance Home Programs. Discharge.** Upon discharge, the home must inform residents of how long and where resident records will be maintained. A copy of the completed discharge summary shall be made available to the resident, and if applicable,

her parent(s), legal guardian(s), or placement agency representative when it is completed.

(20) **Second Chance Home Programs. Casework Services.** All residents in care and families and legal guardians of residents in care shall receive case work services as provided in their service plan from their assigned human services professional or other appropriate professionals who shall meet with and counsel with the residents. The results of such counseling shall be recorded in the resident's case records. The purpose of such services are to identify and monitor the resident's progress relative to the needs, goals and objectives identified in assessments and service plans and to discuss any problems being encountered by or with the residents in care.

(21) **Second Chance Home Programs. Educational and Vocational Services.** A home shall not admit a resident unless an educational program commensurate with the specific educational and vocational needs of the resident can be provided.

(22) **Second Chance Home Programs. Educational and Vocational Services.** Provisions shall be made for mandatory education of all residents 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.

(23) **Second Chance Home Programs. Educational and Vocational Services.** A resident's assigned human services professional shall monitor the resident'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 resident's educational or vocational performance while residing in the home shall be maintained in the resident's case record.

(24) **Second Chance Home Programs. Educational and Vocational Services.** Residents attending public schools who wish to participate in extracurricular activities shall be provided such reasonable opportunities by the home in accordance with the resident's service plan.

(25) **Second Chance Home Programs. Educational and Vocational Services.** Residents' daily activities as stated in their service plans shall provide for study time during the periods the residents are attending school.

(26) **Second Chance Home Programs. Other Services. Counseling.** The home shall ensure that counseling about the different options regarding pregnancy is available to residents.

(27) **Second Chance Home Programs. Other Services**. **Counseling.** The home shall ensure that residents have information, training, and counseling available regarding health aspects of pregnancy, preparation for childbirth, and recovery from childbirth.

(28) **Second Chance Home Programs. Other Services.Recreation and Leisure.** The home 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. Residents' activities as stated in their service plans shall provide for leisure and recreational time. A home shall procure and maintain a variety of recreational and leisure equipment and supplies such as games, sporting equipment, reading materials, and art supplies.

(29) **Second Chance Home Programs. Other Services.Correspondence.** The home shall not infringe on the resident's privilege of writing and receiving uncensored mail and visits from her family. Visits from her family may be limited, in accordance with the service plan.

(30) **Second Chance Home Programs. Other Services.Clothing.** The home shall ensure that all residents have adequate, properly fitting, seasonable clothing as required for health, comfort, physical well-being, and individual needs.

(31) **Second Chance Home Programs. Other Services.** Daily routines of residents shall provide for appropriate personal care, privacy, hygiene, and grooming commensurate with age, gender, and cultural heritage. All necessary toiletry items and supplies, such as and not limited to, soap, shampoo, hair brushes, toothbrushes and paste, deodorant, lotion, and bath towels, shall be provided.

(32) **Second Chance Home Programs. Other Services.** Residents shall not be held solely responsible for the accomplishments of any work activity of the home such as food preparation, laundering, housekeeping, or home maintenance. Residents shall not be considered substitutes for employed staff.

(33) **Second Chance Home Programs. Other Services.** Residents shall not be used for the purposes of soliciting funds for the home, nor shall residents be used in connection with any advertisement or publicity without the consent of the resident or legal guardian(s).

(34) **Second Chance Home Programs. Other Services.Religious Services.** Residents shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage.

(35) **Second Chance Home Programs. Other Services.Child Care.** No resident shall be responsible for the care of another resident for any period of time unless staff is present. In accordance with her service plan, a birth mother can assume responsibility for her child(ren).

(36) **Second Chance Home Programs. Infant Care.** All infants, particularly during the first 48 hours in the home shall be closely observed by the residential care staff.

(37) **Second Chance Home Programs. Infant Care.** Infants shall be held by nurse, attendant, or resident while being fed.

(38) **Second Chance Home Programs. Infant Care.** A separate room or space shall be provided for preparation of milk mixtures, other foods and water. Provisions shall be

made for sterilizing utensils, bottles, and nipples, and adequate refrigeration for storing of milk and food.

(39) **Second Chance Home Programs. Infant Care.** All formulas and changes in feeding shall be approved by a physician.

(40) **Second Chance Home Programs. Infant Care.** A resident who wishes to give personal attention to her infant, such as bathing and feeding, shall be permitted to do so. A resident who does not wish to see her child shall not be required to do so. However, the resident shall be assessed by the home for appropriateness of placement in a second chance home program.

(41) **Second Chance Home Programs. Infant Care.** No visitor shall be permitted to see the infant except in accordance with the service plan.

(42) **Second Chance Home Programs. Infant Care.** The home shall not keep an infant longer than is necessary to make proper and sound plans for his or her care elsewhere.

(43) **Second Chance Home Programs. Infant Care.** An infant shall be discharged only to the following:

(a) His or her parent or legal guardian or

(b) A licensed child-placing agency.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.18
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Second Chance Home Programs-Casework Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.19. Second Chance Home Programs-Health Services.

(1) **Second Chance Home Programs. Health Services.** Health services for residents and infants shall be provided according to the best standards for maternal and child health which the local community affords and shall conform to standards established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Responsibility for the health supervision of the home shall be placed in one (1) licensed physician appointed by the governing board. The home shall have an isolation room available. There shall be an arrangement with the hospitals accepting residents for confinement which ensures that the residents are protected from interviews with persons seeking to effect or facilitate an independent placement.

(2) **Second Chance Home Programs. HealthServices.** Within 30 days of admission, an assessment of the resident's medical and dental health shall be completed by the designated intake human services professional.

(3) **Second Chance Home Programs. HealthServices.Prenatal Care**.The home shall ensure that residents have access to prenatal health care, delivery, and immediate postpartum health care, and postpartum convalescent health care for the period post delivery and prior to discharge from the home.

(4) **Second Chance Home Programs. HealthServices. Prenatal Care**.The program of prenatal care shall include:

(a) A complete medical and obstetrical history before admission to the home;

(b) A general physical examination of the resident shall be provided within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within one (1) year prior to admission. The admission physical shall include a pregnancy test, complete blood count (CBC), and T. B. test;

(c) Periodic examinations during pregnancy according to the standard of care for the community. Such examinations shall occur at minimum, monthly during the first seven (7) months, every two (2) weeks during the eighth month and every week during the ninth month;

(d) Medical care at time of delivery, including hospitalization, and nursing care where indicated;

(e) Confinement in an accredited birthing facility meeting recognized standards, with facilities for dealing with complicated cases or emergencies; and

(f) Paramedical services, including nursing, nutrition, and health education.

(5) **Second Chance Home Programs. Health Services. Postpartum Care**. The home shall ensure that each resident is informed of the need for a postpartum examination, unless the examination is provided before her discharge from the home. Provisions shall be made for all residents to receive a postpartum examination within 8 weeks after confinement if she remains in residence. Provisions shall be made to ensure the resident's return to a public health clinic or physician, physician's assistant, advanced practice registered nurse, or midwife for necessary checkups and medical instruction on postpartum care that may be indicated.

(6) **Second Chance Home Programs. Health Services. Postnatal Care.** The home shall ensure that each resident is informed of the need for postnatal examination for her infant, unless the examination is provided before the infant's discharge from the home. Provisions shall be made for a complete physical examination by a physician, physician's assistant, advanced practice registered nurse, midwife, or public health clinic within the first 24 hours or sooner if indicated. A repeat examination shall be completed within the first 10 days. The repeat physical examination shall be completed by a physician, physician's assistant, advanced practice registered nurse, registered nurse, midwife, or public health clinic.

(7) **Second Chance Home Programs**. **Health Services**. **Medical Care.** The home shall ensure that all residents receive an annual physical examination completed by a physician, physician's assistant, advanced practice registered nurse, or public health clinic. The examination shall include basic diagnostic laboratory, including but not limited to Complete Blood Count (CBC) and basic urinalysis; required immunizations; a TB test; and vision and hearing screens.

(8) **Second Chance Home Programs. HealthServices.Medical Care.** A home shall ensure that residents receive timely, qualified medical and dental care when they are ill and that they continue to receive necessary follow-up medical care. Arrangements shall be made with at least one (1) physician and one (1) dentist or a health care agency that provides physician and dental services for the medical care of the residents. Residents shall receive annual medical check-ups and semiannual dental check-ups.

(9) **Second Chance Home Programs. Health Services. Pediatric Care.** The home shall ensure that all minor residents receive appropriate Early Periodic Screening and Diagnostic and Treatment Services (EPSDT) as required for age and development.

(10) **Second Chance Home Programs. HealthServices.Dental Care.** A general dental examination of the resident shall be provided for within 30 days of admission unless such an examination has been completed within six (6) months prior to admission. Such examinations shall be done by a licensed dentist and shall be repeated at least every six (6) months.

(11) **Second Chance Home Programs. HealthServices.Emergency Care**. The home shall ensure that residents receive timely, qualified medical or psychological 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 residents with a local hospital or other health care facility that provides emergency services or with a local physician.

(12) **Second Chance Home Programs. Health Services. Medications.** The home shall develop and implement policies and procedures for the use and management of over-the-counter, general prescription, and psychotropic medications. All direct care staff shall receive orientation on the policies and procedures.

(13) **Second Chance Home Programs. Health Services.Medications.** The home shall maintain a list of non-prescription medications approved for use by pregnant women. No resident shall be given a non-prescription medication by staff members of the home unless the resident exhibits symptoms that the medication is designed to relieve and it is listed on the approved list.

(14) **Second Chance Home Programs. Health Services. Medications.** The home shall maintain a list of non-prescription medications approved for use by the pediatrician for

each individual resident under 6 years of age. The approved list shall be maintained in each resident's file.

(15) **Second Chance Home Programs. HealthServices.Medications. Prescription Medications**. No resident shall be given a prescription medication unless the medication is prescribed for the resident by an authorized health care professional.

(16) **Second Chance Home Programs. HealthServices.Medications.** Prescription medications shall only be given to a resident as ordered in the resident's prescription. A home shall not permit such medications prescribed for one (1) resident to be given to any other resident.

(17) **Second Chance Home Programs. Health Services. Medications.** A resident's attending physician shall be notified in cases of medication errors, adverse reactions, or if the prescription medication does not appear to be effective as soon as the home becomes aware of such an event.

(18) **Second Chance Home Programs. HealthServices. Medications.** A home shall designate and authorize classes of staff, such as residential staff, to handout medications and supervise the taking of medications. Only designated and authorized staff shall handout and supervise the taking of medication.

(19) **Second Chance Home Programs. HealthServices. Medications.** The home shall maintain a record of all medications and nutritional supplements handed-out by authorized staff and taken by residents to include: name of resident taking medication, name of prescribing physician and date of prescription (if the medication is prescription or psychotropic), required dosage, date and time taken, dosage taken, and name and signature of staff member who handed-out and supervised the taking of the medication.

(20) **Second Chance Home Programs. HealthServices. Medications. Self-Administration/Self-Possession of Medications.**

(a) Residents may possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent onset of asthma symptoms, while at school or in the community, if the following conditions are met:

1. There is written approval from the resident's physician or other health care provider and the resident or parent or legal guardian (if resident is under 18) to possess and use the inhaler;

2. The director of the home or designee has received a copy of the written approvals from the physician and the parent or legal guardian; or

3. There is on file a written emergency care plan prepared by a licensed physician in collaboration with the resident and his or her parent or legal guardian. The plan shall contain specific instructions on the resident's needs including what to do in the event of an emergency.

(b) Residents with a need for emergency medication may also be allowed to self-possess and self-administer such medication, provided that they meet the same conditions established above. Residents who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions stated above.

(c) A resident whose parent or legal guardian and physician provide written permission will be able to self-administer and self-possess his/her own medications.

(d) A medication that a resident possesses must be labeled and prepared by a pharmacy or pharmaceutical company and include the dosage and frequency of administration.

(e) The director of the home or designee may discontinue a resident's right to self-administer and/or self-possess if there is misuse by the resident. The denial shall follow a consultation with the parent or legal guardian.

(21) **Second Chance Home Programs. HealthServices. Medications.** All medication shall be stored in labeled containers as prepared by a pharmacy, physician, or pharmaceutical company with the resident's name, the name of the medication, dosage, and the frequency of administration.

(22) **Second Chance Home Programs. HealthServices. Medications.** All prescription and non-prescription medications, including medications requiring refrigeration, shall be kept in a locked storage cabinet or container which is not accessible to the residents and stored separate from cleaning chemicals and supplies or poisons. The keys to the locked cabinets or containers shall not be accessible to residents.

(23) **Second Chance Home Programs. HealthServices. Medications.** All expired medications shall be discarded according to the community standard and not handed-out for use. The home shall remain responsible for the safeguarding of such medications even after discarding.

(24) **Second Chance Home Programs. HealthServices.Medical Records.** A complete medical record shall be maintained on each resident. This record shall include:

1) Report of the medical and obstetrical history obtained prior to admission;

2) Reports of all examinations while resident is in the home;

3) Delivery information on the infant if applicable;

4) Physician's discharge report if applicable.

(25) **Second Chance Home Programs. HealthServices.First Aid Supplies.** Each living unit shall have a first aid kit and instruction manual; such kit shall contain scissors, tweezers, gauze pads, cotton balls, adhesive tape, thermometer, assorted band-aids, antiseptic cleaning solution, and bandages.

(26) **Second Chance Home Programs. HealthServices.Nutrition.** The home shall follow the guidelines of the US Department of Agriculture in providing food that meets residents' individual nutritional requirements. Modifications to diet and nutrition shall be in accordance with the American College of Obstetrics and Gynecology (ACOG) and/or the American Academy of Pediatrics (AAP).

(27) **Second Chance Home Programs. HealthServices.Nutrition.** The home shall make provision for three (3) regularly scheduled meals daily and provide for additional nutrition between meals, mid-morning, afternoon, and evening, as needed and desired by residents.

(28) **Second Chance Home Programs. HealthServices.Nutrition.** The home shall provide any special diet prescribed by a resident's physician.

(29) **Second Chance Home Programs. HealthServices.Nutrition.** The home shall offer nutritional counseling and guidance to all residents. Content of the counseling and guidance program must meet generally accepted standards in regard to nutrition during pregnancy and lactation.

(30) **Second Chance Home Programs. Health Services. Healthcare Crises.** Detailed written summary reports shall be made to the Department via email or fax on the required incident intake information form (IIIF) within 24 hours in the case of any home outbreak or significant increase in institution-associated infections above the norm or baseline in a home or employees who work there. If the outbreak or epidemic has an unexpected pattern of cases, suspected cases, deaths, or increased incidence of disease that is a major public health concern, then such outbreak or epidemic shall be reported immediately via telephone to the Department.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.19
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Second Chance Home Programs-Health Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.20. Second Chance Home Programs-Behavior Management and Emergency Safety Interventions.

(1) **Second Chance Home Programs. Behavior Management.** Every home shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of residents served and room, board and watchful

oversight capacities in accordance with its program purpose, the anticipated behavioral problems of the residents, and acceptable methods of managing such problems.

(2) **Second Chance Home Programs. Behavior Management.** Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, treatment goals, safety, security, and these rules and regulations.

(3) **Second Chance Home Programs. Behavior Management.** Behavior management shall be limited to the least restrictive appropriate method, as described in the resident's service plan and in accordance with the prohibitions as specified in these rules and regulations.

(4) **Second Chance Home Programs. Behavior Management.** The following forms of behavior management shall not be used:

(a) Assignment of excessive or unreasonable work tasks;

(b) Denial of meals and hydration;

(c) Denial of sleep;

(d) Denial of shelter, clothing, or essential personal needs;

(e) Denial of essential program services;

(f) Verbal abuse, ridicule, or humiliation;

(g) Chemical restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

(h) Denial of communication and visits unless restricted;

(i) Corporal punishment; and

(j) Seclusion not used appropriately as an emergency safety intervention.

(5) **Second Chance Home Programs. Behavior Management.** 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. A parenting resident may participate in the behavior management of his or her own child under staff supervision.

(6) **Second Chance Home Programs. Behavior Management.** Homes 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 beyond first aid that is received by a resident as a result of any behavior management.

(7) **Second Chance Home Programs. Behavior Management.** All forms of behavior management used shall also be documented in case records in order to ensure that such records reflect behavior management problems.

(8) **Second Chance Home Programs. Emergency Safety Interventions.**

(a) Emergency safety interventions, including physical restraint, mechanical restraint, chemical restraint, seclusion, or any other, shall not be used on residents who are pregnant or have other medical contraindications.

(b) Emergency safety interventions shall not be used on residents who are younger than six (6) years old.

(9) **Second Chance Home Programs.** Emergency safety interventions may be used only by staff trained in the proper use of such interventions when a resident exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the resident or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the resident or others to greater risk of injury.

(10) **Second Chance Home Programs.** Emergency safety interventions shall not include the use of any mechanical or chemical restraint or manual hold that would potentially impair the resident's ability to breathe or has been determined to be inappropriate for use on a particular resident due to a documented medical or behavioral condition. All emergency safety interventions which employ the use of chemical restraints shall be implemented in accordance with the requirements set forth in these rules.

(11) **Second Chance Home Programs.** The home shall have written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each resident and the resident's parents and/or legal guardians prior to or at the time of admission.

(12) **Second Chance Home Programs.** The home shall document for each resident an assessment that states whether there are medical issues that would be incompatible with the appropriate use of emergency safety interventions on that resident. The assessment shall be performed by a physician, physician's assistant, or advanced practice registered nurse. Such assessment must be reevaluated and documented following any significant change in the resident's medical condition.

(13) **Second Chance Home Programs.** The home shall document for each resident an assessment that states whether there are psychological, emotional, or trauma-related issues that would be incompatible with the appropriate use of emergency safety interventions on that resident. The assessment shall be performed by a psychiatrist, psychologist, or licensed independent practitioner of mental health.

(14) **Second Chance Home Programs.** The home shall document each emergency safety intervention including the following:

(a) Date and description of the precipitating incident;

(b) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable;

(c) Environmental considerations;

(d) Names of staff participating in the emergency safety intervention;

(e) Any witnesses to the precipitating incident and subsequent intervention;

(f) Exact emergency safety intervention used;

(g) Beginning and ending time of the intervention;

(h) Outcome of the intervention;

(i) Detailed description of any injury arising from the incident or intervention; and

(j) Summary of any medical care provided.

(15) **Second Chance Home Programs.** Manual holds shall not be implemented by any employee not trained in prevention and use of emergency safety interventions.

(16) **Second Chance Home Programs.** Emergency safety interventions or the use of physical or chemical restraints may be used to prevent runaways only when the resident presents an imminent threat of physical harm to self or others, or as specified in the individual comprehensive service plan.

(17) **Second Chance Home Programs.** Home staff shall be aware of each resident'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 resident.

(18) **Second Chance Home Programs.** Residents shall not be allowed to participate in the emergency safety intervention of another resident.

(19) **Second Chance Home Programs.** Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four (4) hours where the resident is with a staff member, the resident's behavior will be assessed, monitored, and documented to ensure that the resident does not appear to be exhibiting symptoms that would be associated with an injury.

(20) **Second Chance Home Programs.** At a minimum, the emergency safety intervention program that is utilized shall include the following:

(a) Techniques for de-escalating problem behavior including resident and staff debriefings;

(b) Appropriate use of emergency safety interventions;

(c) Recognizing aggressive behavior that may be related to a medical condition;

(d) Awareness of physiological impact of a restraint on the resident;

(e) Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;

(f) Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a resident who is the subject of an emergency safety intervention;

(g) Appropriate self-protection techniques;

(h) Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a resident's ability to breathe;

(i) Home policies and reporting requirements;

(j) Alternatives to restraint;

(k) Avoiding power struggles;

(l) Escape and evasion techniques;

(m) Time limits for the use of restraint and seclusion;

(n) Process for obtaining approval for continual restraints and seclusion;

(o) Procedures to address problematic restraints;

(p) Documentation;

(q) Investigation of injuries and complaints;

(r) Monitoring physical signs of distress and obtaining medical assistance; and

(s) Legal issues.

(21) **Second Chance Home Programs.** Emergency safety intervention training shall be in addition to the annual training required in these rules and shall be documented in the staff member's personnel record.

(22) **Second Chance Home Programs.** All actions taken that involve utilizing an emergency safety intervention shall be recorded in the resident'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 who has responsibility for the diagnosis and treatment of the resident's behavior.

(23) **Second Chance Home Programs.** Homes 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:

(a) Any injury requiring medical treatment beyond first aid that is received by a resident as a result of any emergency safety intervention;

(b) Whenever a home utilizes emergency safety interventions three (3) or more times in one (1) month with the same resident and/or whenever the home utilizes more than 10 emergency safety interventions for all residents in care within a 30-day period.

(24) **Second Chance Home Programs.** Homes 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 resident's parents or legal guardians regarding the use of the intervention. A copy of such report shall be maintained in the resident's file.

(25) **Second Chance Home Programs.** At least once per quarter, the home, utilizing a master emergency safety intervention log, including all incidents of physical restraint, chemical restraint, and seclusion, and the residents' case records, shall review the use of all emergency safety interventions for each resident and staff member. The review shall include 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 home identifies opportunities for improvement as a result of such reviews or otherwise, the home shall implement these changes through an effective quality improvement plan.

(26) **Second Chance Home Programs.** All direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a training program for emergency safety alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the home identifies opportunities for improvement as a result of such reviews or otherwise, the home shall implement these changes through an effective quality improvement plan.

(27) **Second Chance Home Programs.** All direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a 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. Homes shall check the Department's website for a list of approved training programs.

(28) **Second Chance Home Programs. Manual Holds.** Emergency safety interventions utilizing manual holds require at least one (1) trained staff member to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two (2) trained staff members to carry out the hold.

(29) **Second Chance Home Programs. Manual Holds.** Emergency safety interventions shall not include the use of any chemical or mechanical restraint or manual hold that would potentially impair a resident's ability to breathe or has been determined to be inappropriate for use on a particular resident due to a documented medical or behavioral condition.

(30) **Second Chance Home Programs. Manual Holds.** When a manual hold is used upon any resident whose primary mode of communication is sign language, the resident 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 resident or others.

(31) **Second Chance Home Programs. Manual Holds.** If the use of a manual hold exceeds 15 consecutive minutes, the home's director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the home'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 resident's health given the resident's physical or mental condition.

(32) **Second Chance Home Programs. Manual Holds.** A manual hold may not continue for more than 30 minutes at any one (1) time without the consultation as specified in subparagraph (31), and under no circumstances may a manual hold be used for more than one (1) hour total within a 24-hour period.

(33) **Second Chance Home Programs. Manual Holds.** If the use of a manual hold on a resident reaches a total of one (1) hour within a 24-hour period, the staff shall reconsider alternative strategies, document same, and consider notifying the authorities or transporting the resident to a hospital or other appropriate facility for evaluation.

(34) **Second Chance Home Programs. Manual Holds.** The resident'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 (1) 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 (1) hour after the conclusion of the restraint.

(35) **Second Chance Home Programs. Manual Holds.** A positioning or securing device used to maintain the position, limit mobility, or temporarily immobilize a resident during medical, dental, diagnostic, or surgical procedures is not considered a manual hold.

(36) **Second Chance Home Programs. Seclusion.** Homes shall not utilize seclusion as an emergency safety intervention.

(37) **Second Chance Home Programs. Mechanical restraint.** Homes shall not utilize mechanical restraint as an emergency safety intervention.

(38) **Second Chance Home Programs. Chemical restraint.** Homes shall not utilize chemical restraint as an emergency safety intervention.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.20
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Second Chance Home Programs-Behavior Management and Emergency Safety Interventions" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.21. Physical Plant and Safety.

(1) **Location.** The maternity home shall be located advantageously to medical services and transportation.

(2) **Construction.** Any individual or group which proposes to build a new maternity home or any maternity home planning for extensive remodeling shall comply with local building codes in all such construction. Building plans shall be submitted to the Department of Human Services for approval and for referral to proper authorities.

(a) Rooms shall be planned to accommodate not more than three (3) residents. Some single rooms are desirable.

(b) A recreation room for the exclusive use of the residents shall be provided.

(c) A room ensuring privacy where residents can visit with their families shall be provided.

(d) A recovery room shall be provided on the first floor when residents are housed on the second floor.

(e) Separate, private offices shall be provided for the casework staff when the offices are housed in the home.

(f) A separate room and bath for residents exhibiting symptoms of acute illness shall be provided.

(3) **Maintenance.** The interior and exterior of the buildings and grounds shall be kept clean, in good repair, and free from hazards to health and safety.

(4) **Health Aspects.**

(a) General Sanitation. Proper facilities for sanitation shall be provided throughout the home and premises for the purpose of ensuring cleanliness and protection against disease.

(b) Water. Drinking water shall be supplied from an approved public supply if available; if not available, the private system shall comply with county and State ordinances and codes.

(c) Sewerage. Sewerage shall be disposed of through municipal systems where such are available. If municipal systems are not available, the private system shall comply with the existing local and State ordinances.

(d) Heat, Light, and Ventilation.

1. Heating facilities shall conform to local, state, and other applicable codes. All heating systems shall be installed with safety devices, to prevent fire, explosion and other hazards.

2. Natural light shall be available in every room used by residents and staff. Window areas shall conform with all applicable building codes. Curtains or shades shall be used for privacy as needed.

3. In combination with natural light, electric lighting shall be installed in sufficient quantity and diffusion as prescribed by all applicable building codes.

4. Natural ventilation shall be available in every room used by residents and staff. Cross ventilation shall be provided in sleeping rooms. Rooms which are abnormally damp shall not be used as living quarters.

(e) Bath and Toilet Facilities.

1. There shall be an adequate supply of hot and cold water to serve the maternity home. Water temperature shall not exceed 120 degrees Fahrenheit for hygiene and bathing. Toilet facilities shall be maintained in a sanitary

condition equal to standards prescribed by the local health department or the Department of Human Services.

2. There shall be separate toilet and bath facilities for the residents and staff.

3. There shall not be less than one (1) lavatory with hot and cold water, one (1) toilet, and a bathtub or shower for every four (4) residents. Both tubs and showers are desirable, one or the other to be used in accordance with the physician's recommendations.

4. All showers, tubs, and toilets shall be in stalls with provision for privacy.

(f) Sleeping Facilities.

1. The area of a sleeping room shall not be less than 75 square feet per resident in single rooms, and not less than 63 square feet per resident in multiple rooms.

2. Each resident shall have a separate bed which has substantial springs, a comfortable mattress, and suitable bed covering.

3. Beds shall be at least four (4) feet apart at the head, foot, and sides.

4. Each resident shall have adequate closet and drawer space for personal possessions in the room assigned to her.

5. Sleeping quarters shall conform to all applicable building codes.

(g) Nursery. A nursery is not required by these rules, however, maternity homes that include nurseries must meet the following additional requirements:

1. Size. The nursery shall be large enough to allow a minimum of 30 square feet of floor space and 300 cubic feet of air space per infant.

2. Location, Ventilation, Lighting and Construction.

(i) The nursery shall be near the residents' rooms but out of the line of traffic.

(ii) There shall be outside windows for lighting and ventilation. Temperature shall be kept constant at no more than 80°F or less than 68°F.

(iii) Walls, ceiling, and floors shall be clean and in good repair.

(iv) An isolation area shall be equipped for use of any infant who is ill or suspected of being ill.

(5) **Safety Aspects.**

(a) General. Secure railing shall be provided for flights of more than four (4) steps and for all galleries more than four (4) feet from the ground.

(b) Fire Prevention.

1. Serious consideration shall be given to ensure that the home is so constructed, equipped and located as not to be a fire hazard.

2. If the home is of frame construction it shall be over 70 feet apart at the nearest points.

3. All electrical and heating installations shall conform to all applicable building codes according to regulations as set forth in the Georgia Safety Fire Law.

(c) Fire Protection.

1. The staff in the home shall be trained in properly reporting a fire, and in evacuating the home.

2. There shall be at least one (1) fire extinguisher for every 2000 square feet of floor area and for each floor. Fire extinguishers shall be provided in accordance with the recommended standards of the National Fire Protection Association for First Aid Fire Fighting Appliances. They shall be inspected regularly and kept charged and filled at all times.

3. There shall be more than one means of egress leading to the outside of the home from each floor; such exits shall open outward and shall not be locked from the inside.

4. Fire exits (doors, hallways and stairs) shall be kept well-lighted, clean and ready for instant use.

5. The required exit signs shall remain in place and exit lights kept on.

6. Fire alarm sounding devices shall be installed so as to be audibly heard throughout the home.

7. A certificate of occupancy shall be obtained from the State Fire Marshal for all homes.

(6) **Transportation.** Vehicles used by a home to transport residents shall be insured and shall have satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation Vehicle Safety Inspection Certification (Form 699).

(a) When transporting residents, a home vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If a home authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of agency vehicles by such residents.

(b) No vehicle shall be used to transport more residents than the manufacturer's rated seating capacity for the vehicle.

(c) All vehicles used to transport residents shall be equipped with safety equipment which shall be used as required by federal and state laws.

(d) No resident shall be left in a vehicle without staff supervision.

(7) **Accessibility.** Where residents are dependent upon a wheelchair or other mechanical device for mobility, the home shall have at least two (2) exits from the home, remote from each other that are accessible to the resident and with easily negotiable ramps.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.21
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Physical Plant and Safety" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.22. Food Service.

A home shall provide each resident with meals and snacks of serving sizes dependent upon the age of the resident based upon nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.

(1) **Food Service**. Meals and snacks shall be varied daily.

(2) **Food Service**. Additional servings of food shall be offered to residents over and above the required daily minimum if not contraindicated by modified diets.

(3) **Food Service**. Modified diets based on medical or religious reasons shall be served to residents as needed. Modifications of diets due to medical reasons shall be based on the written order of a physician and the order shall be placed in the resident's case record.

(4) **Food Service**. Food services of a maternity home licensed to care for thirteen (13) or more residents are subject to the provisions of the Rules and Regulations of the

Department of Human Services for Food Service, Chapter 290-5-14, if the home provides food services in a centralized kitchen area. Such a home must obtain a valid food service permit.

(5) **Food Service**. Homes licensed to care for 12 or fewer residents, or not required to obtain a food service permit, shall meet the following requirements: Food shall be stored, prepared, and served in a safe and sanitary manner commensurate with generally accepted and recognized food service standards.

(6) **Food Service**. Each home shall have designated space for food preparation and storage areas separate from rooms used by residents.

(7) **Food Service**. All perishable foods shall be refrigerated at a temperature of 45 degrees Fahrenheit or below. Food shall be served or properly stored promptly after cooking. Freezer temperature shall be maintained at 0°F degrees Fahrenheit or below.

(8) **Food Service**. Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption.

(9) **Food Service**. 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.

(10) **Food Service**. 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.

(11) **Food Service**. Eggs, pork, pork products, poultry, and fish, shall be thoroughly cooked.

(12) **Food Service**. Meats, poultry, fish, dairy products, bakery products and processed foods shall have been inspected under an official regulatory program.

(13) **Food Service**. Food service equipment and preparation areas shall be kept clean and free of accumulations of dust, dirt, food particles and grease deposits.

(14) **Food Service**. 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. 290-2-29-.22
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Food Services" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.23. Quality Assurance.

(1) The home shall have an on-going comprehensive, integrated, self-assessment quality improvement process which provides assurance that care is provided at all times in compliance with accepted standards of professional practice.

(2) The home shall have written plans, policies and procedures addressing quality assurance which include:

(a) Goals and objectives;

(b) The identity of the person responsible for the program;

(c) A system to ensure systematic, objective regular reports are prepared and distributed to the governing body and any other committees as directed by the governing body;

(d) The method for evaluating the quality and the appropriateness of care;

(e) A method for resolving identified problems; and

(f) A method for implementing practices to improve the quality of care;

(3) The plan shall be reviewed at least annually and revised as appropriate by the governing body.

(4) Quality assessment and improvement activities shall be based on the systematic collection, review, and evaluation of data which, at a minimum, includes:

(a) Services provided by professional and volunteer staff;

(b) Audits of resident records;

(c) Satisfaction surveys from staff, volunteers, and residents about services;

(d) Concerns or suggestions for improvement in services;

(e) Organizational review of the home's programs;

(f) Resident/family evaluations of care; and

(g) High-risk, high volume and problem-prone activities.

(5) When problems are identified in the provision of care, there shall be evidence of implementation of corrective actions, including ongoing monitoring, revisions of policies and procedures, educational intervention and changes in the provision of services.

(a) The effectiveness of actions taken to improve services or correct identified problems shall be evaluated.

(b) The home shall monitor and evaluate its resource allocation regularly to identify and resolve problems with the utilization of its services, facilities and personnel.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.23
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Quality Assurance" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.24. Variances and Waivers.

(1) The Department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by a home. The Department may establish conditions which must be met by the home in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(a) Variance. A variance may be granted by the Department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of residents exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) Waiver. The Department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of residents.

(c) Experimental Variance or Waiver. The Department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.24
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 50-13-9.1.
History. Original Rule entitled "Variances and Waivers" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.25. Inspections and Access to Department Staff.

(1) **Inspections and Investigations.** The Department is authorized and empowered to conduct onsite inspections or investigations of a maternity home to verify compliance

with these rules. Inspections are generally unannounced, and may occur at any time the department deems necessary to determine compliance with these rules.

(2) **Consent to Entry.** An application for a license or commission to operate a maternity home or the issuance of a license to operate a maternity home by the Department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for properly identified Department representatives to enter upon and inspect any and all home premises. For the purposes of these rules, access to home premises shall include all parts of the home, staff, residents in care, and documents pertinent to initial and continued licensure. The Department, in exercising its licensing authority, shall have the right to access residents' medical records.

(3) **Failure to Allow Access.** Failure to permit entry and inspection of the Department's representative to a home, its staff, or residents receiving care at the home or the books, records, papers, or other information related to initial or continued licensing shall constitute good cause for the denial or revocation of a license, or other sanctions as provided by law.

(4) **False or Misleading Statements**. No licensee or proposed holder of a license shall make or condone any employee making false or misleading statements to the Department in connection with any authorized inspection or investigation being conducted by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.25
Authority: O.C.G.A. Secs. 49-2-17, 49-5-3, 49-5-8, 49-5-12.
History. Original Rule entitled "Inspections and Access to Department Staff" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.26. Disaster Preparedness.

(1) The maternity home shall prepare for potential emergency situations that may affect the care of residents by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The home must review and revise the plan annually, as appropriate, including any related written agreements.

(2) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:

(a) Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;

(b) Manmade disasters such as acts of terrorism and hazardous materials spills;

(c) Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the home or within a local or widespread area;

(d) Loss of heat or air conditioning;

(e) Fire, explosion, or other physical damage to the home;

(f) Pandemics or other situations where the community's need for services exceeds the availability of beds and services regularly offered by the home.

(3) There shall be plans to ensure sufficient staffing and supplies to provide room, board and watchful oversight during an emergency situation.

(4) There shall be plans for the emergency transport or relocation of all residents, should it be necessary, in vehicles appropriate to the residents' needs. Additionally, there shall be written agreements with any facilities which have agreed to receive the home's residents in emergency situations.

(5) The home shall document participation of all areas of the home in quarterly fire drills.

(6) In addition to fire drills, the home shall have its staff rehearse portions of the disaster preparedness plan, with a minimum of two (2) 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.

(7) 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 residents' whereabouts and condition.

(8) The home shall provide a copy of the internal disaster preparedness plan to the local EMA and shall include the local EMA in development of the home's plan for the management of external disasters to conform to applicable local codes.

(9) The home's disaster preparedness plan shall be made available to the Department for inspection upon request.

(10) 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. 290-2-29-.26
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Disaster Preparedness" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.27. 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 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 a home upon a finding that the Department's rules and regulations are being violated which threaten the health, safety, or welfare of residents in care and when one (1) or more of the following conditions are present:

1. The home 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. Residents are suspected of being subjected to injury or life-threatening situations or the health or safety of a resident or residents is in danger.

(c) Emergency prohibition of admissions to a home when residents are in imminent and substantial danger and the home 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 (12) month period.

(d) An emergency order shall contain the following:

1. The scope of the order;

2. The reasons for the issuance of the order;

3. The effective date of the order if other than the date the order is issued;

4. The person to whom questions regarding the order are to be addressed; and

5. Notice of the right to a preliminary hearing.

(e) 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 home at the time of the service of the order.

(f) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the relevant field and a representative of the home to determine if there is a potential for greater adverse effects on residents in care as a result of the emergency order.

Cite as Ga. Comp. R. & Regs. R. 290-2-29-.27
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-90*et seq.*
History. Original Rule entitled "Emergency Orders" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.28. Enforcement and Penalties.

(1) All adverse actions to enforce the Rules and Regulations for Maternity Homes shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12, 49-5-12.1, 49-2-17 and § 49-5-60*et seq.* and the requirements set forth herein.

(2) Failure to Apply for License. No maternity home shall be operated or residents admitted without a license. Failure or refusal to file an application for a license shall constitute a violation of Chapter 5 of Title 49 of the Official Code of Georgia Annotated. Any person who fails or refuses to file an application for a license shall be subject to the penalties provided by law including, but not limited to, an order to cease and desist operating a home.

(3) Imposition of Sanctions. The Department may refuse to grant a license for the operation of any maternity home which does not fulfill the minimum requirements of these rules, may revoke a license which has been issued and may invoke other sanctions if a home violates any of these rules and regulations. Before any order is entered refusing a license applied for, revoking a license, or imposing a civil penalty; the applicant or license holder shall be afforded an opportunity for a hearing as provided in Article 1 of Chapter 2 of Title 49 and Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated.

(4) No license shall be issued to any governing body which has been denied a license by the Department during the previous twelve (12) months. No license shall be issued to any governing body which has had a license revoked by the Department during the previous twelve (12) months.

(5) The Department is empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining violation of any applicable provision of Title 49 of the Official Code of Georgia Annotated, or of these rules and regulations.

(6) Inspection Warrants. The commissioner or the commissioner's designee may obtain an inspection warrant authorizing the commissioner or the commissioner's designee to conduct a search or inspection of property either with or without the consent of the person whose property is to be searched or inspected if such search or inspection is pursuant to the enforcement of rules and regulations duly promulgated pursuant to residential child care licensing law.

(7) Plans of Correction. If the Department determines that either a maternity home or a facility applying to become licensed as a maternity home does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the home not to exceed 10 business days within which to file an acceptable

written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the home or facility applying to become licensed that the plan of correction is not acceptable. The Department may allow the home to submit a revised plan of correction.

(a) The home shall comply with an accepted plan of correction.

(b) Where the Department determines that either the maternity home or the facility applying to become licensed as a maternity home has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(8) Required Notifications for Revocations and Suspensions.The maternity home shall notify each resident's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the home's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the home to each current and prospective resident's parents and/or legal guardians.

(b) The home shall ensure the posting of the official notice at the home in an area that is visible to each resident's parents and/or legal guardians.

(c) The home shall ensure that the official notice continues to be visible to each resident's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The home shall have posted in an area that is readily visible to each resident's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the home to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the residents in care at the home.

(g) 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. 290-2-29-.28
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-5-12.1, 49-2-17, 49-5-73.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Rule 290-2-29-.29. 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 portion thereof. The remaining rules or portions of rules 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. 290-2-29-.29
Authority: O.C.G.A. Secs. 49-5-3, 49-5-8.
History. Original Rule entitled "Severability" adopted. F. Dec. 15, 2011; eff. Jan. 4, 2012.

Subject 290-2-30. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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. December 27, 2020.

Rule 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.

Rule 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.

Rule 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.

Chapter 290-3. RESERVED - VOCATIONAL REHABILITATION.

Subject 290-3-1. RESERVED.

Chapter 290-4. [Repealed].

Subject 290-4-1. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-2. [Repealed].

Rule 290-4-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.01
Authority: O.C.G.A. § 26-5-1*et seq.*
History. Original Rule entitled "Provisions" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Legal Authority" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.02
Authority: O.C.G.A. §§ 26-5-1*et seq*.
History. Original Rule entitled "Definitions" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Title and Purposes" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.03
Authority: O.C.G.A. § 26-5-1*et seq*.
History. Original Rule entitled "Procedures for Granting and Revoking Licenses" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Definitions" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule of same title adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.04
Authority: O.C.G.A. §§ 26-5-1*et seq*.
History. Original Rule entitled "Standards for Program Management" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Governing Body" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.05
Authority: O.C.G.A. §§ 26-5-6 to 26-5-11, 26-5-14, 31-2-4.
History. Original Rule entitled "Client Care" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Licenses" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.06
Authority: O.C.G.A. §§ 26-5-6, 26-5-10, 31-2-4, 37-1-22, 37-7-3.
History. Original Rule entitled "Program Modalities" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule of same title adopted. F. Nov. 18, 1992; eff. Dec. 8, 1992.
Repealed: New Rule entitled "Accreditation" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.07
Authority: O.C.G.A. §§ 26-5-6, 26-5-8.
History. Original Rule entitled "Enforcement" adopted. F. Nov. 17, 1975; eff. Dec. 7, 1975.
Repealed: New Rule entitled "Applications" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.08
Authority: O.C.G.A. §§ 26-5-6, 26-5-13, 26-5-14.
History. Original Rule entitled "Inspections and Plans of Corrections" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.09
Authority: O.C.G.A. §§ 19-7-5, 26-5-5, 26-5-6.
History. Original Rule entitled "Administration" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule of same title adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.10
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Staffing" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule of same title adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.11
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Physical Plant and Safety" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.12
Authority: O.C.G.A. §§ 26-5-5, 26-5-6, 26-5-8.
History. Original Rule entitled "Food Service" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.13
Authority: O.C.G.A. §§ 26-5-2, 26-5-5, 26-5-6.
History. Original Rule entitled "Client Referral, Intake, Assessment and Admission" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule of same title adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.14
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Individual Treatment Planning" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule of same title adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.15
Authority: O.C.G.A. § 26-5-6.
History. Original Rule entitled "Medications" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.16
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Quality Assurance" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.17
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Discharge Summaries and Aftercare Plans" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.18
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Residential Sub-acute Detoxification Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.

Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.19
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Ambulatory Detoxification Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 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.

Rule 290-4-2-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.21
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Residential Transitional Treatment Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.22
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Specialized Day Treatment Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.23
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.
History. Original Rule entitled "Outpatient Drug Treatment Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.24
Authority: O.C.G.A. §§ 26-5-5, 26-5-6.

History. Original Rule entitled "Special Programs" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.25
Authority: O.C.G.A. § 26-5-6.
History. Original Rule entitled "Client's Rights, Responsibilities, and Complaints" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.26
Authority: O.C.G.A. §§ 26-5-14, 26-5-15, 26-5-16, 50-13-18.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.27
Authority: O.C.G.A. §§ 26-5-6, 26-5-14 to 26-5-16, 31-2-4, 50-13-18.
History. Original Rule entitled "Waivers and Variances" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.28
Authority: O.C.G.A. §§ 26-5-6, 31-2-4.
History. Original Rule entitled "Severability" adopted. F. Sept. 18, 1997; eff. Oct. 8, 1997.
Repealed: New Rule entitled "Waivers and Variances" adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-4-2-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-2-.29
Authority: O.C.G.A. § 26-5-6.
History. Original Rule entitled "Severability" adopted. F. Jan. 4, 2007; eff. Jan. 24, 2007.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Subject 290-4-3. [Repealed].

Rule 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.

Rule 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.

Subject 290-4-4. REPEALED.

Rule 290-4-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.01
Authority: O.C.G.A. Secs. 31-7-1, 31-7-2, 31-7-2.1.
History. Original Rule entitled "Purpose" adopted. F. June 9, 1976; eff. June 29, 1976.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Legal Authority" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.02
Authority: O.C.G.A. Secs. 31-7-1, 31-7-2, 31-7-2.1.
History. Original Rule entitled "Classification and Definitions" adopted. F. June 9, 1976; eff. June 29, 1976.
Repealed: New Rule entitled "Definitions" adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Title and Purposes" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.03
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 31-7-2.1.
History. Original Rule entitled "General Policies" adopted. F. June 9, 1976; eff. June 29, 1976.

Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Definitions" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.04
Authority: O.C.G.A. Secs. 19-7-5, 31-7-1*et seq.*, 31-7-2.1, 31-7-3.
History. Original Rule entitled "Organization and Administration" adopted. F. June 9, 1976; eff. June 29, 1976.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "General Policies" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.05
Authority: O.C.G.A. Secs. 19-7-5, 31-7-1*et seq.*, 31-7-2.1.
History. Original Rule entitled "Facilities" adopted. F. June 9, 1976; eff. June 29, 1976.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Organization and Administration" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.06
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 31-7-2.1.
History. Original Rule entitled "Services" adopted. F. June 9, 1976; eff. June 29, 1976.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Facilities" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.07
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 31-7-2.1.
History. Original Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Services" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.08
Authority: O.C.G.A. Secs. 31-2-6, 31-7-1*et seq.*, 31-7-2.1.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Behavior Management and Emergency Safety Interventions" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.09
Authority: O.C.G.A. Secs. 31-2-6, 31-7-1*et seq.*, 49-5-8, 49-5-12.
History. Original Rule entitled "Waiver and Variances" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.10
Authority: O.C.G.A. Secs. 31-2-6, 31-7-1*et seq.*
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Rule 290-4-4-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-4-.11
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 49-6-81, 49-6-84.
History. Original Rule entitled "Severability" adopted. F. Feb. 2, 2009; eff. Feb. 22, 2009.
Repealed: F. July 14, 2010; eff. August 3, 2010.

Subject 290-4-5. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-6. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-7. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-8. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-9. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-4-10. [Repealed].

Rule 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.

Rule 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. July 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.

Rule 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. August 17, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. August 17, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. July 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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. July 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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. July 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.

Rule 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. July 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.

Rule 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.

Rule 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.

Subject 290-4-11. REPEALED.

Rule 290-4-11-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-11-.01
Authority: O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 37-2-3, 37-2-4.1.
History. Original Rule entitled "Purpose" adopted. F. July 22, 1993; eff. August 11, 1993.
Repealed: F. Jan. 30, 2003; eff. Feb. 19, 2003.

Rule 290-4-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-11-.02
Authority: O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 37-2-3, 37-2-4.1.
History. Original Rule entitled "Applicability" adopted. F. July 22, 1993; eff. August 11, 1993.
Repealed: F. Jan. 30, 2003; eff. Feb. 19, 2003.

Rule 290-4-11-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-11-.03
Authority: O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 37-2-3, 37-2-4.1.
History. Original Rule entitled "Definitions" adopted. F. July 22, 1993; eff. August 11, 1993.
Repealed: F. Jan. 30, 2003; eff. Feb. 19, 2003.

Rule 290-4-11-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-4-11-.04
Authority: O.C.G.A. Secs. 31-2-4, 37-1-22, 37-1-23, 37-2-3, 37-2-4.1.
History. Original Rule entitled "Boundaries" adopted. F. July 22, 1993; eff. August 11, 1993.
Amended: F. Jan. 16, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. June 19, 1997; eff. July 9, 1997.
Repealed: F. Jan. 30, 2003; eff. Feb. 19, 2003.

Subject 290-4-12. [Repealed].

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.

Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Rule 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. June 10, 1999.
Repealed: F. Dec. 7, 2020; eff. Dec. 27, 2020.

Subject 290-4-13. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Chapter 290-5. PUBLIC HEALTH.

Subject 290-5-1. REPEALED 290-5-1.

Rule 290-5-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.01
Authority: Ga. L. 1988, p. 7.
History. Original Rule entitled "Definitions" was filed and effective on July 19, 1965 as 270-2-1-.01.
Amended: Rule renumbered as 290-5-1-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.02
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Permit" was filed and effective on July 19, 1965 as 270-2-1-.02.
Amended: Rule renumbered as 290-5-1-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.03
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Procedures" was filed and effective on July 19, 1965 as 270-2-1-.03.

Amended: Rule renumbered 55 290-5-1-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.04
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Appeal to Superior Court" was filed and effective on July 19, 1965 as 270-2-1-.04.
Amended: Rule renumbered as 290-5-1-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.05
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Requirements" was filed and effective on July 19, 1965 as 270-2-1-05.
Amended: Rule renumbered as 290-5-1-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.06
Authority: Ga. L. 1988, p. 7
History. Original Rule entitled "Bands and Banding" was filed and effective on July 19, 1965 as 270-2-1-.06.
Amended: Rule renumbered as 290-5-1-.06. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.07
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Records" was filed and effective on July 19, 1965 as 270-2-1-.07.
Amended: Rule renumbered as 290-5-1-.07. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.08
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Psittacosis and Other Diseases Infectious to Man" was filed and effective on July 19, 1915 as 270-2-1-.08.
Amended: Rule renumbered as 290-5-1-.08. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.09
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Sanitation" was filed and effective on July 19, 1965 as 270-2-1-.09.
Amended: Rule renumbered as 290-5-1-.09. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.10
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Damages" was filed and effective on July 19, 1965 as 270-2-1-.10.
Amended: Rule renumbered as 290-5-1-.10. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-1-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-1-.11
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Effective Date" was filed and effective on July 19, 1965 as 270-2-1-.11.
Amended: Rule renumbered as 290-5-1-.11. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Subject 290-5-2. REPEALED 290-5-2.

Rule 290-5-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-2-.01
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Quarantine of Dogs When Rabies is Known to Exist" was filed and effective on July 19, 1965 as 270-2-2-.01.
Amended: Rule renumbered as 290-5-2-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-2-.02
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Seven Days Quarantine of Biting Animals" was filed and effective on July 19, 1965 as 270-2-2-.02.
Amended: Rule renumbered as 290-5-2-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-2-.03
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Sixty Days Quarantine of Dogs Bitten by Rabid Dogs" was filed and effective on July 19, 1965 as 270-2-2-.02.
Amended: Rule renumbered as 290-5-2-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Subject 290-5-3. REPEALED 290-5-3.

Rule 290-5-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-3-.01
Authority: O.C.G.A. Secs. 31-2-4, 31-12-2, 31-17-2, 31-18-3 & 4 and 50-13-4.
History. Original Rule entitled "Definitions" was filed on July 1, 1980; effective July 31, 1980, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 15, 1983; effective January 4, 1984.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-3-.02
Authority: O.C.G.A. Secs. 31-2-4, 31-12-2, 31-17-2, 31-18-3 & 4, and 50-13-4.
History. Original Rule entitled "Provisions" was filed on July 1, 1980; effective July 31, 1980, as specified by the Agency.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 15, 1983, effectiveJanuary 4, 1984
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-3-.03
Authority: O.C.G.A. Secs. 31-2-4, 31-12-2, 31-17-2, 31-18-3 & 4, and 50-13-4.
History. Original Rule entitled "Enforcement" was filed on July 1, 1980; effective July 31, 1980, as specified by the Agency.
Amended: Rule repealed and a new Rule entitled "Confidentiality" adopted. Filed December 15, 1983; effective January 4, 1984.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-3-.04
Authority: O.C.G.A. Secs. 31-2-4, 31-12-2, 31-17-2, 31-18-3 & 4, and 50-13-4.
History. Original Rule entitled "Liability" was filed on December 15, 1983; effective January 4, 1984.

Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-3-.05
Authority: O.C.G.A. Secs. 31-2-4, 31-12-2, 31-17-2, 31-18-3 & 4, and 50-13-4.
History. Original Rule entitled "Enforcement" was filed on December 15, 1983; effective January 4, 1984.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Subject 290-5-4. REPEALED 290-5-4.

Rule 290-5-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.01
Authority: Authority O.C.G.A. Secs. 20-2-771, 31-12-3, 49-5-12.
History. Original Rule entitled "Definitions" adopted. F. Jan. 28, 1977; eff. Feb. 17, 1977.
Repealed: New Rule of same title adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.
Repealed: New Rule of same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. July 19, 1989; eff. August 8, 1989.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: New Rule of same title adopted. F. Feb. 22, 2007; eff. Mar. 14, 2007.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.02
Authority: Authority O.C.G.A. Secs. 20-2-771, 31-2-4, 31-12-3, 49-5-12.
History. Original Rule entitled "Provisions; Certificate of Immunization" adopted. F. Jan. 28, 1977; eff. Feb. 17, 1977.
Repealed: New Rule entitled "Immunization Required" adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.
Repealed: New Rule of same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. July 19, 1989; eff. August 8, 1989.
Amended: F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: F. Nov. 21, 1996; eff. Dec. 11, 1996.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: New Rule of same title adopted. F. Feb. 22, 2007; eff. Mar. 14, 2007.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.03
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; Ga. L. 1979, p. 1284; Ga. L. 1981, pp. 756, 757; O.C.G.A. Secs. 20-2-771, 31-12-3, 49-5-12.
History. Original Rule entitled "Immunizations Required" was filed on Jan. 28, 1977; eff. Feb. 17, 1977.
Amended: F. Apr. 25, 1978; eff. May 15, 1978.
Amended: Rule repealed and a new Rule entitled "Official Immunization Schedules" adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.

Amended: Rule repealed and a new Rule of the same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. Jul. 19, 1989; eff. Aug. 8, 1989.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.04
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; Ga. L. 1979, p. 1284; Ga. L. 1981, pp. 756, 757; O.C.G.A. Secs. 20-2-771, 31-12-3, 49-5-12.
History. Original Rule entitled "Certificate of Adequate Immunization" was filed on Jan. 28, 1977; eff. Feb. 17, 1977.
Amended: Rule repealed and a new Rule entitled "Certificate of Immunization" adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.05
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; Ga. L. 1979, p. 1284; Ga. L. 1981, pp. 756, 757; O.C.G.A. Secs. 20-2-771, 31-12-3, 49-5-12.
History. Original Rule entitled "Official Immunization Schedules" was filed on Jan. 28, 1977; eff. Feb. 17, 1977.
Amended: Rule repealed and a new Rule entitled "Certificate of Immunization Issued for Child with Physical Disability" adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.06
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; Ga. L. 1979, p. 1284; Ga. L. 1981, pp. 756, 757; O.C.G.A. Secs. 20-2-771, 31-2-4, 31-12-3, 49-5-12.
History. Original Rule entitled "Certificate of Immunization Issued for Child with Physical Disability" was filed on Jan. 28, 1977; eff. Feb. 17, 1977.
Amended: Rule repealed and a new Rule entitled "Certificate of Immunization for a Child Immunized Outside of Georgia" adopted. F. Nov. 29, 1979; eff. Dec. 19, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. Jul. 19, 1989; eff. Aug. 8, 1989.
Amended: F. Aug. 19, 1993; eff. Sept. 8, 1993.
Amended: F. Nov. 21, 1996; eff. Dec. 11, 1996.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.07
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; Ga. L. 1979, p. 1284; Ga. L. 1981, pp. 756, 757; O.C.G.A. Secs. 20-2-771, 31-12-3, 49-5-12.
History. Original Rule entitled "Certificate of Immunization Issued for Child Exempt from Immunization Because of a Conflict with Religious Tenets and Practices" was filed on Jan. 28, 1977; eff. Feb. 17, 1977.
Amended: Rule repealed and a new Rule entitled "Epidemics" adopted. Filed November 29, 1979; effective December 19, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Amended: F. Jan. 20, 2000; eff. Feb. 9, 2000.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.08
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; and Ga. L. 1979, p. 1284.
History. Original Rule entitled "Certificate of Immunization Issued for a Child Immunized Outside of Georgia" was filed on January 28, 1977; effective February 17, 1977.
Amended: Rule repealed. Filed November 29, 1979; effective December 19, 1979.

Rule 290-5-4-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-4-.09
Authority: Ga. L. 1964, pp. 499, 564, 644; Ga. L. 1968, pp. 1436-1438; Ga. L. 1973, pp. 910, 911; Ga. L. 1977, pp. 787-789; and Ga. L. 1979, p. 1284.
History. Original Rule entitled "Enforcement" was filed on January 28, 1977; effective February 17, 1977.
Amended: Rule repealed. Filed November 29, 1979; effective December 19, 1979.

Subject 290-5-5. [Repealed].

Rule 290-5-5-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.01
Authority: Ga. L. 1933, p. 7., O.C.G.A. § 31-8-1 (2009).
History. Original Rule entitled "Introduction" was filed and effective on July 19, 1965 as 270-3-1-.01.
Amended: Rule renumbered as 290-5-5-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.02
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Method for County Participation in the Program" was filed and effective on July 19, 1965 as 270-3-1-.02.
Amended: Rule renumbered as 290-5-5-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.03
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Method of Allotment and Matching of State Funds" was filed and effective on July 19, 1965 as 270-3-1-.03.
Amended. Rule renumbered as 290-5-5-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.04
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Method of Local Administration" was filed and effective on July 19, 1965 as 270-3-1-.04.
Amended: Rule renumbered as 290-5-5-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.05
Authority: Ga. L. 1933, p. 7.; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Criteria for Determining Indigency" was filed and effective on July 19, 1965 as 270-3-1-.05.
Amended: Rule renumbered as 290-5-5-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.06
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Criteria for Hospitalization" was filed and effective on July 19, 1965 as 270-3-1-.06.
Amended: Rule renumbered as 290-5-5-.06. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.07
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "Method of Approval of Participating Hospitals" was filed and effective on July 19, 1965 as 270-3-1-.07.
Amended: Rule renumbered as 290-5-5-.07. Filed June 10, 1980; effective, June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.08
Authority: Ga. L. 1933, p. 7; O.C.G.A. § 31-8-1*et seq.*
History. Original Rule entitled "General Provisions" was filed and effective on July 19, 1965 as 270-3-1-.08.
Amended: Rule renumbered as 290-5-5-.08. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-5-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-5-.09
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Appendix" was filed and effective on July 19, 1965 as 270-3-1-.09.
Amended: Rule renumbered as 290-5-5-.09. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Subject 290-5-6. REPEALED (290-5-6-.01 thru 290-5-6-.41).

Rule 290-5-6-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.01
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Organization of Hospital" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.02
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Definitions" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.03
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Classification of Hospitals" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Jan. 28, 1977; eff. Feb. 17, 1977.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.04
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.

History. Original Rule entitled "Application" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.05
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Permits" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.06
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Provisional Permits" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.07
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Inspections" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.08
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Patient Capacity" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.09
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Physical Plant and Operational Standards - General" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.10
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.

History. Original Rule entitled "Personnel" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.11
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Medical Records" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.12
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Administrative Area" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.13
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Nursing Units" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.14
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Patient Rooms" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.15
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Surgical Service" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Jan. 28, 1977; eff. Feb. 17, 1977.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.16
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.

History. Original Rule entitled "Maternity and Obstetrical Service" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Apr. 20, 1977; the first three sentences of sub-paragraph (4)(b) of this Rule shall become effective Jan. 1, 1978, as specified by the Agency; remainder eff. May 10, 1977.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.17
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Newborn Service" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Apr. 20, 1977; eff. May 10, 1977.
Amended: F. Jan. 25, 1978; eff. Feb. 14, 1978.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.18
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Pediatric Facilities" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.19
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Psychiatric Facilities" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.20
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Hospital Residential Units" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.21
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Nursing Home Units" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.22
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Central Sterile Supply" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.23
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Emergency Facilities" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. Jan, 28, 1977; eff. February 17, 1977.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.24
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Dental Service Policies" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.25
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Clinical Laboratory" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Amended: F. May 14, 1974; eff. June 3, 1974.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.26
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Morgue" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.27
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Food Service" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.28
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Laundry" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.29
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Housekeeping and Maintenance" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.30
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Pharmacy" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.31
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Blood Storage" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.32
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Physical Therapy" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.33
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Outpatient Department" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.34
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "X-Ray Facilities" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.35
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Sanitation" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.36
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Electrical" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.37
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Mechanical" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.38
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Plumbing" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.39. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.39
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Construction" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.40. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.40
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Enforcement" adopted. F. Nov. 1, 1973; eff. Nov. 21, 1973.
Repealed: New Rule entitled "Charges for Services" adopted. F. Mar. 23, 1984; eff. Apr. 23, 1984, as specified by the Agency.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Rule 290-5-6-.41. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-6-.41
Authority: O.C.G.A. Secs. 31-7-2, 31-7-3.
History. Original Rule entitled "Enforcement" adopted. F. Mar. 23, 1984; eff. Apr. 23, 1984, as specified by the Agency.
Repealed: F. May 22, 2003; eff. June 11, 2003.

Subject 290-5-7. REPEALED 290-5-7.

Rule 290-5-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.01
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Organization" was filed and effective on July 19, 1965 as 270-3-3-.01.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed July 12, 1968; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.01. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.02
Authority: O.C.G.A. §§ 31-2-4 and 31-23-1*et seq.*
History. Original Rule entitled "Functions" was filed and effective on July 19, 1965 as 270-3-3-.02.
Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed July 2, 1968; effective July 21, 1968
Amended: Rule renumbered as 290-5-7-.02. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.03
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Application for Establishment" was filed and effective on July 19, 1965 as 270-3-3-.03.
Amended: Rule repealed and a new Rule entitled "Approval" adopted. Filed July 2, 1968; effective July 21, 1968.

Amended: Rule renumbered as 290-5-7-.03. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.04
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Records" was filed and effective on July 19, 1965 as 270-3-3-.04.
Amended: Rule repealed and a new Rule entitled "Establishment" adopted. Filed July 2, 1968; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.04. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled Inspection" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.05
Authority: O.C.G.A. §§ 31-2-4 and 31-23-1*et seq.*
History. Original Rule entitled "Medical and Surgical Procedures" was filed and effective on July 19, 1965 as 270-3-3-.05.
Amended. Rule repealed and a new Rule entitled "Corporation" adopted. Filed July 2, 1968; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.05. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "National Standards" adopted.. Filed January 31, 1983, effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.06
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Shipment" was filed and effective on July 19, 1965 as 270-3-3-.06.
Amended: Rule repealed and a new Rule entitled "Facilities" adopted. Filed July 2, 1968; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.06. Filed June 10, 1980, effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Administration" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.07
Authority: O.C.G.A. §§ 31-2-4 and 31-23-1*et seq.*
History. Original Rule entitled "Publicity" was filed and effective on July 19, 1965 as 270-3-3-.07.
Amended: Rule repealed and a new Rule entitled "Records" adopted. Filed July 2, 1968; effective July 21, 1968.

Amended: Rule renumbered as 290-5-7-.07. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.08
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Inspection" was filed and effective on July 19, 1965 as 270-3-3-.08.
Amended: Rule repealed and a new Rule entitled "Medical and Surgical Procedures" adopted. Filed July 2, 1968; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.08. Filed June 10, 1980; effective June 30, 1981.
Amended: Rule repealed and a new Rule entitled "Consent Requirements in Coroner or Medical Examiner Cases" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.09
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-7-1 *et seq.* and 31-23-1.
History. Original Rule entitled "Shipment" was filed on July 2, 1968 as 270-3-3-.09; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.09. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Consent Requirements in Noncoroner or Non-medical Examiner Cases" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.10
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Publicity" was filed on July 2, 1968 as 270-3-3-.10; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.10. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Persons Authorized to Extract Eyes" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.11
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Inspection and Supervision" was filed on July 2, 1968 as 270-3-3-.11; effective July 21, 1968.
Amended: Rule renumbered on 290-5-7-.11. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Medical and Surgical Supplies" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.12
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Enforcement" was filed on July 2, 1968 as 270-3-3-.12; effective July 21, 1968.
Amended: Rule renumbered as 290-5-7-.12. Filed June 10, 1980, effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Shipment" adopted. Filed January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.13
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Shipment" wac filed on January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.14
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-9.
History. Original Rule entitled"Publicity" was filed on January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.15
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-23-1 *et seq.*
History. Original Rule entitled "Waivers, Variances, Exemptions" was filed on January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-7-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-7-.16
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-23-1 *et seq.* and 50-13-1 *et seq.*
History. Original Rule entitled "Enforcement" was filed on January 31, 1983; effective March 2, 1983, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-8. REPEALED 290-5-8.

Rule 290-5-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.01
Authority: O.C.G.A. § 31-7-1*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: New Rule of same title adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.02
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Governing Body" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.03
Authority: O.C.G.A. § 31-7-1*et seq.*
History. Original Rule entitled "Administration" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: New Rule of same title adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.04
Authority: O.C.G.A. § 31-7-1*et seq.*
History. Original Rule entitled "Nursing Service" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: New Rule of same title adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.05
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Professional Service" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.06
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*

History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.07
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.08
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.09
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.10
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.11
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.12
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.13
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.14
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.15
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.16
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.17
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.18
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.19
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.20
Authority: O.C.G.A. §§ 26-2-370*et seq.*, 31-2-4 *et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.21
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.22
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.23
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.24
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.* and 50-13-13 *et seq.*
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.25
Authority: O.C.G.A. § 31-7-1*et seq.*
History. Original Rule entitled "Dining Assistants" adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.26
Authority: O.C.G.A. §§ 31-7-1*et seq.* and 31-7-350*, et seq.*
History. Original Rule entitled "Background Screening of Employees" adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-8-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-8-.27
Authority: O.C.G.A. § 31-7-1*et seq.*
History. Original Rule entitled "Vaccines" adopted. F. Aug. 19, 2004; eff. Sept. 8, 2004.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-9. [Repealed].

Rule 290-5-9-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.01
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.02
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.03
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.

History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.04
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.05
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.06
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.07
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.08
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.09
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.10
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.11
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.12. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.12
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.13
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.14. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.14
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.15. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.15
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.16. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.16
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.17. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.17
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.18. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.18
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.19. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.19
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.20. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.20
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.21. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.21
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.

Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.22. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.22
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.23. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.23
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule entitled "New Construction" was filed on October 28, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Rule 290-5-9-.24. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-9-.24
Authority: O.C.G.A. §§ 31-2-4 et seq., 31-7-1 et seq.
History. Original Rule entitled "Enforcement" was filed on October 26, 1976; effective November 15, 1976.
Repealed: F. Jan. 27, 2017; eff. Feb. 16, 2017.

Subject 290-5-10. CANCER STATE AID PROGRAM.

Rule 290-5-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.01
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Standards for the Organization of Cancer Clinics" was filed and effective on July 19, 1965 as 270-5-1-.01.
Amended: Rule renumbered as 290-5-10-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Criteria for Certification as Cancer Treatment Facility" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed: F. Apr. 11, 2012; eff. May 1, 2012. See 511-5-10-.01. Readopted as 511-5-10-.01.

Rule 290-5-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.02
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Method of Obtaining State-Aid" was filed and effective on July 19, 1965 as 270-5-1-.02.
Amended: Rule renumbered as 290-5-10-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Standards for the Organization and Staff of Cancer Treatment Facilities" adopted F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.

Repealed: F. Apr. 11, 2012; eff. May 1, 2012. Readopted as 511-5-10-.02.

Rule 290-5-10-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.03
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Conditions Under Which State-Aid Patients are Admitted to Cancer Treatment Centers" was filed and effective on July 19, 1965 as 270-5-1-.03.
Amended: Rule renumbered as 290-5-10-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Equipment and Personnel Needs" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed: F. Apr. 11, 2012; eff. May 1, 2012. Readopted as 511-5-10-.03.

Rule 290-5-10-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.04
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Schedule of Payments Covering Costs to State-Aid Patients" was filed and effective on July 19, 1965 as 270-5-1-.04.
Amended: Rule renumbered as 290-5-10-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Medical Records and Cancer Registry" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.04: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.05
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Miscellaneous Regulations" was filed and effective on July 19, 1965 as 270-5-1-.05.
Amended: Rule renumbered as 290-5-10-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Method of Obtaining State Aid" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.05: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.06
Authority: Ga. L. 1933, p. 7; 1960, p. 1099, O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Supplementary Policies and Regulations" was filed and effective on July 19, 1965 as 270-5-1-.06.
Amended: Rule renumbered as 290-5-10-.06. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Eligibility Requirements for State Aid Patients" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.06: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.07
Authority: O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Health Insurance" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.07: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.08
Authority: O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Periodic Review of Eligibility, Annual and Interim" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.08: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.09
Authority: O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Applicant Termination" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed and Readopted as 511-5-10-.09: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.10
Authority: O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Reimbursement of Cost" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed: F. Apr. 11, 2012; eff. May 1, 2012.

Rule 290-5-10-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-10-.11
Authority: O.C.G.A. Secs. 31-2-4, 31-15-2, 31-15-5.
History. Original Rule entitled "Appeals Process" adopted. F. Oct. 20, 1995; eff. Jan. 1, 1996, as specified by the Agency.
Repealed: F. Apr. 11, 2012; eff. May 1, 2012.

Subject 290-5-11. REPEALED 290-5-11.

Rule 290-5-11-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.01
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Plans for Pond or Lake" was filed and effective on July 19, 1965 as 270-5-3-.01.
Amended: Rule renumbered as 290-5-11-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.02
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Description of Plan" was filed and effective on July 19, 1965 as 270-5-3-.02.
Amended: Rule renumbered as 290-5-11-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.03
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Authorization of Construction" was filed and effective on July 19, 1965 as 270-5-3-.02.
Amended: Rule renumbered as 290-5-11-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.04
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Inspection" was filed and effective on July 19, 1965 as 270-5-3-.04.
Amended: Rule renumbered as 290-5-11-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.05
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Issuance of Permit" was filed and effective on July 19, 1965 as 270-5-3-.05.
Amended: Rule renumbered as 290-5-11-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.06
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Infraction of Regulations" was filed and effective on July 19, 1965 as 270-5-3-.06.
Amended: Rule renumbered as 290-5-11-.06. Filed June 10, 1980; effective June 30, 1980.

Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.07
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Full Compliance with Regulations" was filed and effective on July 19, 1965 as 270-5-3-.07.
Amended: Rule renumbered as 290-5-11-.07. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Rule 290-5-11-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-11-.08
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Validity of Regulations" was filed and effective on July 19, 1965 as 270-5-3-.08.
Amended: Rule renumbered as 290-5-11-.08. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sept. 23, 2013; effectiveOct. 13, 2013

Subject 290-5-12. [Repealed].

Rule 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.

Rule 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.

Subject 290-5-13. SCHOOL SANITATION (REPEALED).

Rule 290-5-13-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.01
Authority: Ga. L. 1933, p. 7.

History. Original Rule entitled "Adequate Supply Pure Water" was filed and effective on July 19, 1965 as 270-5-5-.01.
Amended: Rule renumbered as 290-5-13-.01. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.02
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Adequate Sewage System" was filed and effective on July 19, 1965 as 270-5-5-.02.
Amended: Rule renumbered as 290-5-13-.02. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.03
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Sanitary Facilities for Drinking Water" was filed and effective on July 19, 1965 as 270-5-5-.03.
Amended: Rule renumbered as 290-5-13-.03. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.04
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Presenting Plans for Water and Sewage" was filed and effective on July 19, 1965 as 270-5-5-.04.
Amended: Rule renumbered as 290-5-13-.04. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.05
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Compliance with Rules" was filed and effective on July 19, 1965 as 270-5-5-.05.
Amended: Rule renumbered as 290-5-13-.05. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.06
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Failure to Comply" was filed and effective on July 19, 1965 as 270-5-5-.06.
Amended: Rule renumbered as 290-5-13-.06. Filed June 10, 1980; effective June 30, 1980.

Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Rule 290-5-13-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-13-.07
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Restaurant Regulations Apply to School Lunch Rooms" was filed and effective on July 19, 1965 as 270-5-5-.07.
Amended: Rule renumbered as 290-5-13-.07. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Subject 290-5-14. REPEALED.

Rule 290-5-14-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. June 22, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provisions" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule of same title adopted. F. July 10, 1986; eff. July 30, 1986.
Repealed: New Rule of same title adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Food Supplies" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Food Care" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. June 22, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule entitled "Management and Personnel" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.

Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Food Protection" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Personnel" adopted. F. July 10, 1986; eff. July 30, 1986.
Repealed: New Rule entitled "Food Care" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule entitled "Food" adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Preparation" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Equipment and Utensils" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. June 22, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Storage" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Cleaning, Sanitization and Storage of Equipment and Utensils" adopted. F. July 10, 1986; eff. July 30, 1986.
Repealed: New Rule entitled "Sanitary Facilities and Controls" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Display and Service" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Sanitary Facilities and Controls" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. June 22, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule entitled "Physical Facilities" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.

Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Transportation" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Construction and Maintenance of Physical Facilities" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. June 22, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule entitled "Special Food Service Operations" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Poisonous and Toxic Materials" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Special Food Service Operations" adopted. F. July 10, 1986; eff. July 30, 1986.
Repealed: New Rule entitled "Certification and Standardization of Environmental Health Personnel" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.10
Authority: O.C.G.A. Secs. 26-2-371 to 26-2-373, 26-2-375 to 26-2-377, 31-2-1, 31-2-4, Ch. 31-5.
History. Original Rule entitled "Personnel" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Protective Shielding" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: New Rule entitled "Compliance Procedures" adopted. F. Jan. 26, 2006; eff. Feb. 15, 2006.
Repealed: New Rule of same title adopted. F. Jan. 24, 2007; eff. Feb. 13, 2007.
Repealed: New Rule of same title adopted. F. Aug. 23, 2007; eff. Sept. 12, 2007.
Repealed: F. Oct. 9, 2015; eff. Oct. 29, 2015.

Rule 290-5-14-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.11
Authority: O.C.G.A. Secs. 26-2-371, 26-2-372, 26-2-375 to 26-3-277, 31-2-1, 31-2-4, Ch. 31-5.
History. Original Rule entitled "Food Equipment and Utensils" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Compliance Procedures" adopted. F. July 10, 1986; eff. July 30, 1986.
Amended: F. Mar. 17, 1987; eff. Apr. 6, 1987.
Amended: F. Mar. 5, 1996; eff. Mar. 25, 1996.

Repealed: F. Jan. 26, 2006; eff. Feb. 15, 2006.

Rule 290-5-14-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.12
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Equipment Installation" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.13
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Cleanliness of Equipment and Utensils" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.14
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Storage and Handling of Cleaned Equipment and Utensils" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.15
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Single-Service Article" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.16
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Sanitary Facilities and Controls" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.17
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.

History. Original Rule entitled "Vermin Control" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.18
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Other Facilities and Operations" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.19
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Temporary Food Service Establishments" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.20
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Inspection of Food Service Establishments" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.21
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Plan Review of Future Construction" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Rule 290-5-14-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-14-.22
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Enforcement" adopted. F. June 10, 1980; eff. June 30, 1980.
Repealed: F. July 10, 1986; eff. July 30, 1986.

Subject 290-5-15. REPEALED 290-5-15.

Rule 290-5-15-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Introduction" was filed and effective on July 19, 1965 as 270-5-7-.01.
Amended: Role repealed and a new Rule entitled "Definitions" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: ER 290-5-15-0.9-.01 adopted. F. and eff. July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Repealed: New Rule entitled "Definition/Scope of Practice" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-15-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Licensing" was filed and effective on July 19, 1965 as 270-5-7-.02.
Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: ER 290-5-15-0.9-.03 adopted. F. and eff. July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Repealed: New Rule entitled "Requirements for Recognition and Authority to Practice as a Certified Nurse-Midwife" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-15-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed and effective on July 19, 1965 as 270-5-7-.03.
Amended: Rule repealed and a new Rule entitled "Eligibility" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: ER 290-5-15-0.9-.03 adopted. F. and eff. July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Repealed: New Rule entitled "Failure of the Examination" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-15-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Certificate of Authority to Practice" was filed and effective on July 19, 1965 as 270-5-7-.04.
Amended: Rule repealed and a new Rule entitled "Requirements" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.04. Filed June 10, 1980; effective June 30, 1980.

Repealed: ER 290-5-15-0.9-.04 adopted. F. and eff. July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Repealed: New Rule entitled "Initial Recognition Process" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-15-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Application for Certificate" was filed and effective July 19, 1965 as 270-5-7-.05.
Amended: Rule repealed and a new Rule of the same title adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: ER 290-5-15-0.9-.05 adopted. F. and eff. July 17, 1991, the date of adoption, to be in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.
Repealed: New Rule entitled "Continued Recognition" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-15-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.06
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Eligibility" was filed and effective on July 19, 1965 as 270-5-7-.06
Amended: Rule repealed and a new Rule entitled "Practice of Midwifery" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.06. Filed June 10,1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.07
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Procedures" was filed and effective on July 19, 1965 as 270-5-7-.07.
Amended: Rule repealed and a new Rule entitled "Conduct of Labor, Delivery and Postpartal Period" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.07. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.08
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Appeal to Superior Court" was filed and effective on July 19, 1965 as 270-5-7-.08.
Amended: Rule repealed and a new Rule entitled "Equipment" adopted. Filed February 1, 1968; effective February 20, 1968.

Amended: Rule renumbered as 290-5-15-.08. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.09
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Requirements" was filed and effective on July 19, 1965 as 270-5-7-.09.
Amended: Rule repealed and a new Rule entitled "Reporting of Live Births and Fetal Deaths" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.09. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.10
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Practice of Medicine Prohibited" was filed and effective on July 19, 1965 as 270-5-7-.10.
Amended: Rule repealed and a new Rule entitled "Midwife's Inability to Attend" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.10. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.11
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Midwife to Attend Only Cases of Normal Childbirth" was filed and effective on July 19, 1965 as 270-5-7-.11.
Amended: Rule repealed and a new Rule entitled "The Practice of Medicine is Prohibited" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-11. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Rule 290-5-15-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-15-.12
Authority: Ga. L. 1964, pp. 507, 576.
History. Original Rule entitled "Compliance and Enforcement" was filed and effective on July 19, 1965 as 270-5-7-.12.
Amended: Rule repealed and a new Rule entitled "Enforcement" adopted. Filed February 1, 1968; effective February 20, 1968.
Amended: Rule renumbered as 290-5-15-.12 Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 17, 1991; eff. Nov. 6, 1991.

Subject 290-5-16. REPEALED 290-5-16.

Rule 290-5-16-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Purpose" was filed and effective on July 19, 1965 as 270-5-8-.01.
Amended: Rule renumbered as 290-5-16-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule, same title, adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Instructions to Patients Not Hospitalized" was filed and effective on July 19, 1965 as 270-5-8-.02.
Amended: Rule renumbered as 290-5-16-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Reporting" adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Duties and Responsibilities of the Health Department" was filed and effective on July 19, 1965 as 270-5-8-.03.
Amended: Rule renumbered as 290-5-16-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Duties and Responsibilities of the County Health Departments" adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Hospitalization of Committed Patients" was filed and effective an July 19, 1965 as 270-5-8-.04.
Amended: Rule renumbered as 290-5-16-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule, same title, adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.05
Authority: O.C.G.A. § 31-2A-6.

History. Original Rule entitled "Preadmission and Admission Provisions and Requirements" was filed and effective on July 19, 1965 as 270-5-8-.05.
Amended: Rule renumbered as 290-5-16-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Discharge of Committed Patients" adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Admissions" was filed and effective on July 19, 1965 as 270-5-8-.06.
Amended: Rule renumbered as 290-5-16-.06. Filed June 10, 1980; effective June 30, 1980.
Repealed: New Rule entitled "Judicial Petitions" adopted. F. Dec. 16, 1993; eff. Jan. 5, 1994.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-16-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.07
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Management and Treatment of Committed Patients While in the Hospital" was filed and effective on July 19, 1965 as 270-5-8-.07.
Amended: Rule renumbered as 290-5-16-.07. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-16-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-16-.08
Authority: Ga. L. 1933, p. 7.
History. Original Rule entitled "Criteria for Discharge of Patients from Battey State Hospital" was filed and effective on July 19, 1965 as 270-5-8-.08.
Amended: Rule renumbered as 290-5-16-.08. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Subject 290-5-17. REPEALED 290-5-17.

Rule 290-5-17-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-17-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Venereal Diseases to be Reported" was filed and effective on July 19, 1965 as 270-5-11-.01.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed August 17, 1967; effective September 5, 1967.
Amended: Rule renumbered as 290-5-17-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-17-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-17-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Patients to be Given Information" was filed and effective on July 19, 1965 as 270-5-11-.02.
Amended: Rule repealed and a new Rule entitled "Provision" adopted. Filed August 17, 1967; effective September 5, 1967.
Amended: Rule renumbered as 290-5-17-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-17-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-17-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Investigation of Cases" was filed and effective on July 19, 1965 as 270-5-11-.03.
Amended: Rule repealed and a new Rule entitled "Enforcement" adopted. Filed August 17, 1967; effective September 5, 1967.
Amended: Rule renumbered as 290-5-17-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Subject 290-5-18. REPEALED 290-5-18.

Rule 290-5-18-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Foreword" was filed and effective on July 19, 1965, as 270-5-13-.01.
Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.01. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Authority (Quotation)" was filed and effective on July 19, 1965 as 270-5-13-.02.
Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed October 15, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.02. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984; as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.

Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed and effective on July 19, 1965 as 270-5-13-.03.
Amended: Rule repealed and a new Rule entitled "Procedures" adopted. Filed October 18, 1967; effective November 8, 1967.
Amended: Rule renumbered as 290-5-18-.03. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Permit" was filed and effective on July 19, 1965 as 270-5-13-.04.
Amended: Rule repealed and a new Rule entitled "Water Supply" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.04. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Employee Health and Safety" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Procedures" was filed and effective on July 19, 1965 as 270-5-13-.05.
Amended: Rule repealed and a new Rule entitled "Toilet Facilities" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.05. Filed June 10, 1980, effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Water Supply" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Appeal to Superior Court" was filed and effective on July 19, 1965 as 270-5-13-.06.
Amended: Rule repealed and a new Rule entitled "Sewers" adopted Filed October 18, 1967 effective November 6,

1967 .
Amended: Rule renumbered as 290-5-18-.06. Filed June 10, 1980effectiveJune 30, 1980
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Toilet Facilities" adopted. F. Mar. 5 1996; eff. Mar. 28, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Requirements" was filed and effective on July 19, 1965 as 270-5-1-3-.07.
Amended: Rule repealed and a new Rule entitled "Sewage Disposal" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.07. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Sewers" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Housing Requirements" was filed and effective on July 19, 1965, as 270-5-13-.08.
Amended: Rule repealed and a new Rule entitled "Plumbing" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.08. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed; New Rule entitled "Sewage Disposal" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Toilet Rooms" was filed and effective on July 19, 1965 as 270-5-13-.09.
Amended: Rule repealed and a new Rule entitled "Refuse Disposal" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.09. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Plumbing" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Laundry Room" was filed and effective on July 19, 1965 as 270-5-13-.10.
Amended: Rule repealed and a new Rule entitled "Insect and Rodent Control" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.10. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. as specified by the Agency.
Repealed: New Rule entitled "Garbage and Refuse Disposal" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Water Supply" was filed and effective on July 19, 1985 as 270-5-13-.11.
Amended: Rule repealed and a new Rule entitled "Housing" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.11. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Construction Layout and Furnishings" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Insect and Rodent Control" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.12
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Plumbing" was filed and effective on July 19, 1965 as 270-5-13-.12.
Amended: Rule repealed and a new Rule entitled "Fire Protection" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.12. Filed June 10, 1980, effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Heating" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Construction, Layout and Furnishings" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.13
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Sewers" was filed and effective on July 19, 1965 as 270-5-13-.13.
Amended: Rule repealed and a new Rule entitled "Heating" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.13. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Food Service" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Heating and Fire Safety" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.

Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.14
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Sewage Disposal" was filed and effective on July 19, 1965 as 270-5-13-.14.
Amended: Rule repealed and a new Rule entitled "Food Services" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.14. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule entitled "Swimming Pools" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.15
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Heating" was filed and effective on July 19, 1965 as 270-5-13-.15.
Amended. Rule repealed and a new Rule entitled "Laundry Rooms" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.15. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.16
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Refuse Disposal" was filed and effective on July 19, 1965 as 270-5-13-.16.
Amended: Rule repealed and a new Rule entitled "Grounds" adopted. Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.16. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.17
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Insect and Rodent Control" was filed and effective on July 19, 1965 as 270-5-13-.17.

Amended: Rule repealed and a new Rule entitled "Enforcement" adopted, Filed October 18, 1967; effective November 6, 1967.
Amended: Rule renumbered as 290-5-18-.17. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.
Repealed: New Rule entitled "Food Service" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 290-5-18-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-18-.18
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Subject 290-5-19. REPEALED 290-5-19.

Rule 290-5-19-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-19-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Fluoridation" was filed and effective on July 19, 1965 as 270-5-16-.01.
Amended: Rule renumbered as 290-5-19-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Subject 290-5-20. REPEALED 290-5-20.

Rule 290-5-20-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-20-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Purpose" was filed on October 28, 1965 as 270-5-17-.01; effective November 16, 1965.
Amended: Rule renumbered as 290-5-20-.01. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 22, 1982; effective May 12, 1982.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-20-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-20-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed on October 28, 1965 as 270-5-17-02; effective November 16, 1965.
Amended: Rule renumbered as 290-5-20-.02 Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 22, 1982; effective May 12, 1982.

Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-20-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-20-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provisions" was filed on October 28, 1965 as 270-5-17-.03; effective November 16, 1965.
Amended: Rule renumbered as 290-5-20-.03. Filed June 10, 1980; effective June 30, 1990.
Amended: Rule repealed and a new Rule of the same title adopted. Filed April 22, 1982; effective May 12, 1982.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-20-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-20-.04
Authority: Ga. L. 1964, pp. 507, 580.
History. Original Rule entitled "Repeal" was filed on October 28, 1965 as 270-5-17-.04; effective November 16, 1965.
Amended: Rule renumbered as 290-5-20-.04. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed April 22, 1982; effective May 12, 1982.

Rule 290-5-20-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-20-.05
Authority: Ga. L. 1964, pp. 507, 580.
History. Original Rule entitled "Effective Date" was filed on October 28, 1965 as 270-5-17-.05; effective November 16, 1965.
Amended: Rule renumbered as 290-5-20-.05. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule repealed. Filed April 22, 1982; effective May 12, 1982.

Subject 290-5-21. REPEALED 290-5-21.

Rule 290-5-21-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-21-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Purpose" was filed on October 28, 1965 as 270-5-18-.01; effective November 16, 1965.
Amended: Rule renumbered as 290-5-21-.01. Filed June 10, 1980; effective June 30, 1980.
Amended: F. Jul. 19, 1990; eff. Aug. 8, 1990.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-21-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-21-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed on October 28, 1965 as 270-5-18-.02; effective November 16, 1965.
Amended: Rule renumbered as 290-5-21-.02. Filed June 10, 1980; effective June 30, 1980.
Amended: F. Jul. 19, 1990; eff. Aug. 8, 1990.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-21-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-21-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provisions" was filed on October 28, 1965 as 270-5-18-.03; effective November 16, 1965.
Amended: Rule renumbered as 290-5-21-.03. Filed June 10, 1980; effective June 30, 1980.
Amended: F. Jul. 19, 1990; eff. Aug. 8, 1990.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-21-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-21-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Repeal" was filed on October 28, 1965 as 270-5-18-.04; effective November 16, 1965.
Amended: Rule renumbered as 290-5-21-.04. Filed June 10, 1980; effective June 30, 1980.
Amended: Rule entitled "Enforcement" adopted F. Jul. 19, 1990; eff. Aug. 8, 1990.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-21-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-21-.05
Authority: Ga. L. 1964, pp. 507, 580; O.C.G.A. Secs. 50-13-4, 50-13-9.
History. Original Rule entitled "Effective Date" was filed on October 28, 1965 as 270-5-18-.05; effective November 16, 1965.
Amended: Rule renumbered as 290-5-21-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Jul. 19, 1990; eff. Aug. 8, 1990.

Subject 290-5-22. [Repealed].

Rule 290-5-22-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.01
Authority: Ga. L. 1964, pp. 507, 569, 570; O.C.G.A. §§ 31-13-3, 31-13-5, 31-13-8.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Amended: F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.02
Authority: Ga. L. 1964, pp. 507, 569, 570; O.C.G.A. §§ 31-13-5, 31-13-8, 31-13-10.
History. Original Rule was filed on December 23, 1984; effective January 12, 1975.
Repealed: New Rule entitled "Registration" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.03
Authority: Ga. L. 1964, pp. 507, 569, 570; O.C.G.A. § 31-13-5.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Repealed: New Rule entitled "Standards for Protection Against Radiation" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.04
Authority: Ga. L. 1964, pp. 507, 569, 570; O.C.G.A. § 31-13-5.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Repealed: New Rule entitled "X-Rays in the Healing Arts" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.05
Authority: Ga. L., 1964, pp. 507, 569, 570; O.C.G.A. § 31-13-5.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Repealed: New Rule entitled "X-Ray Safety Requirements for Particle Accelerator" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.06
Authority: Ga. L., 1964, pp. 507, 569, 570; O.C.G.A. § 31-13-5.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Repealed: New Rule entitled "Radiation Safety Requirements for the Use of Non-Medical X-Ray" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.07
Authority: Ga. L., 1964, pp. 507, 569, and 570, O.C.G.A. §§ 31-13-5, 31-13-9.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Amended: F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.08
Authority: Ga. L. 1964, pp. 507, 569, and 570; O.C.G.A. § 31-13-15.
History. Original Rule was filed on December 23, 1974; effective January 12, 1975.
Repealed: New Rule entitled "Penalties" adopted. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-22-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-22-.09
Authority: O.C.G.A. §§ 31-13-5, 31-13-15.
History. Original Rule entitled "Enforcement" was renumbered from 290-5-22-.08 to 290-5-22-.09. F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Subject 290-5-23. RADIOACTIVE MATERIALS (REPEALED).

Rule 290-5-23-.01. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.01
Authority: Ga. L. 1964, pp. 499, 507, 166-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "General Provisions" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.02. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.02
Authority: O.C.G.A. Sec. 31-13-1*et seq.*; Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Licensing of Radioactive Materials" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.03. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.03
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Standards for Protection Against Radiation" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.04. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.04
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Special Radiation Safety Requirements for Industrial Radiographic Operations" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.05. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.05
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Special Radiation Safety Requirements for the Use of Sealed Radioactive Sources in the Healing Arts" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule of the same title adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.06. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.06
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Transportation of Radioactive Materials" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule entitled "Transportation of Radioactive Material" adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.07. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.07
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Administration" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule entitled" Notices, Instructions and Reports to Workers; Inspection" adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.

Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.08. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.08
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act).
History. Original Rule entitled "Enforcement" was filed on December 23, 1974; effective January 12, 1975.
Amended: Rule repealed and a new Rule entitled "Administration" adopted. Filed June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Rule 290-5-23-.09. REPEALED.

Cite as Ga. Comp. R. & Regs. R. 290-5-23-.09
Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Radiation Control Act),
History. Original Rule entitled "Enforcement" was filed on June 22, 1982; effective July 12, 1982.
Amended: Rule repealed and a new Rule of the same title adopted. Filed May 6, 1987; effective May 26, 1987.
Repealed: F. Feb. 16, 1994; eff. Mar. 8, 1994.

Subject 290-5-24. REPEALED 290-5-24.

Rule 290-5-24-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-24-.01
Authority: O.C.G.A. § 31-2A-6.
History. . Original Rule entitled "Definitions" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 14, 1980; eff. Apr. 3, 1980.
Amended: F. Jan. 31, 1983; eff. Mar. 2, 1983, as specified by the Agency.
Amended: F. Dec. 13, 1989; eff. Jan. 2, 1990.
Repealed: New Rule of same title adopted. F. Sept. 18, 1997; eff. July 1, 1998, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: New Rule of same title adopted. F. June 7, 2005; eff. June 27, 2005.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-24-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-24-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provisions" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 14, 1980; eff. Apr. 3, 1980.
Amended: F. Jan. 31, 1983; eff. Mar. 2, 1983, as specified by the Agency.
Amended: F. Dec. 13, 1989; eff. Jan. 2, 1990.
Repealed: New Rule of same title adopted. F. Sept. 18, 1997; eff. July 1, 1998, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: New Rule of same title adopted. F. June 7, 2005; eff. June 27, 2005.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-24-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-24-.03
Authority: O.C.G.A. § 31-2A-6.
History. . Original Rule entitled "Enforcement" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Mar. 14, 1980; eff. Apr. 3, 1980.
Repealed: New Rule entitled "Sickle Cell Testing" adopted. F. Jan. 31, 1983; eff. Mar. 2, 1983, as specified by the Agency.
Repealed: New Rule entitled "Enforcement" adopted. F. Sept. 18, 1997; eff. July 1, 1998, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: New Rule of same title adopted. F. June 7, 2005; eff. June 27, 2005.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-24-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-24-.04
Authority: O.C.G.A. Secs. 31-2-4, 31-12-5 to 31-12-7.
History. Original Rule entitled "Enforcement" adopted. F. Jan. 31, 1983; eff. Mar. 2, 1983, as specified by the Agency.
Repealed: F. Sept. 18, 1997; eff. July 1, 1998, as specified by the Agency.

Subject 290-5-25. REPEALED 290-5-25.

Rule 290-5-25-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Applicability" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Approval of Laboratories" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Definitions" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.

Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Premarital Certificate Forms" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Provisions" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Licenses and Fees" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Locations of Land Disposal Sites" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Inspections" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Management of Land Disposal Sites" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Personnel Requirements" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Vector Reduction Management" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. July 25, 1979; eff. August 14, 1979.
Repealed: F. Nov. 20, 1992; eff. Dec. 10, 1992.
Amended: New Rule entitled "Pathogen Control Management" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.

Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Application Rate" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Septage Holding Facilities" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Record Keeping" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-25-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-25-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Compliance" adopted. F. Feb. 26, 2003; eff. Mar. 18, 2003.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Subject 290-5-26. REPEALED 290-5-26.

Rule 290-5-26-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted as R. 270-5-25-.01. F. Dec. 1, 1969; eff. Dec. 20, 1969.
Amended: R. renumbered to 290-5-26-.01. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Applicability" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.01 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption.
Amended: ER. 290-5-26-0.14-.01 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.

Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" was f. Dec. 1, 1969 as 270-5-25-.02; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.02. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Definitions" adopted. F. Mar. 8, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.02 adopted. F. Sept. 8, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended. ER. 290-5-26-0.14.-02 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Sewers" was f. Dec. 1, 1969 as 270-5-25-.03; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.03. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "General Provisions" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.03 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption.
Amended: ER. 290-5-26-0.14-.03 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Amended: F. Jan. 19, 2007; eff. Feb. 8, 2007.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Septic Tanks" adopted, F. Dec. 1, 1969; eff. Dec. 20, 1969 as 270-5-25-.04.
Amended: R. renumbered as 290-5-26-.04. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Sewers" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.04 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption.
Amended: ER. 290-5-26-0.14-.04 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Apr. 25, 2001; eff. May 15, 2001l.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Distribution Boxes" was f. Dec. 1, 1969 as 270-5-25-.05; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.05. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Septic Tanks" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.05 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.05 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Nitrification Fields" was f. Dec. 1, 1969 as 270-5-25-.06; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.06. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Distribution Boxes and Dosing Tanks" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.06 entitled "Distribution Devices and Dosing Tanks" adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.06 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Subdivisions" was f. Dec. 1, 1969 as 270-5-25-.07; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.07. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Absorption Fields" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.07 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.07 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.

Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Pit Privy" was f. Dec. 1, 1969 as 270-5-25-.08; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.08. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Privies" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.08 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER . 290-5-26-0.14-.08 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Soil Data and Percolation Tests" was f. Dec. 1, 1969 as 270-5-25-.09; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.09. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Alternative and Experimental On-Site Sewage Management Systems and Site Modifications" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.09 entitled "Alternative On-Site Sewage Management Systems" adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.09 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Grease Traps" was f. Dec. 1, 1969 as 270-5-25-.10; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.10. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Percolation Tests and Test Borings" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.10 entitled "Experimental On-Site Sewage Management Systems" adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.10 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in

effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" was f. Dec. 1, 1969 as 270-5-25-.11; eff. Dec. 20, 1969.
Amended: Rule renumbered as 290-5-26-.11. F. June 10, 1980; eff. June 30, 1980.
Repealed: New Rule entitled "Septage Removal and Disposal" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.11 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.11 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.12
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Grease Traps" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.12 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.12 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.13
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Sewage Flow" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.13 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.13 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in

effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.14
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Subdivision and Mobile Home Parks" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.14 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.14 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.15
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Subdivision, Mobile Home Park Water and Sewage" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.15 adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.15 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.16
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Mar. 28, 1984; eff. Apr. 27, 1984, as specified by the Agency.
Amended: ER. 290-5-26-0.13-.16 entitled "Technical Review Committee" adopted. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.16 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.17
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Certification and Decertification of Septic Tank Contractors, Inspection Personnel, Pumpers, Soil Scientists and Maintenance Personnel" adopted as ER. 290-5-26-0.13-.17. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.17 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.18
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Maintenance and Operation" adopted as ER. 290-5-26-0.13-.18. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.18 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.19
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted as ER. 290-5-26-0.13-.19. F. Sept. 18, 1997; eff. Sept. 17, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 290-5-26-0.14-.19 adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
Repealed: New Rule, same title adopted. F. Apr. 25, 2001; eff. May 15, 2001.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Rule 290-5-26-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-26-.20
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Standards for Non-Conventional On-Site Sewage Management Systems" adopted. F. Feb. 10, 2004; eff. Mar. 1, 2004.
Repealed: New Rule of same title adopted. F. June 7, 2005; eff. June 27, 2005.
Repealed: F. Dec. 20, 2013; eff. Jan. 9, 2014.

Subject 290-5-27. [Repealed].

Rule 290-5-27-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.01
Authority: Ga. L. 1964, p. 499 *et seq*., as amended, O.C.G.A. § 31-13-5.
History. Original Rule entitled "Definitions" was filed on August 11, 1971 as 270-6-2-.01; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-27-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.02
Authority: Ga. L. 1964, p. 499 *et seq*., as amended, O.C.G.A. § 31-13-5.
History. Original Rule entitled "Registration" was filed on August 11, 1971 as 270-6-2-.02; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-27-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.03
Authority: Ga. L. 1964, p. 499 *et seq*., as amended, O.C.G.A. § 31-13-5.
History. Original Rule entitled "Injury Reporting" was filed on August 11, 1971 as 270-6-2-.03; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.03. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-27-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.04
Authority: Ga. L. 1964, p. 499 *et seq*., as amended, O.C.G.A. § 31-13-5.
History. Original Rule entitled "Report of Discontinuance" was filed on August 11, 1971 as 270-6-3-.04; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-27-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.05
Authority: Ga. L. 1964, p. 499 *et seq*., as amended, O.C.G.A. § 31-13-5.
History. Original Rule entitled "Laser System Exempt from Registration" was filed on August 11, 1971 as 270-6-2-.05; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.05. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-27-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-27-.06
Authority: Ga. L. 1964, pp. 499, 518, O.C.G.A. §§ 31-13-10, 31-13-5.
History. Original Rule entitled "Enforcement" was filed on August 11, 1971 as 270-6-2.06; effective September 1, 1971, as specified by the Agency.
Amended: Rule renumbered as 290-5-27-.06. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Subject 290-5-28. REPEALED 290-5-28.

Rule 290-5-28-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-28-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed on December 29, 1971 as 270-6-3-.01; effective January 28, 1972, as specified by the Agency.
Amended: Rule renumbered as 290-5-28-.01. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-28-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-28-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" was filed on December 29, 1971 as 270-6-3-.02; effective January 28, 1972, as specified by the Agency.
Amended: Rule renumbered as 290-5-28-.02. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-28-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-28-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Facilities, Services and Activities to be Provided and Maintained at Site of Mass Gathering" was filed on December 29, 1971 as 270-6-3-.03; effective January 28, 1972, as specified by the Agency.
Amended: Rule renumbered as 290-5-28-.03. Filed, June 10, 1980; effective June 30, 1980.

Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-28-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-28-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" was filed on December 29, 1971 as 270-6-3-.04; effective January 28, 1972, as specified by the Agency.
Amended: Rule renumbered as 290-5-28-.04. Filed June 10, 1980; effective June 30, 1980.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Subject 290-5-29. REPEALED (290-5-29-.01 thru 290-5-29-.21).

Rule 290-5-29-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.01
Authority: O.C.G.A. Secs. 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-6.
History. Original Rule entitled "Definitions" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Amended: F. Jan. 16, 1986; eff. Feb. 5, 1986.
Repealed: New Rule entitled "Legal Authority" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.02
Authority: O.C.G.A. Sec. 31-22-1*et seq.*
History. Original Rule entitled "Exemptions" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. May 11, 1976; eff. May 31, 1976.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule entitled "Purpose" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.03
Authority: O.C.G.A. Secs. 31-2-1*et seq.*, 31-2-4, 31-22, 31-22-1, 31-22-2, 31-22-6.
History. Original Rule entitled "Application" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. Aug. 22, 1991; eff. Sept. 11, 1991.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.

Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.04
Authority: O.C.G.A. Secs. 16-13-110*et seq.*, 31-2-4, 31-22, 31-22-1 *et seq.*, 31-22-2, 31-22-6.
History. Original Rule entitled "License" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.05
Authority: O.C.G.A. Secs. 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-2.
History. Original Rule entitled "Fees" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.06
Authority: O.C.G.A. Secs. 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-2, 31-22-6.
History. Original Rule entitled "Laboratory Personnel Qualifications and Personnel Records" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Amended: F. May 11, 1976; eff. May 31, 1976.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Amended: F. Jan. 16, 1986; eff. Feb. 5, 1986, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.07
Authority: O.C.G.A. Secs. 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-2, 31-22-6, 31-22-8.
History. Original Rule entitled "Inspections" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Amended: F. May 11, 1976; eff. May 31, 1976.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule entitled "Application" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.

Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.08
Authority: O.C.G.A. Secs. 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-2, 31-22-6.
History. Original Rule entitled "Sanitation and Safety" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Amended: F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.09
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-4, 31-22-5, 31-22-6.
History. Original Rule entitled "Quality Control" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. Aug. 22, 1991; eff. Sept. 11, 1991.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.10
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-6, 31-22-8.
History. Original Rule entitled "Evaluation" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.11
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-4.
History. Original Rule entitled "Specimens Examined" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.12
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-4.
History. Original Rule entitled "Reporting" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.13
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-4.
History. Original Rule entitled "Records" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.14
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-7.
History. Original Rule entitled "Reports of Infectious Diseases" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule of same title adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.15
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-6, 31-24-1 *et seq.*
History. Original Rule entitled "Denial, Revocation, Suspension of License" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule entitled "Plasmapheresis and Whole Blood Donor Centers" adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.16
Authority: O.C.G.A. Secs. 31-2-4, 31-22-1*et seq.*, 31-22-2.
History. Original Rule entitled "Enforcement Procedure" adopted. F. Feb. 11, 1975; eff. Mar. 3, 1975.
Repealed: New Rule entitled "Denial, Revocation, Suspension of License" adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.

Repealed: New Rule entitled "Exemption of Specific Screening and Monitoring Tests" adopted. F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.17
Authority: O.C.G.A. Secs. 31-2-2, 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-8.
History. Original Rule entitled "Enforcement Procedure" adopted. F. Apr. 6, 1979; eff. Apr. 26, 1979.
Repealed: New Rule entitled "Denial, Revocation, Suspension of License" adopted. F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule entitled "Inspections" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.18
Authority: O.C.G.A. Secs. 31-2-2, 31-2-4, 31-22, 31-22-1*et seq.*, 31-22-9.
History. Original Rule entitled "Enforcement Procedure" adopted. F. Jan. 6, 1984; eff. Feb. 6, 1984, as specified by the Agency.
Repealed: New Rule entitled "Exemptions" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.19
Authority: O.C.G.A. Sec. 31-2-4.
History. Original Rule entitled "Variances and Waivers" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.20
Authority: O.C.G.A. Secs. 16-13-110*et seq.*, 31-2-6, 31-22-1 *et seq.*, 31-22-2, 31-22-6, 31-22-13, 31-33-12.
History. Original Rule entitled "Enforcement" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 290-5-29-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-29-.21
Authority: O.C.G.A. Secs. 31-22-1*et seq.*, 31-22-6.
History. Original Rule entitled "Severability" adopted. F. Aug. 16, 1990; eff. Sept. 5, 1990.
Amended: F. July 5, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Subject 290-5-30. REPEALED.

Rule 290-5-30-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Amended: F. June 22, 1981; eff. July 22, 1981, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Purpose" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule of same title adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Applicability of Chapter" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Definitions" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule of same title adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "License" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Licensure" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Emergency Medical Services Advisory Council (EMSAC)" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule of same title adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule entitled "Emergency Medical Services Advisory Council" adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Application for License" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Standards for Vehicles" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Amended: F. Aug. 16, 1990; eff. Sept. 5, 1990.
Repealed: New Rule entitled "Regional EMS Council" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Emergency Medical Services Medical Directors Advisory Council" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule entitled "Designation of Trauma Centers" adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.05
Authority: O.C.G.A. § 31-2A-6.
History. Reserved.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Renewal of License" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Inspections" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Licensure of Neonatal Transport Services" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Designation of Trauma Centers" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule entitled "Licensure of Air Ambulance Services" adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Revocation of License" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "General Provisions for Ambulance Providers" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Amended: F. Aug. 16, 1990; eff. Sept. 5, 1990.
Repealed: New Rule entitled "Licensure of Medical First Responder Services" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Licensure of Ambulance Services" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.

Repealed: New Rule entitled "Licensure of Ground Ambulance Services" adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Standards for Ambulance Attendants and Drivers" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule entitled "Standards for Ambulance Personnel" adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Amended: ER. 290-5-30-0.2-.08 adopted. F. and eff. January 20, 1982, the date of adoption.
Amended: Permanent Rule adopted. F. Apr. 22, 1982; eff. May 12, 1982.
Repealed: New Rule entitled "Disciplinary Action Against Ambulance Service Providers and First Responder Services" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Automatic Defibrillator Program" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Licensure of Neonatal Transport Services" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Standards for Ambulances" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "First Responder Services" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Procurement, Control, Handling, and Accountability of Pharmaceuticals" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Licensure of Medical First Responder Services" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Inspection" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Standards for Neonatal Vehicles" adopted. F. June 22, 1981; eff. July 22, 1981, as specified by the Agency.
Repealed: New Rule entitled "Neonatal Vehicles" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Inspections of Ambulance Services, Neonatal Transport Services, and Medical First Responder Services" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Procurement, Control, Handling, and Accountability of Pharmaceuticals" adopted. F.

Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. May 29, 1973; eff. July 1, 1973, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 28, 1979; eff. Oct. 15, 1979, as specified by the Agency.
Repealed: New Rule entitled "Inspection" adopted. F. June 22, 1981; eff. July 22, 1981, as specified by the Agency.
Repealed: New Rule entitled "Standards for Basic EMT Certification" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Disciplinary Action Against Ambulance Services, Neonatal Transport Services, and Medical First Responder Services" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Inspections of Ambulance Services, Neonatal Transport Services, and Medical First Responder Services" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.12
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. June 22, 1981; eff. July 22, 1981, as specified by the Agency.
Repealed: New Rule entitled "Recertification" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Standards for Emergency Medical Technician Certification" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Initial Licensing of Emergency Medical Services Personnel" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.13
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions for Emergency Medical Technicians" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Recertification of Emergency Medical Technicians" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "License Renewal for Emergency Medical Services Personnel" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.14
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Disciplinary Action Against Basic EMT's" adopted. F. Aug. 21, 1986; eff. Sept. 10, 1986.
Repealed: New Rule entitled "Services Which May Be Rendered by Certified Emergency Medical Technicians, Cardiac Technicians, Paramedics and Trainees" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Reciprocity of Emergency Medical Services Personnel" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.15
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions for Emergency Medical Technicians" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule of same title adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.16
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Disciplinary Action Against Emergency Medical Technicians" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Standards for Emergency Medical Service Courses" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.17
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Standards for Certification of Emergency Medical Technician Instructors and Paramedic Instructors and Approval of Emergency Medical Technician, Cardiac Technician, and Paramedic Courses" adopted. F. Oct. 21, 1993; eff. Nov. 10, 1993.
Repealed: New Rule entitled "Standards for Emergency Medical Service Instructors" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Rule 290-5-30-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-30-.18
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Administrative Action, Fines, Probation, Suspension, and/or Revocation of the License, Designation of EMS Providers, EMS Personnel, Ambulance Zones and/or Base Stations" adopted. F. Feb. 25, 2005; eff. Mar. 17, 2005.
Repealed: New Rule of same title adopted. F. May 29, 2009; eff. June 18, 2009.
Repealed: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Subject 290-5-31. REPEALED 290-5-31.

Rule 290-5-31-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Rule 290-5-31-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-31-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule was filed on July 11, 1974; effective July 31, 1974.
Repealed: F. May 22, 2013; eff. June 11, 2013.

Subject 290-5-32. [Repealed].

Rule 290-5-32-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.01
Authority: O.C.G.A. §§ 31-2-2, 31-2-5.
History. Original Rule entitled "Definitions" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed and Emergency Rule 290-5-32-0.4-.01, of the same title, adopted. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-32-0.4-.01 repealed and permanent Rule of the same title adopted. Filed October 20, 1983; effective November 9, 1983.
Repealed: F. Oct. 14, 2022; eff. Nov. 3, 2022.

Rule 290-5-32-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.02
Authority: O.C.G.A. §§ 31-2-2, 31-2-5.
History. Original Rule entitled "Regulation of Abortion Procedures Subsequent to the First Trimester" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed and Emergency Rule 290-5-32-0.4-.02, of the same title, adopted. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed October 20, 1983; effective November 9, 1983.
Repealed: F. Oct. 14, 2022; eff. Nov. 3, 2022.

Rule 290-5-32-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.03
Authority: O.C.G.A. 16-12, Art. 5; O.C.G.A. 50-13.
History. Original Rule entitled "Provisions" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed and Emergency Rule 290-5-32-0.4-.03, entitled "Procedure for Filing Certificate of Abortion," adopted. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed October 20, 1983; effective November 9, 1983.
Repealed: F. Dec. 18, 2012; eff. Jan. 7, 2013.

Rule 290-5-32-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.04
Authority: O.C.G.A. §§ 31-2-2, 31-2-5.
History. Original Rule entitled "Application" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed and Emergency Rule 290-5-32-0.4-.04, entitled "Severability," adopted. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency rule repealed and permanent Rule of the same title adopted. Filed October 20, 1983; effective November 9, 1983.
Repealed: F. Oct. 14, 2022; eff. Nov. 3, 2022.

Rule 290-5-32-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.05
Authority: O.C.G.A. §§ 31-2-2, 31-2-5.
History. Original Rule entitled "Procedure for Filing Certificate of Abortion" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed and Emergency Rule 290-5-32-0.4-.05, entitled "Enforcement." adopted. Filed July 22, 1983; effective July 20, 1983, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency rule repealed and permanent Rule of the same title adopted. Filed October 20, 1983; effective November 9, 1983.

Repealed: F. Oct. 14, 2022; eff. Nov. 3, 2022.

Rule 290-5-32-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.06
Authority: O.C.G.A. 16-12, Art. 5; O.C.G.A. 50-13.
History. Original Rule entitled "Enforcement" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed by Emergency Rule 290-5-32-0.4. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed, and Rule repealed. Filed October 20, 1983; effective November 9, 1983.

Rule 290-5-32-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-32-.07
Authority: O.C.G.A. 16-12, Art. 5; O.C.G.A. 50-13
History. Original Rule entitled "Enforcement" was filed on September 18, 1974; effective October 8, 1974.
Amended: Rule repealed by Emergency Rule 290-5-32-0.4. Filed July 22, 1983; effective July 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed. and Rule repealed. Filed October 20, 1983; effective November 9, 1983.

Subject 290-5-33. REPEALED 290-5-33.

Rule 290-5-33-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.01
Authority: O.C.G.A. §§ 31-2-4*et seq.*, and 31-7-1 *et seq*.
History. Original Rule entitled "Definitions" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule of the same title has been adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.02
Authority: O.C.G.A. §§ 31-2-7 and 31-7-1*et seq*.
History. Original Rule entitled "Application" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule entitled "Exemptions" adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.03
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Processing of Applications" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule entitled "Organization and Administration" adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.04
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Required Developmental Progress" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule entitled "Classifications of Services" adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.05
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-6-40.1 and 31-7-1 *et seq.*
History. Original Rule entitled "Criteria for Review" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule entitled "Application for Permits" adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.06
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Decision and Appeal" was filed on January 23, 1976; effective February 12, 1976.
Amended: Rule repealed. Filed October 31, 1979; effective November 20, 1979.
Amended: Rule entitled "Permits" adopted. Filed January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.07
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Jan. 23, 1976; eff. Feb. 12, 1976.
Repealed: F. Oct. 31, 1979; eff. Nov. 20, 1979.
Amended: New Rule entitled "Provisional Permits" adopted. F. Jan. 22, 1980; eff. Mar. 1, 1980, as specified by the

Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.08
Authority: O.C.G.A. § 31-2-8.
History. Original Rule entitled "Conflict of Interest" adopted. F. Jan. 23, 1976; eff. Feb. 12, 1976.
Repealed: F. Oct. 31, 1979; eff. Nov. 20, 1979.
Amended: New Rule entitled "Inspections" adopted. F. Jan. 22, 1980; eff. Mar. 1, 1980, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Aug. 29, 2002; eff. Sept. 18, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.09
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Professional Services" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.10
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Physical Plant and Operational Standards" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.11
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Personnel" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.12
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Records" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.13
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Administrative Area and Waiting Rooms" was filed on January 22, 1980; effect ive March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.14
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-7-1 *et seq.* and 31-22-1 *et seq.*
History. Original Rule entitled "Clinical Laboratory Services" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.15
Authority: Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Housekeeping, Laundry, Maintenance and Sterile Supplies" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.16
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Drug Storage and Dispensing" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.17
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-7-1 *et seq.* and 31-22-1 *et seq.*
History. Original Rule entitled "Blood Supply and Storage" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.18
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-7-1 *et seq.* and 31-13-1 *et seq.*
History. Original Rule entitled "X-Ray" was filed on January 22, 1980; effective March 1, 1980, as specified by the

Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.19
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Electrical Power" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.20
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Sanitation and Waste Disposal" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.21
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Advertising" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.22
Authority: O.C.G.A. § 31-2-7.
History. Original Rule entitled "Waiver of Rule" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.23
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-7-1 *et seq.* and 50-13-1 *et seq.*
History. Original Rule entitled "Enforcement" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.24
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Applicability of Regulations" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.25
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Severability" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-33-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-33-.26
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Effective Date of Rule" was filed on January 22, 1980; effective March 1, 1980, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-34. REPEALED 290-5-34.

Rule 290-5-34-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.01
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-1*et seq.*
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.02
Authority: O.C.G.A. §§ 31-2-3, 31-2-5 and 31-2-7.
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.03
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-1*et seq.*

History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.04
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-5.
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.05
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-5.
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.06
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-7.
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.07
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-24-8.
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-34-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-34-.08
Authority: O.C.G.A. §§ 31-2-5, 31-2-7, 31-2-8 and 50-13-1*et seq.*
History. Original Rule was filed on September 23, 1977; effective October 13, 1977.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-35. REPEALED.

Rule 290-5-35-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.01
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17, 31-7-250.
History. Original Rule entitled "Definitions" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Authority" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.02
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Governing Body" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Purposes" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.03
Authority: O.C.G.A. Secs. 37-1-20, 37-1-22, 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Administration" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Exemptions" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: New Rule of same title adopted. F. Dec. 31, 2002; eff. Jan. 20, 2003.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.04
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17, 31-7-250.
History. Original Rule entitled "Admissions" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Definitions" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.05
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Resident Files" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Governing Body" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.

Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.06
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Discharge or Transfer of Residents" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Administration" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.07
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Death of Resident" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Minimum Floor Plan Requirements" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.08
Authority: O.C.G.A. Secs. 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Resident's Rights" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Furnishings and Fixtures" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.09
Authority: O.C.G.A. Secs. 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Health of Employees" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Temperature Conditions" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.10
Authority: O.C.G.A. Secs. 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Illnesses and Accidents" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Physical Plant Health and Safety Standards" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.11
Authority: O.C.G.A. Secs. 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Medications" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Supplies" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.12
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Physical Plant Standards" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Services" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.13
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Bedding, Linen and Miscellaneous" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Staffing" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.14
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17, 31-7-250.
History. Original Rule entitled "Safety" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Personnel" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.15
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Water and Sanitation" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Admission" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.16
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Nutrition" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Admission Agreement" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.17
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Application for Permit" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Resident Files" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.18
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Permits" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Residents' Rights" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: New Rule of same title adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.19
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Provisional Permits" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Medications" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: New Rule of same title adopted. F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.20
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Inspections" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Nutrition" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.21
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Waiver of Rules" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Procedures for Change in Resident Condition" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.22
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Deemed Status" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Death of a Resident" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.23
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Reporting to the Department" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Repealed: New Rule entitled "Immediate Transfer of Residents" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.

Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.24
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Enforcement" adopted. F. May 21, 1979; eff. June 11, 1979, as specified by the Agency.
Amended: F. Jan. 6, 1981; eff. Feb. 6, 1981, as specified by the Agency.
Repealed: New Rule entitled "Discharge or Transfer of Residents" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.25
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17, 31-7-264.
History. Original Rule entitled "Application for Permit" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Amended: F. May 2, 1994; eff. July 1, 1994, as specified by the Agency.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.26
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Permits" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.27
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Provisional Permits" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.28
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Inspections" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.29
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Variance and Waivers" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.30
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Deemed Status" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Rule 290-5-35-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.31
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Reporting to the Department" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: New Rule entitled "Reporting" adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.24, 2008; eff. Feb. 13, 2008.

Rule 290-5-35-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-35-.32
Authority: O.C.G.A. Secs. 31-2-4, 31-2-9, 31-7-2.1, 31-7-3, 31-7-12, 31-7-17.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. Oct. 22, 1993; eff. Nov. 11, 1993.
Repealed: F. Nov. 19, 2009; eff. Dec. 9, 2009.

Subject 290-5-36. REPEALED.

Rule 290-5-36-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-36-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed on March 11, 1980; effective March 31, 1980.
Repealed: F. Jul. 1, 2013; eff. July 21, 2013.

Rule 290-5-36-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-36-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provisions" was filed on March 11, 1980; effective March 31, 1980.
Repealed: F. Jul. 1, 2013; eff. July 21, 2013.

Rule 290-5-36-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-36-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Role entitled "Enforcement" was filed on March 11, 1980; effective March 31, 1980.
Repealed: F. Jul. 1, 2013; eff. July 21, 2013.

Subject 290-5-37. [Repealed].

Rule 290-5-37-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.01
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, p. 1148 *et seq.*; O.C.G.A. § 33-21-1*et seq.*
History. Original Rule entitled "Introduction and Purpose" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.02
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979. p. 1148 *et seq.*; O.C.G.A. § 33-21-1*et seq.*
History. Original Rule entitled "Definitions" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.03
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, p. 1148 *et seq.*; O.C.G.A. § 33-21-1*et seq.*
History. Original Rule entitled "Basic Health Care Services" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.04
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, p. 1148 *et seq.*; O.C.G.A. § 33-21-1*et seq.*
History. Original Rule entitled "Supplemental Health Services" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.05
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, p. 1148 *et seq.;* O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Health Services Information System" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.06
Authority: Ga. L. 1979, pp. 1148, 1171, 1172; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Confidentiality of Medical Information" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.07
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, p. 1148 *et seq*.; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Quality Assurance" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.08
Authority: Ga. L. 1964, pp. 499, 507, 523; Ga. L. 1979, pp. 1148, 1153, 1157, 1159, 1160, 1161; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Policies and Procedures of the HMO" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.09
Authority: Ga. L. 1964. pp. 499, 507. 523; Ga. L. 1979. pp. 1153, 1159, 1160, 1161; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Statistical Information" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.10
Authority: Ga. L. 1964. pp. 499, 505, 507, 523; Ga. L. 1979, pp. 1148, 1164, 1165; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Examinations" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.

Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.11
Authority: Ga. L. 1979, pp. 1148, 1166, 1167, 1168; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Regulatory Process" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.12. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.12
Authority: Ga. L. 1979. pp. 1170, 1171; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Enforcement" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.13
Authority: Ga. L. 1964, p. 499 *et seq*.; Ga. L. 1979, p. 1148 *et seq*.; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Applicability of Regulations" was filed on June 2, 1930; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-37-.14. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-37-.14
Authority: Ga. L. 1979, p. 1172; O.C.G.A. § 33-21-1*et seq*.
History. Original Rule entitled "Severability" was filed on June 2, 1980; effective June 30, 1980, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Subject 290-5-38. REPEALED.

Rule 290-5-38-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.01
Authority: O.C.G.A. § 31-7-150*et seq*.
History. Original Rule entitled "Purpose" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.02
Authority: O.C.G.A. §§ 31-6-1*et seq.*, 31-7-150 *et seq.* and 50-13-13 *et seq.*
History. Original Rule entitled "Applications and Licenses" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.03
Authority: O.C.G.A. §§ 31-6-1*et seq.* and 31-7-155.
History. Original Rule entitled "Certificate of Need and 1122 Review" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.04
Authority: O.C.G.A. §§ 31-2-7 and 31-7-150*et seq.*
History. Original Rule entitled "Exemptions" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.05
Authority: O.C.G.A. § 31-7-150*et seq.*
History. Original Rule entitled "Inspections" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.06
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Definitions," was filed on January 6, 1981; effective February 6, 1981. as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.07
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Administrative Standard," was filed on January 6, 1981; effective February 6, 1981,

as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.08
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Scope of Services" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.09
Authority: O.C.G.A. § 31-7-150*et seq.*
History. Original Rule entitled "Standards for Patient Care" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Amended: F. Oct. 21, 1993; eff. Nov. 10, 1993.
Amended: F. Mar. 23, 1998; eff. Apr. 12, 1998.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.10
Authority: O.C.G.A. § 31-7-158.
History. Original Rule entitled "Penalties" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.11
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Fees" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.12
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 50-13-1 *et seq.*
History. Original Rule entitled "Enforcement" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.13
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Applicability of Regulations" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-38-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-38-.14
Authority: O.C.G.A. §§ 31-2-4*et seq.* and 31-7-150 *et seq.*
History. Original Rule entitled "Severability" was filed on January 6, 1981; effective February 6, 1981, as specified by the Agency.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-39. REPEALED.

Rule 290-5-39-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.01
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-102, 31-8-124 and 31-8-127.
History. Original Rule entitled "Definitions" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.02
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-104, 31-8-106, 31-8-108, 31-8-122 and 31-8-127.
History. Original Rule entitled "Administration" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.03
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-104, 31-8-106, 31-8-110, 31-8-118 and 31-8-127.
History. Original Rule entitled "Notification of Rights" was filed on February 5, 1982;effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.04
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-111, 31-8-112, 31-8-114, 31-8-117 and 31-8-127.
History. Original Rule entitled "Citizenship and Personal Choice" was filed on February 5, 1982; effective February

25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.05
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-114 and 31-8-127.
History. Original Rule entitled "Privacy" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.06
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-113, 31-8-115 and 31-8-127.
History. Original Rule entitled "Management of Personal Property and Financial Affairs" was filed on February 5, 1982; effective February 25, 1982.
Amended: F. Aug. 22, 1991; eff. Sept. 11, 1991.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.07
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-108, 31-8-114 and 31-8-127.
History. Original Rule entitled "Resident Care and Treatment" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.08
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-108 and 31-8-127.
History. Original Rule entitled "Refusal of Medical Treatment, Dietary Restrictions and Medications" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.09
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-109 and 31-8-127.
History. Original Rule entitled "Use of Restraints, Isolation or Restrictions" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.10
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-117 and 31-8-127.
History. Original Rule entitled "Temporary Suspension of Rights" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.11
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-101, 31-8-116 and 31-8-127.
History. Original Rule entitled "Transfer and Discharge" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.12
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-119 and 31-8-127.
History. Original Rule entitled "Contributions to the Facility" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.13
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-108, 31-8-110, 31-8-118 and 31-8-127.
History. Original Rule entitled "Nondiscrimination" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.14
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-50 *et seq.*, 31-8-80 *et seq.*, 31-8-101, 31-8-124 and 31-8-127.
History. Original Rule entitled "Grievance Procedure" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.15
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-125 and 31-8-127.
History. Original Rule entitled "Administrative Hearing" was filed on February 5, 1982; effective February 25, 1982.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-39-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-39-.16
Authority: O.C.G.A. §§ 31-2-4*et seq.*, 31-8-126, 31-8-127 and 50-13-1 *et seq.*
History. Original Rule entitled "Enforcement" was filed on February 5, 1982; effective February 25, 1982.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-40. REPEALED.

Rule 290-5-40-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.01
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Definitions" was filed on November 4, 1982; effective December 6, 1982; as specified by the Agency.
Amended: Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.02
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b); O.C.G.A.
History. Original Rule entitled "General" was filed on November 4, 1982; effective December 6, 1982, as specified by the Agency.
Amended: Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.03
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Faculty" was filed on November 4, 1982; effective December 6, 1982, as specified by the Agency.
Amended: Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.04
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Clinical Facility" was filed November 4, 1982; effective December 6, 1982, as specified by the Agency.
Amended: Rule renumbered as 290-5-40-.07 and a new Rule entitled "Eligibility for Paramedic Instructor

Certification adopted. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.05
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Curriculum" was filed on November 4, 1982; effective December 6, 1982, as specified by the Agency.
Amended: Rule renumbered as 290-5-40-.08 and a new Rule entitled "Paramedic Instructor Recertification" adopted. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.06
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Submission Requirements" was filed on November 4, 1982; effective December 6, 1982, as specified by the Agency.
Amended: Rule renumbered as 290-5-40-.10 and a new Rule entitled "Paramedic Instructor Revocation" adopted. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.07
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Original Rule entitled "Reapproval of Courses" was filed on November 4, 1982; effective December 16, 1982, as specified by the Agency.
Amended: Rule renumbered as 290-5-40-.10 and Rule 290-5-40-.04 entitled "Clinical Facility" renumbered as 290-5-40-.07. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.08
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Rule 290-5-40-.05 entitled "Curriculum" was renumbered as 290-5-40-.08. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.09
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.

History. Rule 290-5-40-.06 entitled "Submission Requirements" was renumbered as 290-5-40-.09. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-40-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-40-.10
Authority: Ga. L. 1977, pp. 281, 282, 283; 31-11-5 and 31-11-52(b), O.C.G.A.
History. Rule 290-5-40-.07 entitled "Reapproval of Courses" was renumbered as 290-5-40-.10. Filed December 12, 1988; effective January 1, 1989.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Subject 290-5-41. [Repealed].

Rule 290-5-41-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.01
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Definitions" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.02
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Application for Permits" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.03
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Permits" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.04
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Provisional Permits" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.

Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.05
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-5-21; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Inspections" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.06
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Organization and Administration" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.07
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Transfer and Transport Capability" was filed on May 18, 1983, effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.08
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Professional Services" was filed on May 18, 1983; effective June 18, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.09
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Personnel" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.10
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Health Services Information System" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.11
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1; O.C.G.A. Chapter 31-22.
History. Original Rule entitled "Clinical Laboratory Services" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.12. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.12
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Drug Storage and Administration" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.13
Authority: O.C.G.A. Chapter 26-2, Article 13; O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Food Service" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.14. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.14
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Anesthesia" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.15. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.15
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Copy entitled "Physical Plant and Operational Standards" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.

Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.16. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.16
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Housekeeping, Laundry, Maintenance and Sterile Supplies" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.17. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.17
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Electrical Power" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.18. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.18
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Sanitation and Waste Disposal" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.19. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.19
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Advertising" was filed on May 18, 1983, effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.20. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.20
Authority: O.C.G.A. § 31-2-7; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Waivers and Variances" was filed on May 18, 1983, effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.21. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.21
Authority: O.C.G.A. § 31-2-4; O.C.G.A. Chapter 31-5; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1; O.C.G.A. Chapter 50-13.
History. Original Rule entitled "Enforcement" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.22. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.22
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Applicability of Regulations" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Rule 290-5-41-.23. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 290-5-41-.23
Authority: O.C.G.A. § 31-2-4; O.C.G.A. § 31-7-1; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Severability" was filed on May 18, 1983; effective June 16, 1983, as specified by the Agency.
Repealed: F. Oct. 9, 2020; eff. Oct. 29, 2020.

Subject 290-5-42. REPEALED.

Rule 290-5-42-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.01
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1; O.C.G.A. Title 31.
History. Original Rule entitled "Definitions" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.02
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Exemptions" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.03
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.

History. Original Rule entitled "Application for Licensure" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990, eff. Sept. 5, 1990.

Rule 290-5-42-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.04
Authority: O.C.G.A. Sec. 31 2-4; O.C G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Permits" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.05
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Provisional Permits" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990, eff. Sept. 5, 1990.

Rule 290-5-42-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.06
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-5, Article 2; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Inspections" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.07
Authority: O.C.G.A Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Organization and Administration" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.08
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Policies and Procedures" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.09
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Hours of Operation" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.10
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Medical Director" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.11
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Coordinator of Nursing Services" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.12
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Administrator" was filed December 21, 1983, effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.13
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Professional Services" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.14
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Types of Cases Treated" was filed December 21, 1983; effective January 20, 1984,

as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.15
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Clinical Laboratory Services" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.16
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Diagnostic Radiology Services" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.17
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Drug Storage and Administration" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.18
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Transport" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.19
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A Chapter 31-7, Article 1.
History. Original Rule entitled "Patient Follow-up and Patients' Rights" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.20
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Referral and Consultation" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.21
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Health Services Information System" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.22
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Quality Assurance" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.23
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Continuing Education" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.24
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Advertising" was filed December 21, 1983; effective January 20, 1984; as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.25
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Personnel" was filed December 21, 1983; effective January 20, 1984, as specified

by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.26
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Medical Equipment and Supplies" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.27
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Physical Plant and Operational Standards" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.28
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Housekeeping Maintenance, Laundry and Sterile Supplies" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.29
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Infection Control, Sanitation and Waste Disposal" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.30
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Security" was filed December 21, 1982; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.31
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Federal, State and Local Requirements" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.32
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Waivers and Variances" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.33
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1; O.C.G.A. Chapter 31-5; O.C.G.A. Chapter 50-13.
History. Original Rule entitled "Enforcement" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.34
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Applicability of Regulations" was filed December 21, 1983; effective January 20, 1984, as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Rule 290-5-42-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-42-.35
Authority: O.C.G.A. Sec. 31-2-4; O.C.G.A. Chapter 31-7, Article 1.
History. Original Rule entitled "Severability" was filed December 21, 1983; effective January 20, 1984 as specified by the Agency.
Repealed: F. Aug. 16, 1990; eff. Sept. 5, 1990.

Subject 290-5-43. REPEALED.

Rule 290-5-43-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.01
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.02
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Application for Licensure" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.03
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Licenses" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.04
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Inspections" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.05
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Administration" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.06
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Policies and Procedures" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.

Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.07
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Admissions" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.08
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Locus" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.09
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Basic Hospice Care" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.10
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Other Services" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.11
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Inpatient Care" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.12
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Plan of Care" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.13
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Individual Rights" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.14
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Inservice Training" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.15
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. .Original Rule entitled "Records" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.16
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Supplies and Equipment" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.17
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Drug Administration" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.

Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.18
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Quality Assurance" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.19
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Freestanding Hospices" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.20
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Federal, State and Local Requirements" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.21
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Waivers and Variances" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.22
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Rule 290-5-43-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-43-.23
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Severability" adopted. F. Feb. 28, 1984; eff. Mar. 29, 1984, as specified by the Agency.
Repealed: F. July 27, 2005; eff. August 16, 2005.

Subject 290-5-44. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-5-45. REPEALED.

Rule 290-5-45-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.01
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Definitions" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.02
Authority: O.C.G.A. §§ 31-2-4 (1982 Supp); and 31-7, Article 1.
History. Original Rule entitled "Exemptions" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.03
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Disaster Preparedness Plan" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.04
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Content of Plan" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.05
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Records" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.06
Authority: O.C.G.A. § 31-7, Article 1.
History. Original Rule entitled "Scope of Regulations" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.07
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Notice to the Department" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.08
Authority: O.C.G.A. §§ 31-2-4 and 31-7-3(c).
History. Original Rule entitled "Waivers and Variances" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.09
Authority: O.C.G.A. §§ 31-5 and 31-7, Art. 1.
History. Original Rule entitled "Enforcement" was filed on May 9, 1984; effective June 7, 1984, as specified by the

Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-45-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-45-.10
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Severability" was filed on May 9, 1984; effective June 7, 1984, as specified by the Agency.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Subject 290-5-46. [Repealed].

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Subject 290-5-47. REPEALED.

Rule 290-5-47-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-47-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Provision for Screening" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-47-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Written Notice" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-47-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Screening Examinations" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013

Rule 290-5-47-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Screening Process" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-47-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-47-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Records and Reports" was filed on April 8, 1987; effective April 28, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Subject 290-5-48. REPEALED.

Rule 290-5-48-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Preamble" adopted. F. June 19, 1987; eff. July 9, 1987.
Amended: F. Nov. 20, 2003; eff. Dec. 10, 2003.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability of Chapter" adopted. F. June 19, 1987; eff. July 9, 1987.
Amended: F. Nov. 20, 2003; eff. Dec. 10, 2003.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Prevention of Perinatal Infection" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Testing of Individuals Convicted of Prostitution" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Notification of Test Results" adopted. F. Nov. 20, 2003; eff. Dec. 10, 2003.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Laboratories" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Ancillary Services" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Confidentiality" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. June 19, 1987; eff. July 9, 1987.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-48-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-48-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Non-anonymous HIV Reporting" adopted. F. Nov. 20, 2003; eff. Dec. 10, 2003.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Subject 290-5-49. REPEALED.

Rule 290-5-49-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.01
Authority: Ga. L. 1972, p. 625.
History. Original Rule entitled "Definitions" was filed on September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-49-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.02
Authority: Ga. L. 1972, p. 625.
History. Original Rule entitled "Standards for Approval of Basic EMT Instructors" was filed on September 18, 1987; effective October 8, 1987.

Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-49-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.03
Authority: Ga. L. 1972, p. 625. O.C.G.A. Sec. 31-11-5.
History. Original Rule entitled "Eligibility for Basic EMT Instructors" was filed on September 18, 1987; effective October 8, 1987.
Amended: F. Aug. 16, 1990; eff. Sept. 5, 1990.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-49-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.04
Authority: Ga. L. 1972, p. 625. O.C.G.A. Sec. 31-11-5.
History. Original Rule entitled "Basic EMT Instructor Requirements" was filed on September 18, 1987; effective October 8, 1987.
Amended: F. Aug. 16, 1990; eff. Sept. 5, 1990.
Repealed: F. Dec. 16, 1993; eff. Jan. 8, 1994.

Rule 290-5-49-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.05
Authority: Ga. L. 1972, p. 625. O.C.G.A. Sec. 31-11-5.
History. Original Rule entitled "Unfavorable Instructor Evaluation" was filed on September 18, 1987; effective October 8, 1987.
Amended: F. Aug. 16, 1990; eff. Sept. 5, 1990.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-49-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-49-.06
Authority: Ga. L. 1972, p. 625.
History. Original Rule entitled "Revocation of Basic EMT Instructor" was filed on September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Subject 290-5-50. REPEALED.

Rule 290-5-50-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.01
Authority: O.C.G.A. §§ 31-2-5, 31-2-6, 31-2-7 and 44-5-140*et seq.*
History. Original Rule entitled "Legal Authority" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.

Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.02
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Organization and Purpose" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.03
Authority: O.C.G.A. §§ 31-1-6, 31-22-1(2), 31-23-1(1) and 44-5-140*et seq.*
History. Original Rule entitled "Definitions" was filed on June 22, 1987; effective July 12, 1987.
Amended: Filed August 24, 1987; effective September 13, 1987.
Amended: Rule entitled "Definitions Unless Otherwise Indicated." F. Jun. 22, 1989; eff. July 12, 1989.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.04
Authority: O.C.G.A. § 44-5-140*et seq.*.
History. Original Rule entitled "Permissible Donees and Purposes of Anatomical Gifts" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.05
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Permissible Donors" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.06
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Hospital Admissions" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.07
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Routine Requests on or Before the Occurrence of Death in Hospitals" was filed on June 22, 1987; effective July 12, 1987.
Amended: Filed August 24, 1987; effective September 13, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.08
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Certain Physicians Not to Participate in Removing or Transplanting Parts" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.09
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Delivery of Donations from Receiving Hospitals to Potential Recipients" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.10
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Suitability of Anatomical Gifts" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Rule 290-5-50-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-50-.11
Authority: O.C.G.A. § 44-5-140*et seq.*
History. Original Rule entitled "Training" was filed on June 22, 1987; effective July 12, 1987.
Repealed: New Rule of same title adopted. F. Nov. 20, 1992; eff. Dec. 10, 1992.
Repealed: F. Feb. 19, 2013; eff. Mar. 11, 2013.

Subject 290-5-51. REPEALED.

Rule 290-5-51-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.01
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Definitions" was adopted as Emergency Rule 290-5-51-0.6-.01 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.01 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.01 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.02
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Applicability" was adopted as Emergency Rule 290-5-51-0.6-.02 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.02 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-5 1-0.6-.02 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.03
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Standards" was adopted as Emergency Rule 290-5-51-0.6-.01 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.03 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.03 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.04
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.

History. Original Rule entitled "The Designation Process" was adopted as Emergency Rule 290-5-51-0.6-.04 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.04 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effect date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.04 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.05
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "State Trauma Registry" was adopted as Emergency Rule 290-5-51-0.6-.05 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.05 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.05 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.06
Authority: O.C.G.A. Sections 31-2-1 and 3-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Review" was adopted as Emergency Rule 290-5-51-0.6-.06 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.06 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but not more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.06 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.07
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Removal of Designation" was adopted as Emergency Rule 290-5-51-0.6-.07 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.07 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but no more

than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.07 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Rule 290-5-51-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-51-.08
Authority: O.C.G.A. Sections 31-2-1 and 31-2-4(a); and O.C.G.A. Chapter 31-11.
History. Original Rule entitled "Enforcement" was adopted as Emergency Rule 290-5-51-0.6-.08 on May 22, 1987; effective May 20, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.08 readopted to extend time until permanent Rule effective. Filed August 4, 1987; effective September 19, 1987, to remain in effect until the effective date of a permanent Rule but no more than 120 days, as specified by the Agency.
Amended: Emergency Rule 290-5-51-0.6-.08 repealed and a permanent Rule of the same title adopted. Filed September 18, 1987; effective October 8, 1987.
Repealed: F. Dec. 16, 1993; eff. Jan. 5, 1994.

Subject 290-5-52. REPEALED.

Rule 290-5-52-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.01
Authority: O.C.G.A. Sec. 26-2-373.
History. Original Rule entitled "Applicability" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.02
Authority: O.C.G.A. Sec. 26-2-373.
History. Original Rule entitled "Definitions" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.03
Authority: O.C.G.A. Secs. 26-2-371-373, 31-2-4.
History. Original Rule entitled "Provisions" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.04
Authority: O.C.G.A. Sec. 26-2-373, 31-2-4.
History. Original Rule entitled "Food Care" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.05
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Personnel" adopted F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.06
Authority: O.C.G.A. Sec. 26-2-373, 31-2-4.
History. Original Rule entitled "Equipment & Utensils" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.07
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Cleaning & Sanitization and storage of Equipment and Utensils" adopted F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.08
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Sanitary Facilities and Controls" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.09
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Construction and Maintenance of Physical Facilities" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.10
Authority: O.C.G.A. Secs. 26-2-373, 31-2-4.
History. Original Rule entitled "Special Food Service Operations" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-52-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-52-.11
Authority: O.C.G.A. Secs. 26-2-371, 372, 375-377, 31-2-1, 31-2-4, Ch. 31-5.
History. Original Rule entitled "Compliance Procedures" adopted. F. Mar. 5, 1996; eff. Mar. 25, 1996.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Subject 290-5-53. REPEALED.

Rule 290-5-53-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.01
Authority: O.C.G.A. § 31-7-1(1)(H).
History. Original Rule entitled "Legal Authority" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.02
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Purpose" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.03
Authority: O.C.G.A. §§ 31-7-1(1)(H), 37-3-1(16.1).
History. Original Rule entitled "Definitions" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.04
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Governing Body" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.05
Authority: O.C.G.A. §§ 31-7-1(3)(4), 31-7-3.
History. Original Rule entitled "Permits" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.06
Authority: O.C.G.A. §§ 31-6-2(8), 31-7-3.
History. Original Rule entitled "Applications" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.07
Authority: O.C.G.A. §§ 31-7-3 & 31-7-4.
History. Original Rule entitled "Inspections" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.08
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Admissions" adopted. F. February 22, 1990: eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.09
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Client Assessment and Individual Program Planning" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.10
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Recordkeeping" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.11
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Treatment and Rehabilitative Care" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.12
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Physical Environment and Safety" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.13
Authority: O.C.G.A. § 31-7-3(c).
History. Original Rule entitled "Disaster Preparedness" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.14
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Dining and Food Service" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.15
Authority: O.C.G.A. § 31-2-4.
History. Original Rule entitled "Variances and Waivers" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.16
Authority: O.C.G.A. § 31-7-4.
History. Original Rule entitled "Enforcement" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-5-53-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-53-.17
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Severability" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Subject 290-5-54. REPEALED.

Rule 290-5-54-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.01
Authority: O.C.G.A. §§ 31-2-4, 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Legal Authority" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.02
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Title and Purposes" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.03
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Definitions" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.04
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Governing Body" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.05
Authority: O.C.G.A. §§ 31-2-5, 31-2-7, 31-2-9 and 31-7-300*et seq.*
History. Original Rule entitled "Licenses" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.06
Authority: O.C.G.A. §§ 31-2-4, 31-2-5, 31-2-8 and 31-7-300*et seq.*
History. Original Rule entitled "Applications" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.07
Authority: O.C.G.A. §§ 31-7-305 and 31-7-307.
History. Original Rule entitled "Exemptions" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.08
Authority: O.C.G.A. §§ 31-2-5, 31-2-7, 31-2-8 and 31-7-300*et seq.*
History. Original Rule entitled "Inspections and Plans of Correction" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.09
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Administration and Organization" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.10
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Private Home Care Provider Services" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.11
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Service Plans" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.12
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Client Rights, Responsibilities and Complaints" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule entitled "Rights, Responsibilities, and Complaints" adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.13
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-2-8.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.14
Authority: O.C.G.A. §§ 31-2-5 and 31-2-7.
History. Original Rule entitled "Waivers and Variances" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-5-54-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-54-.15
Authority: O.C.G.A. §§ 31-2-5, 31-2-7 and 31-7-300*et seq.*
History. Original Rule entitled "Severability" adopted. F. June 26, 1995; eff. July 21, 1995, as specified by the Agency.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.
Repealed: Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-5-55. REPEALED.

Rule 290-5-55-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-55-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Amended: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-55-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-55-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-55-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-55-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-55-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-55-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Subject 290-5-56. REPEALED.

Rule 290-5-56-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-56-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Amended: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-56-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-56-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-56-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-56-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" adopted F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-56-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-56-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Subject 290-5-57. REPEALED.

Rule 290-5-57-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability" adopted. F. June 22, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Amended: New Rule entitled "Definitions" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. June 22, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Amended: New Rule entitled "Scope" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" adopted. F. June 22, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Amended: New Rule entitled "Provisions" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. June 22, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Amended: New Rule entitled "Structural Design" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Dimensional Design" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Decks and Deck Equipment" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Circulation Systems" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Filters" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Pumps and Motors" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Return Inlets and Suction Outlets" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.11
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Surface Skimmer Systems" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.12
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Lighting and Electrical Requirements" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.13
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Heaters" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.14
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Air Blower and Air Induction Systems" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.15
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Water Supply" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.16
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Disinfectant Equipment and Chemical Feeders" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.17
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Chemical Operational Parameters" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.18
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Specific Safety Features" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.
Note: Correction of non-substantive error, History and SOS website updated to record repeal f. Oct. 15, 2013; eff. Nov. 4, 2013. Effective April 27, 2016.

Rule 290-5-57-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.19
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Dressing Facilities" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.20
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Recreational Water Parks and Special Purpose Pools" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.21
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Food Service" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.22
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Operation and Management" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rule 290-5-57-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-57-.23
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Compliance Procedures" adopted. F. Oct. 22, 2001; eff. Nov. 11, 2001.
Repealed: F. Oct. 15, 2013; eff. Nov. 4, 2013.

Subject 290-5-58. REPEALED.

Rule 290-5-58-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-58-.01
Authority: O.C.G.A. Secs. 31-2-1, 31-2-2, 31-2-4, 31-12-8.
History. Original Rule entitled "Applicability" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.

Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-58-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-58-.02
Authority: O.C.G.A. Secs. 31-2-1, 31-2-2, 31-2-4, 31-12-8.
History. Original Rule entitled "Definitions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-58-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-58-.03
Authority: O.C.G.A. Secs. 31-2-1, 31-2-2, 31-2-4, 31-12-8.
History. Original Rule entitled "General Provisions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Rule 290-5-58-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-58-.04
Authority: O.C.G.A. Secs. 31-2-1, 31-2-2, 31-2-4, 31-12-8.
History. Original Rule entitled "Enforcement" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Dec. 12, 1996; eff. Jan. 1, 1997.

Subject 290-5-59. REPEALED.

Rule 290-5-59-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-59-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Amended: F. Dec. 12, 1996; eff. Jan. 1, 1997.
Repealed: F. Oct. 16, 2013; eff. Nov. 5, 2013.

Rule 290-5-59-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-59-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 16, 2013; eff. Nov. 5, 2013.

Rule 290-5-59-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-59-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "General Provisions" adopted. F. Jun. 22, 1995; eff. Aug. 1, 1995, as specified by the Agency.
Repealed: F. Oct. 16, 2013; eff. Nov. 5, 2013.

Rule 290-5-59-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-59-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Jun 22, 1995; eff. August 1, 1995, as specified by the Agency.
Repealed: F. Oct. 16, 2013; eff. Nov. 5, 2013.

Subject 290-5-60. REPEALED.

Rule 290-5-60-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Purpose" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Scope and Application" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Evaluation Committee" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.

Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Exposure Control Plan" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Engineering and Work Practice Controls" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Sharps Injury Log" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Availability of List" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Rule 290-5-60-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-60-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Additional Considerations" adopted. F. Jan. 18, 2001; eff. Feb. 7, 2001.
Repealed: F. Oct. 18, 2013; eff. Nov. 7, 2013.

Subject 290-5-61. REPEALED.

Rule 290-5-61-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.01
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Authority" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.02
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Purpose" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.03
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Applicability" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.04
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Definitions" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.05
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Signage" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.06
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Air Handling Systems" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.07
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Hours of Operation" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.08
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Outdoor Smoking Areas" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.09
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Enforcement" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Rule 290-5-61-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-5-61-.10
Authority: O.C.G.A. § 31-2A-6.
History. Original Rule entitled "Penalties" adopted. F. Oct. 28, 2005; eff. Nov. 17, 2005.
Repealed: F. Sep. 20, 2013; eff. Oct. 10, 2013.

Chapter 290-6. YOUTH SERVICES.

Subject 290-6-1. REPEALED.

Rule 290-6-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.01
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.02
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Filed May 25, 1977; effective June 14, 1977.

Amended: Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.03
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Repealed: Rule entitled "Conditions Necessary for Revocation" and Rule previously numbered 290-6-1-.04 entitled "Administrative Revocation: Preliminary Procedures" renumbered as 290-6-1-.03. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.04
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Rule entitled "Administrative Revocation: Preliminary Procedures" renumbered to 290-6-1-.03. Rule previously numbered 290-6-1-.05 entitled "Administrative Revocation: Final Hearing Procedures" renumbered as 290-6-1-.04. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.05
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Filed May 25, 1977; effective June 14, 1977.
Amended: Rule entitled "Administrative Revocation: Final Hearing Procedures" renumbered to 290-6-1-.04. Rule previously numbered 290-6-1-.06 entitled "Hearing Officers: Designation and Authority of" renumbered as 290-6-1-.05. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.06
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Rule entitled "Hearing Officers: Designation and Authority of" renumbered to 290-6-1-.05. Ruled previously numbered 290-6-1-.07 entitled "Hearings: Time Limitations" renumbered as 290-6-1-.06. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.07
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Rule entitled "Hearings: Time Limitations" renumbered to 290-6-1-.06. Rule previously numbered 290-6-1-.08 entitled "Attorneys" renumbered as 290-6-1-.07 Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.08
Authority: Ga. L. 1972, pp. 1015, 1048; Ga. L. 1963, p. 81 *et seq.*; O.C.G.A. Sec. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Rule entitled "Attorneys" renumbered to 290-6-1-.07. Rule previously numbered 290-6-1-.09 entitled "Other Changes in Plan of Care" renumbered as 290-6-1-.08. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-1-.09
Authority: Ga. L. 1972, pp. 1015, 1048 and Ga. L. 1963, p. 81 *et seq.* O.C.G.A. Secs. 49-5-5, 49-4A-3.
History. Original Rule was filed on December 30, 1975; effective January 19, 1976.
Amended: Rule entitled "Other Changes in Plan of Care" renumbered to 290-6-1-.08 and Rule number 290-6-1-.09 reserved. Filed January 19, 1989; effective February 8, 1989.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Subject 290-6-2. REPEALED.

Rule 290-6-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.01
Authority: O.C.G.A. Secs. 49-5-5, 49-5-8, 49-5-10, 49-4A-3.
History. Original Rule entitled "Rule Making Authority" was adopted as Emergency Rule 290-6-2-0.7-.01. F. Dec. 13, 1989; eff. Dec. 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar. 21, 1990; eff. Apr. 10, 1990.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-2-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.02
Authority: O.C.G.A. Secs. 49-5-5, 49-5-6, 49-5-10, 49-4A-3.
History. Original Rule entitled "Population Controls" was adopted as Emergency Rule 290-6-2-0.7-.02. F. Dec. 13, 1989; eff. Dec. 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar. 21, 1990; eff. Apr. 10, 1990.

Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-2-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.03
Authority: O.C.G.A. Secs. 49-5-5, 49-5-8, 49-5-10, 49-4A-3.
History. Original Rule entitled "Classification Profiles" was adopted as Emergency Rule 290-6-2-0.7-.03. F. Dec. 13, 1989; eff. Dec. 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar 21, 1990; eff. April 10, 1990.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.04
Authority: O.C.G.A. Secs. 49-5-5, 49-5-8, 49-5-10, 49-4A-3.
History. Original Rule entitled "Public Risk Criteria" was adopted as Emergency Rule 290-6-2-0.7-.04 F. and eff. December 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar. 21, 1990; eff. Apr. 10, 1990.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.05
Authority: O.C.G.A. Secs. 49-5-5, 49-5-8, 49-5-10, 49-4A-3.
History. Original Rule entitled "YDC Capacity Release Procedures" was adopted as Emergency Rule 290-6-0.7-.05. F. Dec. 13, 1989; eff. Dec. 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar. 21, 1990; eff. Apr. 10, 1990.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Rule 290-6-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-6-2-.06
Authority: O.C.G.A. Secs. 49-5-5, 49-5-8, 49-5-10, 49-4A-3.
History. Original Rule entitled "YDC Release Scale" was adopted as Emergency Rule 290-6-2-0.7-.06. F. Dec. 13, 1989; eff. Dec. 13, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Permanent Rule of the same title adopted. F. Mar. 21, 1990; eff. Apr. 10, 1990.
Repealed: F. May 25, 1993; eff. July 1, 1993, as specified by the Agency.

Chapter 290-7. OFFICE OF CHILD SUPPORT RECOVERY.

Subject 290-7-1. RECOVERY AND ADMINISTRATION OF CHILD SUPPORT.

Rule 290-7-1-.01. Legal Authority and Table of Contents.

These Rules are adopted and published pursuant to the Official Code of Georgia Annotated sections 19-6-15, 19-6-28.1, 19-6-30 through 19-6-33.1, 19-7-40, 19-7-43, 19-7-46.1, 19-7-52, 19-11-1 through 19-11-37, 19-11-100 through 19-11-190, and 50-13-1 through 50-13-11.

290-7-1.02 Purpose and General Provisions

290-7-1.03 Definitions

290-7-1.04 Establishment of Child Support Obligation

290-7-1.05 Fees and Collection Procedures

290-7-1.06 Periodic Review and Modification of Child Support Obligations

290-7-1.07 Eligibility for Services (Non-interstate cases)

290-7-1.08 Federal and State Tax Refund Intercept Program

290-7-1.09 Garnishment and Orders to Withhold and Deliver

290-7-1.10 Issuance of Orders for Income Withholding

290-7-1.11 Passport Suspension

290-7-1.12 License Revocations or Suspensions

290-7-1.13 Intergovernmental Child Support Proceedings (UIFSA)

290-7-1.14 Collection and Disbursement of Child Support Payments

290-7-1.15 Allocation and Redirection of Payments for Current Support

290-7-1.16 Confidentiality of Department Records and Information

290-7-1.17 Liens and Levies

290-7-1.18 Remedies Not Exclusive

290-7-1.19 Administrative Hearing Procedures

290-7-1.20 Waiver of Payment of Unreimbursed Public Assistance

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.01
Authority: O.C.G.A. Secs. 19-6-15, 19-6-17, 19-6-28.1, 19-6-30 through 19-6-33.1, 19-7-40, 19-7-43, 19-7-46.1, 19-7-52, 19-11-1 through 19-11-37, 19-11-100 through 19-11-190, 49-5-1*et seq.*, 50-13-1 through 50-13-11.
History. Original Rule entitled "Legal Authority" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Legal Authority and Table of Contents" adopted. F. June 15, 2011; eff. July 5, 2011. .

Rule 290-7-1-.02. Purpose and General Provisions.

(a) The purpose of these rules is to specify procedures for the establishment and enforcement of child support obligations as authorized and required by certain laws of Georgia, including but not limited to, the "Child Support Recovery Act" ("CSRA"), codified at sections 19-11-1 through 19-11-39 and the "Uniform Interstate Family Support Act," codified at sections 19-11-100 through 19-11-191.

(b) In compliance with State and Federal Laws, the Department of Human Services hereby operates a program for locating parents or putative parents, establishing paternity, establishing or modifying support obligations, enforcing support obligations, and collecting child support. The program shall operate in accordance with the requirements of Title IV-D of the Social Security Act, applicable requirements of Title IV-A of the Social Security Act, and applicable State law. The program will cooperate with other states by providing assistance in carrying out program functions.

(c) When carrying out its child support responsibilities, the Department proceeds on behalf of the child or children involved. Neither the Department nor its attorneys (including Assistant District Attorneys and Special Assistant Attorneys General) represent any recipient of child support enforcement services nor any person who has applied for services. The submission of an application for services does not create a contractual relationship between the Department and any person or persons.

(d) The Department will provide services or activities required to be provided and described in Title 45 of the Code of Federal Regulations, Chapter III, Part 302 and Part 303. Any optional services or activities specified in Part 302 or Part 303 may be provided where, in the Department's sole discretion, on a case by case basis its application is determined to further the goals of the child support program. The aforementioned federal regulations are hereby adopted by these Rules by specific reference.

(e) Pursuant to section 19-11-24 of the Official Code of Georgia Annotated, conformity with federal law is required and the Department is specifically authorized by Georgia law to "adopt regulations necessary to prevent conflict with federal law or the loss of federal funds."

(f) The Department is categorically unauthorized to address issues of custody or visitation. Thus, in any action initiated by the Department pursuant to the CSRA or the Uniform Interstate Family Support Act ("UIFSA"), the action shall be limited solely to the issue of support and shall exclude issues of visitation, custody, property settlement, or other similar matters otherwise joinable by the parties. A court proceeding under UIFSA may not condition the payment of a support order upon compliance by a party with provisions for visitation. The sole exception to this provision shall be in an action involving the enforcement or modification of a child support order containing a "parenting time" deviation entered under O.C.G.A. § 19-6-15(i)(2)(K).

(g) The "child support guidelines" of Georgia are established by the General Assembly and are published at section 19-6-15 of the Official Code of Georgia Annotated and must be considered by all courts and administrative tribunals in any proceeding involving child support.

(h) In any administrative hearing held pursuant to these Rules, the procedural rules of the Office of State Administrative Hearings apply, except where an applicable federal or state law or a federal regulation would require that a different procedure be applied.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.02
Authority: O.C.G.A. Secs. 19-11-1 through 19-11-39, 19-11-100 through 19-11-191, 50-13-1 through 50-13-11; 42 U.S.C. Secs, 651 *et seq* ., 663; 45 C.F.R. Secs. 205-235, 301-306.
History. Original Rule entitled "Title and Purpose" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Purpose and General Provisions" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.03. Definitions.

(a) "Administrative Hearing" means the evidentiary hearing conducted by an administrative law judge ("ALJ") appointed by the Office of State Administrative Hearings ("OSAH") in accordance with these Rules, any rules promulgated by OSAH, and the statutory provisions of the Georgia Administrative Procedure Act.

(b) "Administrative Procedure Act" means that law codified at Official Code of Georgia sections 50-13-1 through 50-13-23.

(c) "Arrearage" means an amount of money calculated by the Department or a court representing the total amount of support owed less the actual amount of support paid by an obligor. An obligor who is "in arrears" is subject to any administrative or civil enforcement action allowed by law.

(d) "Child support" means any periodic or lump-sum payment of cash as well as the duty to provide health insurance on behalf of a child or to pay for uninsured medical expenses of a child or any other obligation imposed or imposable under Georgia's child support guidelines (see O.C.G.A. § 19-6-15).

(e) "Child support obligation" means any obligation of support imposed or imposable by law, court or administrative order, decree or judgment or administrative decision.

(f) "Consent agreement" means an agreement entered into between the Department and one or more obligors setting forth the obligor's child support obligation.

(g) "Consent order" means the order issued by the administrative law judge based on a signed consent agreement.

(h) "CSRA" refers to Georgia's "Child Support Recovery Act," codified at sections 19-11-1 through 19-11-39 of the Official Code of Georgia Annotated. The CSRA is the enabling legislation of the Department.

(i) "Department" means the division within the Georgia Department of Human Services which provides and administers child support services under the IV-D program.

(j) "Enforcement" refers to the entire array of administrative or civil actions available to the Department to collect child support or an arrearage from one or more obligors.

(k) "Enforcement deferral" is a non-contractual writing between the Department and the obligor providing that the Department shall voluntarily refrain from taking specified enforcement actions so long as the obligor is making payments in accordance with the schedule specified in the document.

(l) "Establishment" means the process, whether administrative or civil, of the determination of paternity and the duty of a parent or parents to pay child support.

(m) "FIW" means either an income deduction order issued by a court pursuant to O.C.G.A. § 19-6-30 et seq. or an administrative order for income withholding issued by the Department pursuant to section 19-6-32. FIW is also an acronym for the federally-issued "Federal Income Withholding" form (OMB Form # 0970-0154) which must be utilized by all IV-D agencies.

(n) "Foreign order" means an order issued by a court or an administrative entity located in a jurisdiction other than Georgia, including other countries if the United States government or Georgia has a reciprocity agreement with said country.

(o) "IV-D order" means any order or judgment of a court of this state, any order or judgment of a court of another state or any administrative decision of this state issued under O.C.G.A. § 50-13-1 et seq. or any final administrative decision or order of another state setting forth an obligation to pay child support if a proper person has either applied for services from the Department or has received public assistance.

(p) "Modification" refers to either the administrative or civil process of reviewing a child support order and then seeking a court order adjusting the original child support order. Modification is triggered when a support order:

(1) provides for a support amount which is no longer consistent with the provisions of O.C.G.A. § 19-6-15; or,

(2) contains a legal defect of any sort which the Department deems necessary to correct to make an order fully enforceable under the laws of this state; or,

(3) requires the inclusion of medical support when available at reasonable cost. Review and modification may also be triggered by the mere passage of time if the obligee or child is receiving public assistance.

(q) "Nonparent custodian" means, in accordance with O.C.G.A. § 19-6-15, an individual who has been granted legal custody of a child, or an individual who has a legal right to seek, modify, or enforce a child support order (such as a guardian or guardian ad litem). Nonparent custodians are usually, but not always, a relative of the child such as a grandparent.

(r) "O.C.G.A." refers to the Official Code of Georgia Annotated. The specific references to sections of O.C.G.A. in these rules are to those laws in effect at the time these rules were promulgated. If, at some later date, the O.C.G.A. is revised, then these rules are to be construed in accordance with current law. If O.C.G.A. section numbers are changed, the O.C.G.A. references herein shall refer to the then-applicable law.

(s) "Obligee" means the person to whom a child support obligation is owed under any court order or administrative order for child support.

(t) "Obligor" means the person who is responsible for paying a child support obligation under any court order or administrative order for child support.

(u) "Putative obligor" means any person who is alleged to owe a duty to support a child or children.

(v) "UIFSA" refers to the "Uniform Interstate Family Support Act," codified at sections 19-11-100 through 19-11-191 of the Official Code of Georgia Annotated.

(w) "Underemployed" means either a complete failure to seek employment or the acceptance of employment at a level of compensation which does not reasonably reflect a person's earning potential or a refusal without good cause to accept employment which is otherwise reasonably available.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.03
Authority: O.C.G.A. §§ 19-6-30, 19-6-31, 19-6-32, 19-6-33, 19-11-4, 19-11-24, 49-5-1, 50-3-1 et seq.
History. Original Rule entitled "Definitions" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule of the same title adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 290-7-1-.04. Establishment of Child Support Obligation.

(a) Initial investigation. In cases in which no child support order already exists, the Department may conduct an investigation in accordance with O.C.G.A. § 19-11-10 to determine the ability of a putative obligor to support his/her child(ren). The Department will calculate the amount of the support award based on the standards set forth at O.C.G.A. § 19-6-15. If paternity is contested, the Department shall pursue a determination of paternity as permitted by law.

(b) Genetic Testing

(1) In accordance with Georgia law as amended in 2015, genetic testing will be required in any case in which paternity is at issue and paternity has not previously been established. In such instances, the Department will issue an order for genetic testing, which will be provided to both putative parents of the child at issue. The order shall specify the time and place for genetic samples to be obtained. An applicant for services who fails to comply with the order for genetic testing is failing to cooperate with the Department, and his/her case is subject to administrative closure. An application will not be deemed complete unless accompanied by an applicant's sworn statement alleging or denying paternity. The sworn statement is required by law, O.C.G.A. § 19-7-43. A defendant in a paternity case who fails to comply with the departmental genetic testing order shall be held to have waived any right to genetic testing in the case or in any proceedings involving the Department. The Department may initiate litigation prior to the completion of genetic testing, in which case the testing shall take place as ordered by the court. Genetic testing will not be pursued in cases involving adoption or the use of reproductive assistance techniques which would negate biological relations (such as embryo donation, egg donation, sperm donation, etc.). The cost of genetic testing shall be cast upon the defendant if the results show that the defendant is the biological parent of the child.

(2) Any genetic material collected for a paternity test shall be destroyed by the Department and any contractor, vendor, or laboratory authorized to do testing for the Department no earlier than one year but no later than two years from the date that the result of such test is transmitted to the Department. The Department may extend this period of time if needed due to a continuing court action or legal dispute by notice to the contractor, vendor, or laboratory. Neither the Department nor any contractor, vendor, or laboratory authorized to do testing for the Department may share the genetic material with any other person or agency, or use the genetic material for any purpose other than the determination of paternity. The contractor, vendor, or laboratory must agree to comply with terms and conditions set forth within a contract for services with the department including but not limited to liquidated damages due to the improper release, use, or failure to destroy information or materials associated with paternity testing services.

(c) Consent agreement. When the investigation is complete, the Department will request that the putative obligor enter into a consent agreement to provide child support (including medical support) and to provide medical insurance when available to the putative obligor in accordance with O.C.G.A. § 19-11-26. Subsequently, the Department will submit a signed consent agreement to OSAH for the issuance of a support order and will issue an FIW after entry of the consent order if the obligor is employed.

(d) Establishment at Hearing. If the Department is unable to secure a consent agreement from the putative obligor, the Department will file a request for hearing before an administrative law judge appointed by OSAH to determine the duty of and ability of the putative obligor to provide child support. The amount of the support shall be determined in accordance with O.C.G.A. § 19-6-15 and shall include medical insurance for his/her children when available pursuant to O.C.G.A. § 19-6-15(h)(2)(B)(iii) or available at reasonable cost pursuant to O.C.G.A. § 19-11-26. An administrative hearing and any appeal therefrom under this Rule shall be in accordance with the procedures set forth at Rule 290-7-1-.19.

(e) If a nonparent custodian is the party seeking establishment, the Department may proceed against all natural or adoptive parents of the child in the same proceeding unless jurisdictional defects require separate proceedings. Although a nonparent custodian applying for services may seek establishment against only one parent, the Department in its sole discretion may choose to proceed against both parents of the child(ren).

(f) As required by federal law, when TANF, Medicaid, or other public assistance is paid by the State of Georgia on behalf of a child, a referral is automatically made to the Department for establishment services. In such public assistance cases, the Department may proceed without an application for services in order to collect a public debt owed to the State of Georgia. In such public assistance cases only, the Department may seek to establish a support obligation even though the custodian of the child does not have legal custody.

(g) The Department may, in its sole discretion, elect to proceed in superior court to establish any child support obligation rather than proceed through OSAH.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.04
Authority: O.C.G.A. §§ 19-6-15, 19-6-17, 19-7-43, 19-11-8, 19-11-10, 19-11-15.
History. Original Rule entitled "Administrative Establishment of Child Support Obligation" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Establishment of Child Support Obligation" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 17, 2015; eff. Jan. 6, 2016.
Note: Correction of non-substantive typographical error in History,"**Amended:** F. Dec. 7, 2015; eff. Jan. 6, 2016." corrected to "**Amended:** F. Dec. 17, 2015; eff. Jan. 6, 2016." Effective Dec. 29, 2016.
Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.
Note: Error correction, Agency discovered omitted text in 290-7-1-.04(b)(1) on SOS Rules and Regulations website and requested correction Feb. 8, 2017. Text was deleted in error when Rule F. Dec. 17, 2015; eff. Jan. 6, 2016 was posted on website. Underlined text added: "A defendant in a paternity case who fails to comply with the departmental genetic testing order shall be held to have waived any right to genetic testing in the case or in any proceedings involving the Department. The Department may initiate litigation prior to the completion of genetic

testing, in which case the testing shall take place as ordered by the court." Effective February 8, 2017.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 290-7-1-.05. Fees and Collection Procedures.

(a) Application Fees: all persons applying for services from the Department are required to pay a $25 application fee, or other amount as federally required, unless the applicant is currently receiving TANF or some other form of public assistance.

(b) FSR Fees: The Department controls the "family support registry," a central registry which operates on behalf of the department to receive, process, disburse, and maintain a record of all child support payments paid to the Department or paid pursuant to an income deduction order.

(1) The Department shall collect a fee of up to $30.00 for processing of insufficient funds checks.

(2) The Department shall collect an administrative fee of up to $2.00 per payment or 5 percent of each payment, whichever is the lesser.

(c) DRA Fees: The Department is required by the federal Deficit Reduction Act and state law to collect an annual fee from obligors. Such fee shall only apply to the obligor when no individual in the case has received assistance under a State TANF program, former State AFDC program and Tribal TANF program of the federal Social Security Act. The annual fee is $35.00 for each case. The Department shall retain and collect this fee through income withholding or any other enforcement remedy available to the Department.

(d) Other Fees

(1) For any person not currently receiving TANF or Family Medicaid assistance, or whose gross monthly income is not less than an amount determined by the Department and set by policy based upon the current minimum wage, a non-refundable fee of up to $100.00 is required for review and modification pursuant to code section 19-11-12, payable upon completion of the review process, except in cases proceeding under UIFSA.

(2) A fee of $25.00 shall be retained and deducted from any intercept of federal tax refunds, as required by federal law.

(3) A fee of $12.00 shall be retained and deducted from any intercept of state tax refunds.

(4) Genetic testing will often be utilized as required by law to establish a putative parent's biological relationship to a child. The genetic testing fee will be based on the contracted rate at the time the test is administered. If the putative obligor is confirmed as a parent and paternity is established, the obligor is responsible for

paying the genetic testing fee at the time the court or administrative tribunal enters an order. If the putative father is excluded as a possible parent then the person who named the putative father shall be liable to the department for reimbursement of the paternity testing fee.

(5) The Department shall charge a fee of up to $10.00 for each certification regarding entries on the putative father registry (see O.C.G.A. § 19-11-9(f)).

(e) An applicant for services from the Department is not permitted to close his/her case if any fees required by this Rule remain unpaid.

(f) An applicant for services who closes his/her case after a civil action has been initiated by the Department shall be responsible for reimbursing the Department for any court costs or service fees arising from said civil action for which the Department was required by law to pay.

(g) In any enforcement proceeding brought by the Department, should it prevail, the court may award the Department its reasonable attorney's fees and actual court costs.

(h) In the collection of overdue fees, the Department may utilize any collection mechanism existing within Title 19 of the Georgia Code, from either the obligee or the obligor. The Department is authorized to add an amount to any order for income withholding as needed to offset the total amount of fees owed under this Rule.

(i) In compliance with O.C.G.A. § 50-16-18, the Department has limited authority to "write off" any fees otherwise due under this Rule and zero out a fee account if, upon review by accounting personnel or by counsel, and subsequent certification by the Commissioner, the Department concludes that the account receivable is no more than $100 and that the account is uncollectible or that the cost of collecting on the fee account would likely equal or exceed the fee amount owed.

(j) Any person aggrieved by an effort of the Department to collect a fee under this Rule shall be entitled to an administrative hearing. An administrative hearing and any appeal therefrom under this Rule shall be in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.05
Authority: O.C.G.A. §§ 19-6-33.1, 19-7-43, 19-11-6, 19-11-9.3, 19-11-12, 50-16-18.
History. Original Rule entitled "Redetermination at the Request of AP" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Fees and Collection Procedures" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 17, 2015; eff. Jan. 6, 2016.
Amended: F. Feb. 23, 2018; eff. Mar. 15, 2018.
Amended: F. May 25, 2018; eff. June 14, 2018.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 290-7-1-.06. Periodic Review and Modification of Child Support Obligations.

(a) This Rule applies to periodic redeterminations of support requested under sections 19-11-16 and 19-11-17 of the Georgia Code as well as review and modification under section 19-11-12 of the Georgia Code.

(b) The Department may conduct periodic redeterminations and reinvestigations of the ability of the parent to furnish support upon the receipt of an application for services from an obligor or obligee. An application for modification shall not be deemed to be received until the applicant submits all information required by the Department in the application packet. If either party requests redetermination under section 19-11-17, the party shall be informed that Georgia law has changed since section 19-11-17 was enacted and that, now, all redeterminations must proceed under section 19-11-12 and this Rule.

(c) The Department shall notify the obligor and obligee of the opportunity for a review of their IV-D order at least once every three years in accordance with the provisions of O.C.G.A. § 19-11-12 and these regulations. The Department, either parent, a nonparent custodian may request a review of the IV-D order for potential modification at that time by submitting an application for review and modification. If no review is applied for, no action need be taken by the Department prior to the expiration of the next applicable review period unless the case involves the receipt of TANF benefits - such orders shall, as mandated by federal law, be subject to mandatory review every three years without request.

(d) Where a child is born to an obligee and obligor who are already subject to a child support order being enforced by the Department, the procedures of this Rule may be utilized to add the child to the order by consent. If the obligor and obligee do not consent to adding the child to the order, the Department shall initiate a new civil action in superior court seeking to establish support for the new child and modifying the original order to add that child as a dependent covered by the order.

(e) When a review application is received, the Department shall notify the obligee and the obligor(s) at least 30 days before the commencement of the review of the local office undertaking the review unless notice is waived by the obligee and obligor(s). However, both the obligee and obligor(s) may be asked to submit necessary information during the aforementioned 30 day period. At the review, the child support guidelines codified at O.C.G.A. § 19-6-15 shall be used to determine the appropriate amount of the child support obligation under the facts existing at the time of review. In determining whether a change in circumstances exists necessitating modification of a IV-D order, the Department shall consider the following:

(1) The Department may seek an upward modification if the calculated support award is a 15% or greater increase than the current support award with a minimum $ 25 per month increase. The Department may consider evidence that the obligor is underemployed or otherwise artificially suppressing income.

(2) The Department may seek a downward modification if the obligor is not underemployed and if the calculated support award would result in a 15% or greater decrease of the current support award with a minimum $25 per month decrease. The Department may consider evidence that the (1) obligor is medically certified disabled to work and such condition is expected to continue one year or longer; or (2) the obligor has experienced an involuntary loss of income in accordance with O.C.G.A. § 19-6-15(j); or (3) the obligor has subsequently incurred an additional child support obligation.

(3) The Department may seek a modification requiring any obligor to procure health insurance for his/her child(ren) if health insurance is reasonably available to the obligor at reasonable cost. See O.C.G.A. §§ 19-6-15, 19-11-26. If the IV-D order does not provide for the payment of uninsured medical expenses, modification will be sought to provide for medical support payments as appropriate under the circumstances of the case.

(4) The Department may seek a modification if, upon sentencing, the obligor will be incarcerated for more than 180 calendar days.

(f) After a review is conducted, the agency recommendation will be sent by first-class mail to the obligor and obligee at their last known addresses of a proposed adjustment or a determination that there should be no change in the child support award amount.

(g) In the case of an administrative support order, the Department shall file the agency recommendation with OSAH. If neither the obligor nor obligee objects to the agency recommendation in writing sent to the Department within 33 days of mailing of the agency recommendation, the ALJ shall, after being notified by the Department of the lack of objection, enter an order adopting the agency recommendation. If a written objection is received within the 33 day period following mailing of the agency recommendation, the ALJ shall schedule a hearing. The parties may, at any time following the filing, enter into a consent agreement to modify the support order.

(h) In the case of a judicial order, the Department shall file a petition with the court to adopt the agency recommendation contemporaneously with the mailing of the agency recommendation under paragraph (f). The petition shall be served upon the obligor and obligee in accordance with O.C.G.A. § 9-11-4. If no party files an objection with the clerk of court within 30 days from the date of service of the petition, the court shall issue an order adopting the agency recommendation. If any party files an objection within 30 days of having been served, the court shall schedule a de novo hearing. The parties may, at any time following filing of the petition, enter into a consent agreement to modify the support order.

(i) Any order, whether administrative or judicial, modified under this Rule shall also provide that medical insurance must be provided in accordance with O.C.G.A. § 19-6-15(h)(2)(B)(iii) and O.C.G.A. § 19-11-26.

(j) If arrears are owed by the obligor at the time of the review, the Department shall seek to have the amount of arrears established by the tribunal, along with a repay amount to be added as needed to pay off the arrearage. The repay amount is limited to a maximum of 20% of the support amount as modified.

(k) If the Department is hindered in its review of a IV-D order because it is unable to secure sufficient financial or other information necessary to complete the review from the applicant seeking modification, the Department may terminate the review due to lack of cooperation and no further action need be taken by the Department prior to the expiration of the next applicable review period. If any necessary party who is not the applicant for services fails or refuses to timely supply requested information, an administrative subpoena may be issued in accordance with O.C.G.A. §§ 19-11-11 and 31-5-4. In its discretion, the Department may temporarily halt the review and seek judicial enforcement of the administrative subpoena by the appropriate superior court.

(l) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.06
Authority: O.C.G.A. §§ 19-6-15, 19-11-12, 19-11-26, 50-13-13.
History. Original Rule entitled "Periodic Review of Child Support Obligation" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Periodic Review and Modification of Child Support Obligations" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 290-7-1-.07. Eligibility for Services (Non-intergovernmental Cases).

(a) The Department is authorized by law to accept applications for services only in circumstances where a dependent child is involved. If there is no dependent child involved, the Department is not authorized to accept a new application for services. For example, if all children owed support under an order have emancipated, married, or turned 18 years of age and only arrears are owed, the Department cannot accept a new application for services. However, if the Department is already providing services under the CSRA when the child or children emancipate(s), the Department may continue to provide any services allowed by law.

(b) The Department may accept applications for services from any parent of a child residing in Georgia (meaning the natural or adoptive parents of a child who resides in Georgia).

(c) The Department is authorized to accept an application for establishment services from a father of a child born out of wedlock only if his paternity of the child has been established in a judicial proceeding or if he has acknowledged paternity under oath either in open

court, in an administrative hearing, an acknowledgement of paternity as defined in O.C.G.A. § 19-7-46.1, or in a notarized affidavit attached to an application for services.

(d) The Department is authorized to accept an application for services from a nonparent custodian of a child or children residing in Georgia.

(e) The Department is authorized to accept any application for services from a parent or nonparent custodian of a child residing anywhere if the putative obligor is located within the boundaries of the State of Georgia.

(f) The Department will not accept an application for services submitted by any individual or entity on behalf of someone else unless the individual or entity submitting the application is a legal guardian of the obligee or a private collection agency duly registered and authorized under Georgia law.

(g) The Department is authorized to accept an application for any and all services available under the CSRA from an obligee or an obligor, including applications for review and modification of a support order.

(h) The Department is authorized to dictate the form and substance of its application for services and shall accept only those applications made on approved forms or through the Department's web portal.

(i) Any applicant who fails to provide information requested by the Department as needed to accurately calculate an amount of child support under Georgia's child support guidelines shall be deemed to be non-cooperative and the application shall be subject to rejection at the Department's sole discretion.

(j) The applicant must pay all fees required under these rules at the time the application for services is submitted unless federal law provides otherwise.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.07
Authority: O.C.G.A. §§ 19-11-3, 19-11-6, 19-11-7, 19-11-8, 19-11-12, 50-13-1*et seq.*
History. Original Rule entitled "Modification of Child Support Obligation Established by Administrative Order" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Eligibility for Services (Non-intergovernmental Cases)" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.08. Federal and State Tax Refund Intercept Program.

(a) As used in this Rule, the following terms shall have the following meaning:

(1) "tax refund intercept program" also known as "tax offset program"; the program through which tax refunds are intercepted to satisfy support obligations that are in arrears.

(2) "tax offset processing year" the year that tax refunds are actually sent to the taxpayer. For example, a name certified for tax offset in September 2009 is certified for the 2010 "tax offset processing year."

(3) "legitimately in dispute" used to denote that the obligor has presented cancelled checks, copies of money orders, court records, court orders, etc., which appear to refute the claim by the obligee that support payments have been missed. The obligor's "word" that he or she has made the payments is not sufficient evidence that support payments have been made. The term is not intended to convey the settlement of the dispute. Ultimately, the court issuing the child support order will have to determine what is actually owed.

(4) "federal tax offset fee" a fee of $15.00 will be deducted each time a federal tax offset payment is received..

(5) "TANF arrearage" past-due support debts which accrued during the time an obligee or child receives TANF assistance (including foster care); except that if the obligee or child no longer receives TANF, the past-due support certified as a "TANF arrearage" must be limited to the debt owed to the State of Georgia.

(6) "non-TANF arrearage" past-due support owed to obligees or nonparent custodians of qualified children or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent. A qualified child is a child who is a minor and for whom an order is in force.

(7) "state tax offset fee" a fee of $12.00 will be deducted each time a state tax offset payment is received.

(b) Eligible Cases

(1) Intercept enforcement remedies may be used for cases which involve a delinquent court or administrative ordered amount of child support and the State has an assignment of rights to support as a result of the receipt of TANF public assistance or the non-TANF recipient of services has made application for or is otherwise receiving IV-D enforcement services. Requirements for the various programs are provided below:

(A) TANF (including Foster Care) Tax Offset Certification Requirements

(i) The support obligation must have been established by court order or an administrative order from a IV-D agency of competent jurisdiction.

(ii) The TANF arrearages must be at least $150.00 for tax offset.

(iii) The arrearages must be at least $500.00 for state tax offset regardless of case type.

(iv) Before submittal, the Department or the Department of Family and Children Services has verified the accuracy of the obligor's name and social security number and the amount of past-due support for which there is a TANF assignment in effect.

(v) The Department has a copy of the payment record.

(vi) The validity of the debt is not legitimately in dispute.

(vii) In intergovernmental cases, the federal certification can only be made by the state which has the TANF assignment. Any enforcing state must be advised that the obligor's name is being certified for federal refund offset. It may also be necessary to communicate with the enforcing state for purposes of verification of arrears, obtaining a copy of the payment record, etc.

(B) Non-TANF (including Foster Care) Tax Offset Certification Requirements

(i) The obligee (including a nonparent custodian) must have applied for the child support services. The support obligation must have been established by court order or an administrative order from a IV-D agency of competent jurisdiction.

(ii) The non-TANF arrearages must be at least $500.00 for Federal and State certification. (NOTE: If the obligee currently receives TANF, all arrearages are certified under the TANF category. If the obligee previously received TANF, but does not currently receive it, the debt due the Department must be certified under the TANF category. Any remaining arrearages due the obligee would be certified under the non-TANF category.)

(iii) The validity of the arrearage is not legitimately in dispute.

(iv) In intergovernmental cases, the federal certification can only be made by the state where the obligee resides or has made application for child support services. Any enforcing state must be advised that the obligor's name is being certified for federal refund offset. It may also be necessary to communicate with the enforcing state for purposes of verification of arrears, obtaining a copy of the payment record, etc.

(v) Before submittal, the Department has verified the accuracy of the obligor's name and SSN and the amount of delinquent support.

(vi) The Department has a copy of the order and any modifications and has a copy of the payment record.

(vii) TANF and foster care records have been checked to see if there is an arrearage amount owed to the State of Georgia.

(viii) The department has the obligee's current address.

(c) Notice and appeal rights

(1) Prior to certifying a tax intercept to either the Internal Revenue Service or the Georgia Department of Revenue, written notice must be provided to the obligor. An obligor notified of a planned tax intercept who wishes to contest the certification of the intercept must request an administrative hearing within 30 days of the date of the written notice. If no written request for a hearing is received by the Department within 30 days of the date of the written notice, the Department will not stop the tax intercept.

(2) If an obligor timely seeks administrative review of the planned tax certification, the Department shall, within 21 days of receipt of the written request, initiate an administrative hearing before OSAH (see Rule 290-7-1-.19).

(3) Federal regulations require the Department to initiate a pre-offset hearing if timely requested by an obligor. See 45 C.F.R. §§ 303.102, 303.72.

(4) Upon receipt of notice that a federal or state refund has been offset, the obligor may contest the offset by requesting an administrative hearing. The request must be received by the Department within 30 days of the mailing of the notice.

(d) Under no circumstances shall any tribunal hearing a tax intercept appeal retroactively reduce or modify child support arrears.

(e) If an obligor in a case being enforced by the Department relocates without notifying the Department of his or her new address, the obligor shall be deemed to have waived his or her right to any written notices otherwise required by this Rule.

(f) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.08
Authority: O.C.G.A. §§ 19-11-12, 19-11-18, 19-11-24; 42 U.S.C. § 664.
History. Original Rule entitled "Modification of Child Support Obligation Established by Judicial Order" adopted.

F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Federal and State Tax Refund Intercept Program" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Rule 290-7-1-.09. Garnishment and Orders to Withhold and Deliver.

(a) If any Georgia court has issued a final order adjudicating an amount of child support arrears owed by an obligor, the Department shall be entitled to commence a garnishment proceeding or to issue an FIW to an obligor's employer in accordance with these Rules, or shall be entitled to issue an "Order to Withhold and Deliver" to any employer of the obligor without further notice or proceedings.

(b) If an amount of arrears has not been previously adjudicated by a Georgia court or a foreign court, the Department shall be entitled to commence a garnishment proceeding or to issue an order to withhold and deliver if:

(1) the obligor has received notice of a final administrative decision of his/her support obligation; or

(2) the obligor has entered into a written agreement with the Department to provide child support; and

(3) the obligor fails to make support payments within thirty days of the due date specified in the civil order, administrative decision or written agreement and the Department has mailed a written notice to the obligor notifying obligor of its intent to withhold funds and obligor fails to send a written notice contesting the amount of arrears within 15 days of mailing of a notice by the Department.

(c) If an obligor whose arrears have not been judicially adjudicated contests the amount of the garnishment or the Order to Withhold and Deliver in a timely manner in accordance with this Rule, the Department shall initiate an administrative hearing before OSAH.

(d) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.09
Authority: O.C.G.A. Secs. 19-6-32, 19-6-33, 19-11-19.
History. Original Rule entitled "Garnishment and Orders to Withhold and Deliver" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Garnishment and Orders to Withhold and Deliver" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.10. Issuance of Orders for Income Withholding.

(a) The Department is authorized by law to issue an order for income deduction without need for any amendment to the order involved or any further action by the court or entity that entered the order. The Department shall utilize the "FIW" or Federal Income Withholding form when issuing such an order for income deduction, as required by federal regulations. The FIW shall be issued immediately after entry of a child support order in any case wherein the obligor is currently employed. The obligor is responsible for direct payment of support (to the Department's family support registry) between the effective date of the order and the issuance of the FIW. The Department may adjust the starting date of an order to coincide with the issuance of the FIW at its discretion. For example, if the putative obligor and the obligee both consent to a support order on June 1, the Department may make the support obligation effective on July 1 in order to ensure that the FIW is implemented prior to the first support payment coming due.

(b) Copies of the support orders, which include a provision for income deduction, issued by the Department shall be mailed to the obligee and obligor. All obligees and obligors are required to notify the Department of any change of residential address; obligors must also inform the Department of any change in employment. The failure by an obligor or obligee to notify the Department of a change of address will be deemed to waive the notice requirement of this Rule with regard to that person.

(c) The enforcement of the order for income deduction may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of the arrearages, or the identity of the obligor.

(d) A person wishing to contest the enforcement of an income withholding by the Department on one of the grounds listed above must request an administrative hearing within 14 days of the mailing date of the notice of income deduction. The request for hearing must be mailed to the DCSS office that issued the FIW The request for a hearing does not stay enforcement of the withholding unless the administrative law judge enters an order granting relief for good cause shown.

(e) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

(f) The Department is authorized to add arrears repayment amounts ordered by a superior court or OSAH, as well as amounts sufficient to cover any fees owed by the obligor under these Rules.

(g) Employers

(1) An employer receiving an FIW may collect up to $25 against the obligor's income to reimburse the employer for administrative costs for the first income deduction and up to $3.00 for each deduction thereafter. The employer may not impose or deduct any other fee for complying with the FIW.

(2) Any payor subject to an FIW or Order to Withhold and Deliver may not discharge or terminate an obligor by reason of the fact that income has been subjected to

income withholding. The Department is authorized to impose civil penalties against any payor who violates this provision.

(3) Employers are hereby informed that an FIW has priority over all other legal processes under state law pertaining to the same income. Payment as required by the FIW is a complete defense by the payor against any claims of the obligor or his creditors as to the sum paid. See O.C.G.A. § 19-6-33(e)(9).

(4) The Department may issue the FIW electronically to those employers which have implemented electronic income withholding through the U.S. Department of Health & Human Services Office of Child Support Enforcement. Receipt of the electronic income withholding order constitutes receipt of all notices to payors required by code section 19-6-33.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.10
Authority: O.C.G.A. Secs. 19-6-30 through 19-6-33.
History. Original Rule entitled "Income Deduction Orders (IDOs)" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Issuance of Orders for Income Withholding" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.

Rule 290-7-1-.11. Passport Suspension.

(a) Section 454(31) of the Social Security Act makes participation in the Passport Denial program a IV-D State plan requirement. All States are required to have in effect a procedure to certify to the Federal Office of Child Support Enforcement ("OCSE") individuals who owe child support arrears in excess of $2,500. The States are also required to provide notice to individuals and give them an opportunity to contest the Department's determination of the arrears amount. When a State submits a case to OCSE with arrears in excess of $2,500 (or the State submits an increase to an existing case that causes the arrears to exceed $2,500), OCSE automatically forwards the case to the United States Department of State for passport denial.

(b) The passport of an obligor may be denied, revoked, or restricted through the Federal Passport Program, if the child support debt is in excess of $2,500.

(c) In an intergovernmental case, only the certifying state has the authority to delete a noncustodial parent from the passport denial, revocation, or restriction process.

(d) The Department periodically issues letters setting forth the amount of arrears owed. An obligor who wishes to contest the determination of arrears must send a letter to the DCSS office that certified the case to OSCE requesting an administrative hearing. If an obligor receives a notice stating that the arrears amount is in excess of $2,500 and fails to seek a hearing within 30 days of mailing of the notice, the passport may be suspended by federal

authorities without further notice or opportunity for hearing. If a hearing is timely requested, the issue at hearing is strictly limited to the amount of arrears or misidentification of the obligor. Neither the Department nor an administrative law judge ("ALJ") is authorized to reinstate a passport, only the federal government can do that. The Department is authorized only to certify the amount of arrears owed. In order to be removed from the certified list, an obligor must pay the arrears either in full or in an amount sufficient to bring the arrearage amount below the $2,500 threshold.

(e) The Department is authorized to remove an obligor from the certified list only upon payment of the arrears or upon receipt of a decision from the ALJ finding that the obligor is not in arrears or has been misidentified. However, the Department may, in its sole discretion,"exempt" an obligor from the certified list if:

(1) The Department is convinced that the passport is necessary and indispensable to the obligor for the purpose of generating income needed to pay current support or arrears; and,

(2) The obligor posts bond or some other form of surety payable to the Department for the full amount of the arrears owed; and,

(3) The obligor enters into a written Enforcement Deferral with the Department setting forth the schedule for repayment of the arrears amount in addition to current support, if applicable. Failure by the obligor to adhere in full with the Enforcement Deferral shall result in forfeiture of the bond or surety posted by the obligor.

(f) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.11
Authority: O.C.G.A. Secs 19-6-30*et seq.*, 19-11-12, 19-11-15, 19-11-17, 19-11-19, 19-11-24.
History. Original Rule entitled "Access to Fair Hearing Review Process" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Passport Suspension" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.12. License Revocations or Suspensions.

Provision is made to withhold, restrict the use of, suspend, or revoke licenses for failure to pay child support and to establish criteria for reissuing the licenses. "License" means a certificate, permit, registration, or any other authorization issued by a licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation. "Licensing entity" means any Georgia agency, department, or board which issues or renews any license, certificate, permit, or registration to authorize a person to drive a motor vehicle or to engage in a profession, business, or occupation, including but not limited to those relating to: pest control; mortgage lenders and mortgage brokers; securities salespersons and investment adviser representatives; foresters; pharmacists; insurance agents, counselors, and other personnel; professions and

businesses under Chapter 1 of Title 43; real estate appraisers; and real estate brokers and salespersons.

(a) The Department shall maintain a state-wide certified list, updated on a monthly basis, of all obligors who are not in compliance with a child support order being enforced by the Department. All licensing entities shall review the certified list and notify the Department if any applicant or licensee of the licensing entity is on the certified list. That notification shall include the applicant's or licensee's last known mailing address on file with the licensing entity.

(b) When an obligor accumulates an arrearage equal to or greater than 60 days' worth of support (which does not have to accumulate in consecutive months), the Department may seek to have the obligor's license withheld, restricted, suspended or subsequently revoked by the licensing entity. This rule applies to support ordered by a court of this or any other state, territory, or district of the United States, including support ordered by any administrative agency having the to issue a support order.

(1) The arrearage which determines qualification for withholding, restricted use, suspension, or revocation of a license is based upon current support obligations due (including child, spousal, medical support and interest when applicable).

(2) Withholding, restriction, suspension and revocation do not apply to an obligor who is paying child support and arrearages according to the terms of a court order.

(c) Any obligor subject to this Rule shall be mailed a notice of delinquency via first class mail and receipt by the delinquent obligor shall be presumed if the mailing is not returned to the Department within 30 days from the date of mailing.

(d) The obligor has 20 days from the date of mailing to come into compliance with the order or to reach an agreement with the Department to pay the delinquency. If an agreement cannot be reached within that time or the obligor does not respond within those 20 days, the agency will send notice to the licensing entity requesting that the license be suspended or the licensure application be denied.

(e) The obligor has 20 days from the date of mailing of the delinquency notice to request, in writing, an administrative hearing before OSAH. If a written request for a hearing is not received within 20 days of mailing of the delinquency notice, the obligor is not entitled to a hearing.

(f) The licensing entity issuing the license shall notify the delinquent obligor by certified mail or statutory overnight delivery of the date that the license has been denied or suspended.

(g) In an administrative hearing under this Rule timely requested by an obligor, the only issues at the hearing will be the following:

(1) Whether there is an order for child support being enforced by the Department pursuant to the Act;

(2) Whether the licensee or applicant is the obligor covered by that order;

(3) Whether the support obligor is or is not in compliance with the order for child support;

(4) Whether the obligor shall be entitled to pay past due child support in periodic payments; and,

(5) Whether the support obligor has been able and willing to comply with such order for support.

(h) The administrative law judge ("ALJ") shall consider evidence relating to the ability and willingness of an obligor to comply with such order for support in making the decision to either suspend a license or deny the issuance or renewal of a license under this Rule. The ALJ shall be authorized to enter an order or a consent agreement requiring periodic payments or to issue a release for the obligor to obtain each license or licenses. Any such order or agreement shall not act to modify an existing child support order, but rather only affects the payment of the arrearage.

(i) The initial decision of the ALJ may be affirmed, modified, or reversed by the Department within 30 days of issuance of the initial decision. If the Department declines to commence a review of the initial decision within 30 days, the ALJ's initial decision shall become the final agency decision.

(j) The final agency decision shall be subject to appeal and judicial review pursuant to Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in this Rule.

(k) The right to administrative hearing under this Rule shall be the only hearing required to suspend a license or to deny the issuance of a license notwithstanding any hearing requirements otherwise applicable within the licensing entity involved.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.12
Authority: O.C.G.A. Secs. 19-6-30*et seq.*, 19-11-9.3, 19-11-12, 19-11-15, 19-11-16, 19-11-19, 50-13-1 et. seq.
History. Original Rule entitled "Time Limits for Requesting a Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "License Revocations or Suspensions" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.13. Intergovernmental Child Support Proceedings (UIFSA).

(a) The Personal and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), mandated that all states adopt the 1993 Uniform Interstate Family Support Act ("UIFSA") Model Act, and the 1996 amendments adopted by the National Conference of Commissioners on Uniform State Laws. The UIFSA was duly enacted by the General Assembly and is codified at sections 19-11-100 through 19-11-190 of the Georgia Code.

The UIFSA was created to force uniformity in procedures and law with regard to intergovernmental establishment, enforcement, and modification of child support orders.

(b) The Department is the support enforcement agency in Georgia for all UIFSA actions.

(c) Upon request from another state, the Department as the receiving tribunal will provide the following services in a UIFSA proceeding:

(1) Take all steps necessary to enable an appropriate court in this state or a tribunal of another state to obtain jurisdiction over the respondent;

(2) Request an appropriate tribunal to set a date, time, and place for a hearing;

(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) Within seven days after receipt of a written notice from an initiating, responding, or registering court, send a copy of the notice to the petitioner;

(5) Within seven days after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(d) UIFSA does not create a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency, nor between the attorney and the referring state.

(e) Under UIFSA, the Department proceeds on behalf of the referring state, which in turn may be proceeding on behalf of an individual child or obligee.

(f) The underlying goals of UIFSA are to avoid duplicate actions proceeding at the same time in more than one state and to ensure that there is only one controlling order for child support in existence at any time, through the concept of "continuing exclusive jurisdiction" ("CEJ"). No state can modify an order in which Georgia has CEJ, and Georgia cannot modify an order of another state which itself has CEJ.

(g) Except as otherwise provided within UIFSA, Georgia substantive and procedural law shall be applied. However, there are exceptions, notably:

(1) the law of the issuing state governs the nature, extent, amount, and duration of current support payments and other obligations of support under the order; and,

(2) in a proceeding to collect arrears, the statute of limitation under the laws of Georgia or the issuing state applies, whichever is longer.

(h) A Georgia court cannot condition the payment of a foreign support order upon compliance with visitation provisions.

(i) The filing of a UIFSA proceeding does not create personal jurisdiction over the individual whose interests are being served; further, if that individual is physically present in Georgia to participate in a UIFSA proceeding, he or she is not amenable to service of process. The petitioner's physical presence is not required and he or she may testify or be deposed by telephone or other electronic means.

(j) The defense of non-parentage is disallowed if parentage has previously been determined by another tribunal by or pursuant to law.

(k) A party seeking to enforce a support order or an order for income deduction may send it directly to the Department and the Department may use any administrative enforcement procedure available to it under Georgia law without registering the foreign order; however, if the obligor contests the administrative action, the Department must register the order under section 19-11-161 of the Georgia Code. Registration is required in order for the Department to pursue any civil action based upon the foreign order, including a petition for contempt.

(l) The Department shall notify the "non-registering party" (almost always the obligor) of the registration by first class U.S. mail. The non-registering party has 20 days from receipt of the notice to request a hearing on the registration. If no request for a hearing is made within those 20 days, then the foreign order is confirmed by operation of law.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.13
Authority: O.C.G.A. §§ 19-11-15, 19-11-100 through 19-11-191, 50-13-1 et seq.
History. Original Rule entitled "Fair Hearing Notice Procedure" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Intergovernmental Child Support Proceedings (UIFSA)" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Rule 290-7-1-.14. Collection and Disbursement of Child Support Payments.

(a) The payment of public assistance to or on behalf of a child creates a debt due and owing to the State of Georgia by the parent or parents responsible for the support of the child. By accepting such assistance on behalf of a child, the recipient assigns by law the Department the right to receive any child support owed for the child. The Department shall be subrogated to the right of the child or children or the person having custody to initiate any support action existing under the laws of Georgia and to recover any payments ordered by the courts of this or any other state.

(b) In the absence of any such public assistance, the submission of an application to the Department for child support services shall constitute an assignment of the right to the Department to receive any and all child support payments owed.

(c) Any collections received by the Department under the CSRA shall be distributed and deposited by the Department in conformity with state and federal law.

(d) Distribution of any child support being held by the Department shall be paid to the obligee within two days from receipt of same unless the obligor is entitled to an appeal under these Rules or state law and has exercised his or her right to appeal. In such instances, the Department is required to retain the collected amount until all appeals have been resolved.

(e) The Department is authorized to seek statutory interest only upon child support orders it was a party to, whether through establishment or modification, or, in intergovernmental cases, as permitted by the laws of a referring state or foreign jurisdiction as calculated by the referring state or foreign jurisdiction. The Department may collect interest charges awarded by a court and reduced to a judgment by any means permitted by law.

(f) Any collection received directly by an obligee who has received public assistance or applied for services from the Department must be turned over to the Department and be disbursed through the Family Support Registry. Any obligor making payments through any means other than the Family Support Registry after the Department is assigned the right of support is running a grave risk of having those payments not credited as received. Any obligor wishing to receive credit for such payments is required to submit money order receipts, cancelled checks or other verifiable evidence of having made such payments directly to the obligee; otherwise the Department will proceed as if the support amount went unpaid.

(g) Payments made pursuant to the Uniform Interstate Family Support Act, when collected on behalf of a foreign jurisdiction, shall be forwarded to the appropriate collection agent in the foreign jurisdiction.

(h) An erroneous payment may be the result of an agency error. The Department has the responsibility to collect all erroneous payments. Collection methods which may be utilized to recover the payments are through voluntary repayment plans, income tax offset, recoupment from future support payments, referral to a collection agency and/or through legal action. Repayment may be accepted in a lump sum or in negotiated payments. These may be in the form of cash, personal check, income tax intercepts, or money orders. The use of tax intercept for cases involving agency error will be done as permitted under these Rules for collection of debts owed to the Department.

(i) The date of collection for support is the date of receipt by the Family Support Registry.

(j) Disbursement may be made to a private collection agency acting on behalf of the obligee only if the private collection agency is duly registered with the Governor's Office of Consumer Affairs and authorized under Georgia law to operate within this state. Additionally, no disbursements shall be made to a private collection agency of any funds collected solely through the Department's efforts.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.14
Authority: O.C.G.A. §§ 19-6-33.1, 19-11-4 through 19-11-8, 19-11-18, 19-11-21, 19-11-30.1, 19-11-30.10, 19-11-32, 19-11-100, 50-13-1 et seq.
History. Original Rule entitled "Hearing Decision" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Collection and Disbursement of Child Support Payments" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Rule 290-7-1-.15. Allocation and Redirection of Current Child Support Payments.

(a) Allocation: When an obligor has more than one IV-D case being enforced by the Department or a Non IV-D case and does not make payment sufficient to cover all active cases, the Family Support Registry may split the payment to all active cases involving that obligor. Cases involving current support have priority over arrearages (i.e., if one case involves current support and the other case involves only an arrearage, the case having current support shall be paid first). If all active cases involve current support, the amount received shall be allocated among the cases based on the percentage of current support owed on each case. For example, if obligor is required to pay $60 on Case 1 and $40 on Case 2 but pays only $70 instead of the aggregate $100 required, the payment will be allocated proportionately between Case 1 (60% of the payment, $42) and Case 2 (40% of the payment, $28). The obligor shall not be permitted to dictate a different allocation between the active cases.

(b) Redirection: The purpose of the CSRA is to ensure the support of a child or children, not the custodial parent/obligee. Therefore, it is the policy of the Department that the money shall follow the child(ren). If the Department has a good faith belief that a child is in the physical custody of a relative or other caretaker other than the obligee, the Department is authorized to redirect support payments to that caretaker of the child until such time as the child returns to the physical custody of the obligee.

(1) In a case where a child is in the physical custody of an obligor, the Department may refrain from enforcement of the current support amount. Any arrears owed to the obligee or to the state may continue to be collected.

(2) In a case involving multiple children, the Department may redirect a proportion of the payment received to the caretaker. For example, if a support order involving three children requires a monthly payment of $300 and one child is proved to be in the physical custody of a caretaker other than the obligee, the Department may redirect one-third ($100) to that caretaker.

(3) An obligee wishing to contest this redirection is entitled to an administrative hearing if he or she requests same within 30 days of notice of the redirection. The sole issue at such hearing shall be the physical custody of the child. The Department must retain evidence supporting the Department's belief that there was a change in physical custody. Examples of such evidence include school records, day care records, medical records, statements signed under penalty of perjury, public assistance grant information, guardianship records, or a court order.

(c) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.15
Authority: O.C.G.A. §§ 19-6-17, 19-6-33.1, 19-11-4 through 19-11-8, 19-11-18, 19-11-21, 19-11-24, 19-11-30.1, 19-11-30.10, 19-11-32, 19-11-100, 50-13-1 et seq.
History. Original Rule entitled "Dismissal of Requests for Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Allocation and Redirection of Current Child Support Payments" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Rule 290-7-1-.16. Confidentiality of Department Records and Information.

(a) Georgia law provides that any information or records obtained by the Department pursuant to its duties under the CSRA or UIFSA shall be deemed confidential. Any information maintained by the Department shall be released *only by* written permission of the party or parties named in the information or records, by order of a court, or for those purposes specifically authorized by the CSRA. Those purposes are limited to:

(1) The Department's administration of any plan or program approved under Parts A, B, C or D of Title IV of the Social Security Act or under Titles II, X, XIV, XVI, XIX or XX of the Act or the supplemental security income program established under Title XVI of the Act;

(2) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of such plan or program; or

(3) The administration of any other federally assisted program (such as the food stamp program) which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(b) Due to this confidentiality, the Department will resist, through its attorneys, any non-party discovery requests or subpoenas seeking information held by the Department under this program, excepting subpoenas issued by law enforcement officers or entities pursuant to a criminal investigation which appears to be related to the Department's operation of this program (for example, potential fraud related to the receipt of disbursements of child support).

(c) The Department may disclose to the applicant or recipient of services any support-related information which may be contained in his or her child support record when disclosed for the purpose of assisting them in making or enforcing a child support order, but only such information as relates to the individual himself or herself (e.g., the obligor may request information pertaining to him or her, but not information pertaining to the obligee). Moreover, information obtained directly through the state or federal tax offset program

shall retain its confidentiality and shall only be used in pursuit of the Department's debt collection duties and practices. Federal tax return information can only be used in establishing appropriate agency records (or in defense of any litigation or administrative procedure ensuing from a reduction or intercept of the obligor's tax refund).

(d) If there is a family violence indicator ("FVI") present on a file that is the subject of a request for disclosure, the Department shall refuse to release any records or information associated with that file without a court order, issued in conformance with O.C.G.A. 9-10-2, directing such release of records or information.

(e) The public is reminded that it is not necessary (nor desirable) to subpoena information about payment histories maintained by the Department. Payment histories are available upon request to all obligors and obligees. Further, certified copies of payment records maintained by the Department "shall, without further proof, be admitted into evidence in any legal proceeding in this state." O.C.G.A. § 19-6-33(i). Any party or person wishing to obtain a certified copy of payment records maintained by the Department may send a written request setting forth the agency case number and a return-addressed envelope with first-class postage to the DCSS office that maintains the case. Any request for certified payment histories may be subject to fees equivalent to fees charged for open records requests under Department of Human Services Personnel Policy # 602.

(f) The Department shall not release any information in its possession where such release would conflict with federal law or federal regulations.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.16
Authority: O.C.G.A. Secs. 19-6-33(i), 19-11-24, 50-13-1*et seq.*
History. Original Rule entitled "Appeal Rights Following Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Confidentiality of Department Records and Information" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.17. Liens and Levies.

(a) The Department is authorized to file a notice of lien against the real and personal property of any obligor who resides in or owns property in the state and owes past-due child support. Liens against personal property other than personal property subject to a certificate of title, shall be filed with the office of the Secretary of State. Upon the filing of the notice, a lien arises by operation of law.

(b) The Department has the authority to levy and seize a deposit or account (meaning a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or a money market mutual fund account) of any obligor who is in arrears in an amount equal to at least the support payment for one month from any financial institution (meaning every federal or state-chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state-

chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, and any money market mutual fund).

(c) If the child support order contains notice that the obligor is subject to the provisions of O.C.G.A. §§ 19-11-32 through 19-11-39, or the Department has previously sent the obligor a notice by regular mail to the last known address of the obligor referencing these same code sections, further notice is not required prior to levying on the deposit or account.

(d) At the time the notice of levy is sent to the financial institution, the Department must notify the obligor and any obligee a notice of the impending levy via a writing containing the warnings required by O.C.G.A. § 19-11-36.

(e) An obligor or an account holder of interest wishing to contest the levy must send the Department a written challenge within ten business days of the date of the notice to the obligor. The obligor or any account holder of interest who makes a timely challenge to the levy under this Rule is entitled to a hearing in the superior court in which the underlying support order was entered or registered.

(f) The Department may reverse the levy prior to such hearing if its internal review following receipt of the challenge indicates that a mistake in identity has occurred or the obligor is not delinquent in an amount equal to the payment for one month.

(g) The Department is also authorized to assert liens against any tangible and intangible property, whether real or personal, and any interest in property, whether legal or equitable, belonging to the obligor. Any property acquired by the obligor after the child support lien arises shall also be subject to such lien. The Department is further authorized to offset against worker's compensation awards and lottery winnings.

(h) The state IV-D agency of another state may determine that a noncustodial parent holds assets in a financial institution doing business in the State of Georgia. Full faith and credit shall be given to liens arising from any judicial or administrative action in another state or foreign jurisdiction. That state IV-D agency may send the levy directly to the financial institution in Georgia asking that it surrender the funds directly to that state IV-D agency. If the financial institution refuses to do so, the state IV-D agency may then send a UIFSA enforcement transmittal to the Department for enforcement.

(i) If it is determined that the noncustodial parent in a Georgia case holds assets in a financial institution outside of Georgia, the Department may send the levy directly to the financial institution doing business in that state or foreign jurisdiction. A request shall be made that the funds be surrendered to the Department. However, if the financial institution refuses to remit the money or the obligor does not reside within Georgia and wishes to challenge the intergovernmental levy, the Department shall release the levy and send a UIFSA enforcement transmittal to the IV-D agency of the state or foreign jurisdiction where the obligor resides.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.17
Authority: O.C.G.A. §§ 19-11-18, 19-11-30.2 through 19-11-37.
History. Original Rule entitled "Recovery of Fees" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule of same title adopted. F. July 23, 2004; eff. August 12, 2004.
Repealed: New Rule entitled "Liens and Levies" adopted. F. June 15, 2011; eff. July 5, 2011.
Note: Correction of typographical error in paragraph (b) on SOS Rules and Regulations website only. In accordance with the Official Compilation Rules and Regulations of the State of Georgia (effective July 5, 2011), "The Department has the to levy and seize a deposit or account." corrected to "The Department has the authority to levy and seize a deposit or account.", as requested by the Agency. Effective February 24, 2020.

Rule 290-7-1-.18. Remedies Not Exclusive.

(a) The procedures, actions, and remedies provided in these rules shall in no way be exclusive but shall be in addition to and not in substitution of other proceedings provided by law. Both obligees and obligors have the right under Georgia law to pursue any legal rights either in concert with or independently of the Department. The exercise of such rights shall not serve as a basis of a finding of noncooperation unless the applicant for services neglects to keep the Department informed of any other related proceedings which would impact its enforcement efforts under the Act.

(b) In light of this non-exclusivity, it is not uncommon for a superior court to issue a civil order containing provisions for child support (for example, in a divorce proceeding) subsequent to the existence of an administrative support order. Once a superior court issues an order, that order becomes the controlling order in the case and shall become the IV-D order being enforced by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.18
Authority: O.C.G.A. Secs. 19-11-22, 19-11-24.
History. Original Rule entitled "Other Judicial and Administrative Remedies" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.
Repealed: New Rule entitled "Remedies not Exclusive" adopted. F. June 15, 2011; eff. July 5, 2011.

Rule 290-7-1-.19. Administrative Hearing Procedures.

(a) Under these Rules, administrative hearings before OSAH are available with regard to certain enforcement actions taken by or decisions made by the Department. The availability of an administrative hearing and the deadlines for seeking an administrative hearing are controlled by the specific Rule addressing the action in question.

(b) If an administrative hearing is available and is timely requested in accordance with the applicable Rule, the Department shall initiate an administrative hearing before OSAH by filing an "OSAH 1" form.

(c) An administrative law judge ("ALJ") shall be assigned by OSAH in accordance with OSAH rules or operating procedures.

(d) Any issue, procedure, process, or other matter related to administrative hearings that is not explicitly addressed in these Rules shall be controlled by the rules of OSAH.

(e) After the ALJ hears the evidence at hearing, the ALJ shall issue an administrative decision. The decision shall be deemed entered when it is filed with the Clerk of OSAH, and shall be mailed to all parties immediately upon entry.

(f) If no party or the Department seeks review of the decision, it becomes final 30 days after entry of the decision.

(g) If a party or the Department is aggrieved by the administrative decision and has exhausted his or her administrative remedies, the aggrieved party or the Department may file a petition for judicial review under O.C.G.A. § 50-13-19 in either the superior court of his/her county of residence or in the Superior Court of Fulton County, within 30 days of the entry of a decision by the ALJ. NOTE: the procedure is slightly different for appealing an administrative decision affirming a tax refund intercept based upon an existing civil support order - an appeal of that type of action must be filed in the court that issued or registered the underlying child support order. See O.C.G.A. § 19-11-18(e).

(h) The petition for judicial review must be served personally on the Commissioner in accordance with O.C.G.A. § 49-2-15, or service shall be deemed defective and the petition for judicial review may be subject to dismissal by the court.

(i) As required by O.C.G.A. § 50-13-19, judicial review shall be conducted by the court without a jury and shall be confined to the record made before the agency in accordance with the Georgia Administrative Procedure Act. The Commissioner or his designee shall file the administrative record with the court within 30 days of the Commissioner being served with the petition for judicial review personally by second original as required by law. The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

(j) Any appeal of the administrative decision shall be limited solely to the issue of child support and shall exclude issues of visitation, custody, property settlement or other similar matters otherwise joinable by the parties.

(k) Neither an ALJ nor a superior court may retroactively modify a child support order nor eliminate arrearages accrued under a valid child support order.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.19
Authority: O.C.G.A. §§ 19-11-9.3(o), 19-11-24, 19-11-18.
History. Original Rule entitled "Suspension or Denial of Licenses" adopted. F. Nov. 21, 1996; eff. Dec. 11, 1996.
Repealed: New Rule entitled "Administrative Hearing Procedures" adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Rule 290-7-1-.20. Waiver of Payment of Unreimbursed Public Assistance Administrative Orders Only.

(a) Pursuant to O.C.G.A. § 19-11-5(b) the Commissioner of Human Services hereby vests the director of the Department and his or her designees with the authority to waive, reduce or negotiate the payment of unreimbursed public assistance. This is limited to administrative child support orders (not judicial orders) that create a debt owed to the state. In making a recommendation and determination regarding the waiver, reduction or negotiation of a debt owed under code section, the following factors shall be considered:

(1) The Department shall determine whether good cause existed for the nonpayment of the unreimbursed public assistance;

(2) The Department shall determine whether repayment of this debt would result in substantial and unreasonable hardship for the parent owing the debt; and

(3) The Department shall determine the obligor's current ability to pay the debt to include the consideration of the regularity of payments made for the current support of those dependents for whom support is owed.

(b) Any determinations to waive, reduce or negotiate a settlement of the unreimbursed public assistance made pursuant to this rule must be put into writing and approved by the director or designee. These records shall be available for review and subject to audit.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.20
Authority: O.C.G.A. § 19-11-5.
History. Original Rule entitled "Waiver of Payment of Unreimbursed Public Assistance - Administrative Orders Only" adopted. F. Nov. 2, 2005; eff. Nov. 22, 2005.
Repealed: New Rule of the same title adopted. F. June 15, 2011; eff. July 5, 2011.
Amended: F. June 4, 2021; eff. June 24, 2021.

Chapter 290-8. REPEALED.

Chapter 290-9. OFFICE OF REGULATORY SERVICES.

Subject 290-9-2. RULES AND REGULATIONS FOR CHILD-PLACING AGENCIES.

Rule 290-9-2-.01. Definitions.

Unless the context otherwise requires, these words and phrases shall mean the following in these rules:

(a) "Adoption" means a social and legal process designed to establish a new legal parent/child relationship giving a child the same rights and benefits of a child who is born to the prospective adoptive parent(s).

(b) "Applicant" means the following:

1. When the agency 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 agency 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 agency 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 agency 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 an agency to assist a child 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, and security, and these rules and regulations.

(d) "Biological Father" means a male who impregnated the biological mother resulting in the birth of a child.

(e) "Biological Parent" means a birth parent of a child.

(f) "Birth Parent" means a biological parent of a child.

(g) "Board" means the persons or legal entity in whom the ultimate legal responsibility, authority and accountability for the conduct of the Child-Placing Agency is vested.

(h) "Caseworker" means a person employed by the Agency who provides direct placement services and supervision following placements.

(i) "Casework supervisor" means a person employed by the Agency who is responsible for the supervision of the placement services offered by the Agency and for the designation of approval for the prospective adoptive and foster families to receive children for care.

(j) "Chemical restraint" means drugs that are administered to manage a child's behavior in a way that reduces the safety risk to the child or others; that have the temporary effect of restricting the child'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.

(k) "Child" means a person under 18 years of age for adoption purposes and under the age of 19 for foster care purposes.

(l) "Child-Placing Agency" or "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.

(m) "Child placement," or "placement activity" means the selection, by a person or agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family. This definition includes any preparation of a home study of a foster home or of a prospective adoptive home. Counseling with respect to options available, legal services, or services as an agent for the purpose of notice of revocation of consent by the birth parent does not constitute child placement under this definition. For purposes of this rule, this definition does not include the Department or a licensed professional providing home study preparation services as an evaluator.

(n) "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.

(o) "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.*

(p) "Department" means the Georgia Department of Human Services.

(q) "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 or therapeutic foster parent(s) in an urgent situation to prevent a

child from doing immediate physical harm to self or others or those behavior intervention techniques used by prospective adoptive or foster parents in an urgent situation to prevent a child from doing immediate physical harm to self or others.

(r) "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 that staff and therapeutic foster parents are authorized to utilize with a child and those interventions that are prohibited.

(s) "Evaluator" means a person or agency authorized by law to conduct a home study. An evaluator shall be a child-placing agency, the Department, or a licensed professional with at least two years of adoption related professional experience, including a licensed clinical social worker, licensed master social worker, licensed marriage and family therapist, or licensed professional counselor.

(t) "Executive Director" means the person responsible for overall administration of an Agency.

(u) "Facilitator" means an individual or agency who is engaged in the matching of birth parents with adoptive parents. This term does not apply to a person or agency who refers prospective birth parents, prospective adoptive parents and children to licensed child-placing agencies.

(v) "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.

(w) "Foster care" means supervised care for a child in a home other than the child's own home on a 24-hour full-time basis for a temporary period of time.

(x) "Foster family" or "foster home" means a private home where the foster parent(s) live which has been approved by the institution/agency to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19.

(y) "Foster parent(s)" means the adult member(s) of a foster family who provides supervision and care in a parental role for a child in foster care and who has a satisfactory criminal history background check determination.

(z) "Home study" means assessment of the home environment of an applicant to determine suitability of that environment as a foster home or a prospective adoptive home.

(aa) "Inducements" mean any financial assistance, either direct or indirect, from whatever source. The term "inducements" shall not include:

1. Payment or reimbursement of medical expenses directly related to the biological mother's pregnancy and hospitalization for the birth of the child and medical care for such child if paid by a licensed Child-Placing Agency or an attorney,

2. Payment or reimbursement of expenses for counseling services or legal services for a biological parent directly related to the placement by such parent of her or his child for adoption if paid by a licensed Child-Placing Agency or an attorney,

3. Payment or reimbursement of reasonable living expenses for the biological mother if paid by a licensed Child-Placing Agency, or

4. Payment or reimbursement of reasonable expenses for rent, utilities, food, maternity garments and maternity accessories for the biological mother if paid from the trust account of an attorney, who is a member of the State Bar of Georgia in good standing.

(bb) "License" means a document issued by the Department that grants permission for the holder to provide placement services.

(cc) "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.

(dd) "Mechanical restraint" means a device attached or adjacent to the resident'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 patients with appropriate positioning or posture secondary to physical impairments or disabilities.

(ee) "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.

(ff) "Out-of-state licensed agency" means an agency or entity that is licensed in another state or country to place children for adoption.

(gg) "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 placing agency and who:

1. Purports to or exercises authority of the owner in a child placing agency;

2. Applies to operate or operates a child placing agency;

3. Enters into a contract to acquire ownership of a child placing agency.

(hh) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.

(ii) "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.

(jj) "Prospective adoptive family" or "prospective adoptive home" means a family unit (which may include a single parent family unit) and their place of residence approved by an Agency to receive a child for adoption.

(kk) "Prospective adoptive parent(s)" means the adult member(s) of a prospective adoptive family who expect to assume all legal and social obligations and privileges of parent(s) through the legal adoption of a child.

(ll) "Record(s)" means the individual files established and maintained by a Child-Placing Agency which include data concerning a child, an applicant, a prospective adoptive family, and/or foster family.

(mm) "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.

(nn) "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.

(oo) "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.

(pp) "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.

(qq) "Sponsoring agency" means a Georgia Child-Placing Agency that serves as the primary coordinating agency with the foreign authorities, prospective adoptive parent(s), and children being placed through inter-country adoptions.

(rr) "Time-out" means a behavior management technique that involves the brief separation of a child from the group or setting where the child is experiencing some behavioral or emotional distress, not to exceed twenty (20) minutes, designed to deescalate the emotionally charged condition of the child. During "time-out" a child's freedom of movement is not physically restricted.

(ss) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(tt) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of these Rules.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.01
Authority: O.C.G.A. §§ 49-5-3, 49-5-8, 49-5-12, 19-8-1*et seq*.
History. Original Rule entitled "Definitions" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 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. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-9-2-.02. Applicability of These Rules.

(1) No person, facilitator, institution, society, agency, corporation or facility shall engage in child placement activities, including the advertising of such child placement activities, in Georgia unless a license has first been obtained from the Department.

(2) Child-Placing Agencies that arrange for children to receive care in foster homes or in prospective adoptive homes must assess the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster or adoptive person or family will provide.

(3) Child-Placing Agencies licensed in other states and wishing to engage in placement activities, including the advertising of such placement activities, in Georgia shall also be licensed in Georgia or shall have a written agreement approved by the Department with a Child-Placing Agency licensed within the state to cooperate in and to supervise the placement.

(4) No person, organization, corporation, hospital, facilitator, or association that is not a Child-Placing Agency, a prospective adoptive parent with a valid, approved preplacement home study report, or an attorney who is a member of the State Bar of Georgia representing a prospective adoptive parent with a valid approved preplacement home study report shall advertise that the person, organization, corporation, hospital, facilitator,

or association will adopt, arrange for or cause children to be adopted or placed for adoption as provided in O.C.G.A. Sec. 19-8-24.

(5) No person, organization, corporation, hospital, facilitator, or association shall directly or indirectly provide inducements to any biological parent to part with his or her child as provided in O.C.G.A. Sec. 19-8-24.

(6) Any Child-Placing Agency that places an advertisement concerning adoption or prospective adoption shall include in such advertisement its license number issued by the Department.

(7) Georgia Child-Placing Agencies licensed in other states and engaging in placement activities in Georgia shall disclose to the Department on a continuing basis any federal, state or private lawsuit or administrative action instigated against the Agency or any person affiliated with the Agency.

(8) These rules and regulations shall not apply to parties to a power of attorney for the care of a child executed in accordance with O.C.G.A. Secs. 19-9-120 et seq.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.02
Authority: O.C.G.A. §§ 49-5-8, 49-5-12, 19-8-24, 19-9-120*et seq*.
History. Original Rule entitled "Applicability of These Rules" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Amended: F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-9-2-.03. Agency Organization and Administration.

(1) Individuals, associations, institutions or corporations considering the establishment of a Child-Placing Agency shall consult the Residential Child Care Section of the Office of Regulatory Services about such plans before a specific program is developed.

(2) Program purpose. In accordance with these rules and regulations, a licensed Child Placing Agency 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 of children to be served in terms of age, race, religion, residence limitations and include the referral sources.

(3) Program Description and Implementation. A program description which includes the purpose or function of the proposed Agency shall be clearly defined. The program description shall include:

(a) Written policies and procedures that describe the scope of services to be provided, including room, board and watchful oversight, and the manner in which such services will be provided and supervised through the Agency.

(b) A program description must show what services are provided directly by the Agency and how services will be coordinated with the Medicaid Rehabilitation Option Provider and other available community or contract resources.

(c) Eligibility requirements for client service and for providers of care.

(d) A statement that the Agency shall only place children whose known needs can be met by the Agency based on preplacement assessment, planning and room, board and watchful oversight capacity. No Agency shall provide placement services for children whose needs for room, board and watchful oversight cannot be met based upon the child's physical, educational or emotional needs.

(4) Child-Placing Agencies shall be incorporated in Georgia as non-profit under state law and shall comply with regulations established by the State for non-profit corporations.

(5) **Board of Directors.** Each Child-Placing Agency shall have a Board of Directors, which operates as the governing board of the Agency.

(6) **Functions and Responsibilities of the Board of Directors.** The Board shall:

(a) Employ and dismiss an Executive Director;

(b) Delegate to the Executive Director the authority and responsibility for the employment of other staff members and the management of the affairs of the Agency according to the Agency's established policies;

(c) Refrain from direct administration or operation of the Agency either through individual members or committees, except in emergencies;

(d) Approve written policies for accepting children for placement;

(e) Be responsible for the Agency's compliance with all applicable state laws and regulations;

(f) Be responsible for adequate financing and budgeting for the Agency;

(g) Meet at least quarterly;

(h) Keep complete minutes of each meeting reflecting official actions of the Board pertaining to and affecting any aspect of the child-placing program. Minutes of each meeting shall be kept permanently on file;

(i) Notify the Department's Residential Child Care Section of ORS in writing within 5 calendar days when there is a change in the Executive Director or in the corporate structure, organization, or administration of the Agency;

(j) Inform the Department within 24 hours by phone and in writing within 10 days of notice to the Agency of any legal or administrative action brought against the Agency or any person affiliated with the Agency which affects any child in care or personnel or relates in any manner to the conduct of the Agency;

(k) Keep the Department informed on a quarterly basis, or more often if requested by the Department, concerning the status of current or previous judicial or administrative action against the Agency; and

(l) Be responsible for the disposition or storage of records of the Agency according to these rules, should the Agency cease operations.

(7) Board members shall have no direct or indirect financial interest in the assets, leases, business transactions, or in current professional services of the agency. Any potential conflict of interest shall be declared by a Board member and the minutes shall record declaration and abstention from the vote when a conflict exists.

(8) The Agency shall provide the Department with a list (name, address and office held, if applicable) of all Board members and shall have on file a notarized copy of each member's letter of acceptance.

(9) **Composition of the Board.**

(a) The Board shall be composed of at least five (5) members.

(b) At least one of the Board members shall be a bona fide resident of Georgia.

(c) Provision shall be made for systematic rotation of board members through a plan of overlapping terms of office.

(d) Provision shall be made for removal of inactive Board members.

(e) Employees and paid consultants of the Agency and their spouses shall not serve as members of the Board.

(f) Adoptive and foster care applicants with the Agency shall not serve as members of the Board as long as their cases are open.

(10) **Agency By-Laws.** The Agency shall have written by-laws which shall include:

(a) General purpose and functions of the organization;

(b) Frequency, time and place of Board meetings;

(c) Requirements regarding Board members' attendance at meetings;

(d) Number necessary for a quorum;

(e) Size, selection, functions, authority and organization of the Board of Directors;

(f) Appointment and duties of committees;

(g) Provision for amendments to the by-laws;

(h) Provisions for dealing with potential conflicts of interest.

(11) **Financing.** The Agency shall:

(a) Have a sound plan of financing which assures sufficient funds to support adequately the services offered, to provide for children accepted for care including care up to the time permanent plans for child care are completed, and to carry out the stated purposes of the Agency. A full and complete accounting of the financial affairs of the agency shall be provided to the Board on an annual basis;

(b) Provide evidence that it will have sufficient funds available to pay operating costs including compensation for a sufficient number of administrative and service staff through the current year of operation for which the license is to be issued;

(c) Maintain financial records of all receipts, disbursements, assets and liabilities and shall establish an accounting system capable of tracking all movements of funds and the actual expenditures for each case;

(d) Provide bond for Board members and staff responsible for handling substantial amounts of funds;

(e) Not require gratuities such as money or other things of value or services from applicants or their representatives beyond the established fee;

(f) Comply with all local and state and federal laws relating to the solicitation of funds;

(g) Establish a fee for placement services based on the cost of recruitment, placement, postplacement, legal, medical and other services rendered to the birth parent, adoptive family, foster parents, and child as documented and justified in the total Agency budget. The determination of such fee schedule shall be reviewed by the Board at least annually and the Board's determination shall be adequately documented in writing;

(h) Collect fees only as services are provided;

(i) Establish a written policy which defines the conditions under which fees related to adoption services are refundable, including a definite time frame when

applicants can expect a refund if requested services or placement of a child is not completed. Each applicant shall be provided with a copy of this policy.

1. This policy shall be disclosed to the applicant in clear and easily understood language.

2. The applicant shall sign that the policy has been discussed and a copy of the policy was received. This signed acknowledgment shall be kept in the applicant's file.

(j) Establish a written policy which defines the conditions under which it enters into purchase of service agreements, including all terms and conditions required to define the individuals to be served, services to be provided, procedures for payment and the payment plan;

(12) The Agency shall comply with other applicable requirements of state and federal laws affecting children and/or the operation of such agencies.

(13) The Agency shall be easily accessible and responsive to the applicant, staff and community and shall provide privacy for interviews and for pre-placement visits. The Agency shall have at least one staff member available at all times to handle client emergencies.

(14) Agencies ceasing operation for any reason shall notify the Residential Child Care Section of ORS in writing prior to closing and shall provide the following:

(a) Legal transfer of surrender and release of any child in its custody to another licensed Child-Placing Agency or to the Department;

(b) Appropriate transfer of responsibility for children in temporary placement to another licensed Child-Placing Agency or to the Department;

(c) Appropriate transfer or termination of services to all other applicants;

(d) Arrangements satisfactory to the Department concerning the storage of all relevant records.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.03
Authority: O.C.G.A. Secs. 49-5-12.
History. Original Rule entitled "Agency Organization and Administration" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-9-2-.04. Criminal History Background Checks, Agency Personnel.

(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new child placing agency 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 placing agency 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 Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

(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 sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;

(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;

(m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or

(n) 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 placing agency 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 placing agency license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .04(2)(a)-(n) 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 license who acquires a criminal record as defined in Rule .04(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.

(c) 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 .04(2)(a)-(n) 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.

(4) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed agency, a person shall submit a records check application and receive a satisfactory determination or be determined to be eligible to serve as a director as a result of an administrative hearing.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed child placing agency 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. 16-21-1, relating to contributing to the delinquency of a minor;

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 agency, 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 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 placing agency if it is determined that such person has a criminal record involving any of the covered crimes outlined in O.C.G.A. Secs. 16-4-1, 16-5-23, 16-6-1 and 16-21-1 and in Rule .04(2)(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, whichever is applicable.

(5) Criminal History Background Checks for Foster Parents Required. No facility that provides care in foster homes shall place a child in a foster home unless the foster parent or parents of the home and other adult persons that reside in the home or provide care to children placed in the home have obtained a criminal records check as required by law.

(6) No child shall continue to be placed in such foster home care unless the foster parent or parents also subsequently receive a satisfactory fingerprint records check determination or be determined eligible to serve as foster parents as a result of an administrative hearing.

(7) Personnel. In accordance with these rules and regulations, the agency shall have the administrative and professional service staff necessary to provide the services it is authorized to provide.

(a) Agencies operating multi-state programs under the supervision of an Executive Director who resides outside of Georgia shall employ an assistant director to whom the responsibility for administration of the Georgia program shall be delegated;

(b) Executive Director. The Executive Director or assistant director with responsibility for the administration of the Georgia program shall have as a minimum a Bachelor's degree and two years administrative experience in the field of human services. If the Executive Director or assistant director is responsible for supervision of casework services or provides direct placement services he/she shall also meet the educational and experience requirements for a casework supervisor.

(8) The Executive Director or the assistant director with responsibility for the administration of the Georgia program shall be:

(a) A full-time resident of the State of Georgia;

(b) Responsible for administration of policies and procedures established by the Board for operation of the Agency;

(c) Responsible for preparation, or assisting in the preparation of the annual budget, and control of expenditures according to budget allowance;

(d) Responsible for personnel matters including hiring, assigning duties, in-service training, supervision, evaluation of staff and terminations; and

(e) Responsible for professional leadership and technical consultation to the Board, determination of policy, and for periodic evaluations of the Agency's performance in terms of the conditions of licensure.

(9) Casework Supervisor. There shall be at least one casework supervisor employed by the Agency.

(a) The casework supervisor shall have the minimum qualifications of a master's degree from an accredited college or university in social work, psychology, childhood education, education counseling and psychology, or other human

service or behavioral science field, with a minimum of two years of casework experience in a Child-Placing Agency.

(b) The Executive Director or assistant director may perform this function if qualified.

(c) The casework supervisor shall be responsible for the supervision of the placement services provided by the agency, and for the designation of approval for prospective adoptive and foster families and for assessing the appropriateness of the placement's room, board and watchful oversight capacity.

(10) Caseworker(s). There shall be at least one caseworker employed by the Agency.

(a) The caseworker shall have the minimum qualification of a bachelor's degree from an accredited college or university.

(b) The caseworker shall provide direct placement services and supervision following placements.

(c) A casework supervisor may perform this function.

(11) Annual Training. All supervisory and social service staff members, whether employees or contracted staff, must complete job-related training annually.

(a) Each supervisory and social service staff member employed or contracted by the agency to work more than twenty (20) hours per week shall be required to complete 15 hours of job-related training annually, as calculated from the employment date.

(b) Each supervisory or social service staff member employed or contracted for twenty (20) hours or less per week shall be required to complete 7 hours of job-related training annually, as calculated from the employment date.

(12) Clerical Staff. There shall be clerical staff employed by the Agency as necessary to keep correspondence, records, bookkeeping and files current and organized.

(13) Personnel Policies. The Agency shall have written personnel policies which shall include:

(a) Hiring and termination procedures;

(b) Job descriptions;

(c) Provisions for work performance evaluations conducted at least annually;

(d) Provisions for staff training, including the use of behavior management techniques and emergency safety interventions; and

(e) Provisions for addressing concerns, disagreements and grievances of staff relating to the care of children.

(14) Personnel Files. There shall be a personnel file on each employee which shall include:

(a) Application for employment;

(b) A satisfactory criminal history background check completed in accordance with O.C.G.A. Secs. 49-5-60, *et seq.*, and a ten-year employment history;

(c) Documentation of at least two professional, educational, or personal reference contacts 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, with at least one of the reference contacts being a previous employer;

(d) Satisfactory documentation of education and other qualifications prior to employment;

(e) Date of employment or contract with the Agency;

(f) Current job description;

(g) Annual performance evaluation reports and any records of discipline involving the inappropriate use of behavior management techniques or emergency safety interventions signed and dated by both the employee or contracted individual and the supervisor;

(h) Documentation of participation in job-related training, including the dates of all such training, as required annually;

(i) Letter of resignation or reason for termination;

(15) Contracted Social Service Staff. All contracted social service staff must meet the same qualifications as employees and have a contract file with all of the same items required for the personnel files of other Agency staff.

(16) Personnel practices shall conform to the written policies and to these rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.04
Authority: O.C.G.A. Secs. 49-5-12.
History. Original Rule entitled "Agency Personnel" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 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.

Rule 290-9-2-.05. Agency Policies and Procedures for Services.

(1) Policy and Procedure Manual. The Agency shall have and comply with a written manual of operating policies and procedures in accordance with these rules and regulations regarding its services. The policies and procedures shall include, but need not be limited to:

(a) Adoption services.

1. Services to birth parent(s) exploring surrender of a child for adoption;

2. Procedures for termination of parental rights;

3. Procedures for accepting applications for adoption, for conducting home studies and for approval or disapproval of prospective adoptive homes and families;

4. Procedures for placements, supervising placements, completing required court reports and assistance in finalizing the adoption;

5. Collection and refunding of fees; and

6. Process for obtaining a criminal records check of each petitioner prior to the finalization of the adoption according to current Georgia law.

(b) Foster Care Services.

1. Procedures for obtaining temporary custody or parental consent to provide foster care services;

2. Procedures for accepting applications from prospective foster parent(s), conducting home studies, approval or disapproval of foster homes;

3. Procedures for supervising foster home placements to ensure that room, board and watchful oversight is provided;

4. Payment procedures for cost of care and other expenses to the foster parent(s);

5. Provision of medical and dental care, allowance, clothing and other incidentals for children in foster care;

6. Parental visiting;

7. Behavior management of children in care; and

8. Process for obtaining a satisfactory criminal records check clearance of all foster parent(s) and other adults residing in the foster home prior to placing a child in the home, or of foster parent(s) to continue a child in foster care, as required by current Georgia law.

(c) Financial policies and procedures including fees, payment schedules, and refunds;

(d) Establishing, maintaining and storing of records and files;

(e) Interstate and inter-country placement of children;

(f) The specific emergency safety intervention plan, including the emergency safety interventions that may be used; and

(g) The prohibition and reporting of child abuse.

(2) Prior to separation of a child from his home or family, the Agency shall require an assessment of the child's current situation.

(3) If it is determined that it is not in the child's best interest to remain with the birth parent(s)/guardians, they shall be required to be involved in the service planning so that the most appropriate form of placement for the child (foster family care, residential group care or adoption) can be determined.

(4) Prior to accepting a child from another state or prior to placing a child outside Georgia for temporary care or for adoption, the Agency's procedures shall comply with the applicable state laws and with the provisions of the Interstate Compact on the Placement of Children (ICPC), O.C.G.A. Chapter 39-4.

(5) Agencies providing adoptive services shall have policies and procedures in compliance with the provisions of the State Adoption statutes, O.C.G.A. Chapter 19-8.

(6) The Agency shall have written procedures for addressing concerns, disagreements, complaints and grievances of applicants.

(7) Agency practices shall conform to the written policies.

(8) Whenever the Agency 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 providing protective services as designated by the Department of Human Resources (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 Office of Regulatory Services.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.05
Authority: O.C.G.A. Secs. 19-7-5, 19-8, 39-4, 49-5-12.
History. Original Rule entitled "Agency Policies and Procedures for Services" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-9-2-.06. Adoption Services.

(1) **Orientation Information For Prospective Applicants.** Prior to the acceptance of an application or fees of any kind, the Agency shall provide information to prospective adoptive parent(s) to assist them in making an informed decision about applying to adopt. The information may be in the form of a written handout. The information shall include at least:

(a) The Agency's adoption services;

(b) The Agency's eligibility requirements for adoption;

(c) A description of the procedures involved with adoption;

(d) The Agency's fee schedule and refund policies;

(e) The approximate time the assessment and adoption process will take; and

(f) The types of children available for adoption.

(2) **Additional Orientation for Applicants**. Once an application has been submitted by prospective adoptive parent(s), and prior to approval of the application, additional orientation information shall be supplied for the applicant(s), including but not limited to:

(a) The legal procedures involved in adoption;

(b) The minimum requirements for a prospective adoptive home and the procedures for the home study;

(c) The selection and placement process;

(d) The process children use to locate birth parent(s), and the process birth parent(s) use to locate children;

(e) The Agency's grievance procedures; and

(f) The Agency's policies and procedures including those on behavior management techniques and emergency safety interventions.

(3) **Home Study of the Prospective Adoptive Family.** The Agency shall make a written evaluation, or study, of each prospective adoptive family prior to the placement of a child in the home. If the applicant is approved, the required information shall be kept current, with modifications made as necessary if changes occur, until a placement is made.

(a) This home study of the applicant for adoption services shall include at least three visits on separate days. At least one visit shall be in the home and the applicant and all other family members shall be seen and interviewed.

(b) Prospective adoptive parent(s) shall be interviewed together as well as separately.

(c) Dates of these visits and the name of the caseworker making the visits shall be documented in the home study.

(d) The study shall include at least the following information concerning the prospective adoptive family:

1. The names, home address, and home phone number of the prospective adoptive family, as well as the work phone number of the prospective adoptive parent(s);

2. Motivation to adopt and the family members' attitude(s) toward childlessness;

3. Description of each family member, to include:

(i) Date and place of birth;

(ii) Physical description;

(iii) Family background and history;

(iv) Current relationships with immediate and extended family members;

(v) Education;

(vi) Social involvements; and

(vii) Personal characteristics, such as personality, and interests and hobbies;

4. Evaluation of marriages and family life:

(i) Date and place of marriages, if applicable;

(ii) History and assessment of marital relationship;

(iii) Family patterns; and

(iv) Previous marriages (verification of divorces, if applicable);

5. Evaluation of parenting practices:

(i) Description of parenting knowledge, attitudes, and skills;

(ii) Behavior management practices;

(iii) Child rearing practices; and

(iv) Experience with children;

6. Evaluation of physical and mental health needs and/or supports that may be required from external sources, such as an MRO:

(i) Summary of health history and condition of each family member;

(ii) Documentation of a physical examination of the prospective adoptive parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;

(iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study; and

(iv) An informal assessment of the emotional and mental health of each member of the prospective adoptive family;

7. Evaluation of the understanding of and adjustment to adoptive parenting:

(i) The understanding of adoption and how adoption will be handled with the child;

(ii) Attitude toward birth parent(s);

(iii) Understanding of how adoptive parenting is different from biological parenting;

(iv) Attitude toward rearing a child biologically not their own;

(v) Understanding of the possibility of inherited traits and the influence of genetics vs. environment;

(vi) Expectations of the adopted child, including intellectual and physical achievement;

(vii) Understanding of loss in adoption;

(viii) Attitudes of other children residing in the home and extended family members toward adoption; and

(ix) The support network in place for the prospective adoptive family, including support systems for single parent families, if applicable;

8. Evaluation of the prospective adoptive parent(s)' finances and occupation:

(i) Employment history of family members;

(ii) Combined annual income;

(iii) Ability to provide financially for the family; and

(iv) Projected financial impact of the addition of an adopted child to the home;

9. A description of the home and community:

(i) Description of the neighborhood;

(ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;

(iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;

(iv) A statement verifying that all firearms owned and in the home are locked away from children;

(v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances;

(vi) A statement that smoke alarms are present and functioning on each level in the home;

(vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems;

(viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities;

10. A statement regarding the results of a criminal records check, as required by law, for each prospective adoptive parent(s). Where the individuals in the home have not resided in this state for the five years preceding their application to adopt, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.

11. A minimum of three character references:

    (i) At least one reference must be from an extended family member not residing with the prospective adoptive family, and

    (ii) If a prospective adoptive parent(s) has worked with children in the past five (5) years, a reference must be obtained from the former employer(s) for that work experience;

12. Description of the child the applicant will consider, including age, sex, ethnicity, and any physical, medical, or emotional parameters;

13. Recommendation regarding approval as prospective adoptive parent(s), including description of any identified training or resource needs; and that the prospective adoptive parents possess the capacity to provide room, board and watchful oversight.

14. Date the home study is completed and the name and signature of the person completing the study.

(e) Home Study Updates. For certain circumstances as described below, a home study may be updated in lieu of completion of an entirely new home study. At a minimum, a home study update must include at least one home visit, the applicant's current employment status, updated medical reports, changes in family composition, and any changes in types of children requested. Additional information may be required as follows:

1. When a family is approved for an adoption placement by a Georgia agency, and a child has not been placed with the family within one year of the date

of the approval by that agency, there shall be documentation annually of the reason(s) a placement has not been made, and a home study update shall be completed prior to a placement being made;

2. When a family is applying to adopt again after an initial adoption placement has resulted in a disruption, an update shall be completed and include information about the cause(s) of the previous disruption; and

3. An update of a home study from another state or from another Georgia agency shall require at least one home visit with all family members present and shall include additionally an evaluation of the physical standards of the home.

(f) Subsequent Home Studies. When a family is applying to adopt again after an initial placement has been made with that family, a subsequent home study shall be completed, which may contain the original home study for information which has not changed since that study, but must at a minimum include additionally:

1. At least one additional home visit since the time of the previous placement;

2. The applicant's current employment status;

3. Updated medical reports;

4. Changes in family composition;

5. Any changes in types of children requested;

6. An evaluation of the prospective adoptive parent(s)' adjustment to parenthood; and

7. A re-evaluation of parenting skills, knowledge, and techniques.

(g) Decision on Approval. A decision on approval of a prospective adoptive family shall be made within 60 days of the last contact with the applicant or there shall be documentation in the record to explain any delay.

1. Applicants shall be notified in writing within ten (10) working days following the Agency's decision of their approval or disapproval as a prospective adoptive family.

2. A narrative that clearly indicates the reason(s) a family was not accepted or did not have a child placed shall be included in the record of an unapproved applicant.

(4) **Services to the Birth Family and Child.**

(a) The Agency shall offer and document services to both birth parent(s), including counseling and referral to other agencies when needed, to assist in determining the best plan of care for their child.

(b) The Agency and the birth parent(s) shall enter into a written agreement as early in the working relationship as possible specifying the services to be provided and the responsibilities and expectations of each party.

(c) Once an agreement has been established with the birth parent(s), the Agency's commitment to an appropriate placement of that child shall be irrevocable unless the birth parent(s) fail to abide by the terms of the agreement or it is determined by the Agency in good faith that the child cannot be legally freed for adoption.

(d) An Agency shall not provide inducements to the birth parent(s) to surrender the child by any financial assistance, either direct or indirect, from whatever source or use coercion to influence their decision to either make an adoption plan or parent the child. The birth parent(s) shall sign an affidavit that includes an itemized accounting of all expenses paid or reimbursed pursuant to O.C.G.A. Sec. 19-8-24. The birth parent(s) and the Agency shall sign affidavits that include an itemized accounting of the payment or reimbursement of all expenses to the birth parent(s) such as:

1. Medical expenses directly related to a biological mother's pregnancy and hospitalization for the birth of the child and medical care for the child;

2. Counseling services or legal services for a biological parent directly related to the placement by the parent of his or her child for adoption;

3. Reasonable living expenses for the biological mother; and

4. Any other financial assistance paid or reimbursed to the birth parent(s).

(e) The Agency shall obtain medical and social background information for each birth parent such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the birth parent(s) and their families, that might affect the child's normal development, shall be included in the background information.

(f) When a birth mother refuses to disclose the name of the biological father, the record shall reflect the fact that she was advised of the legal consequence of non-disclosure of the name of the biological father.

(g) When a birth mother indicates that the identity of the biological father is unknown to her, the record shall reflect the fact that she was advised of the consequences of

such a response and shall also reflect the reason why his identity is unknown to her.

(h) Whenever rights to a child are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, a copy of the executed surrender documents shall be provided to the parent(s) at the time of the signing.

(i) The birth parent(s) shall have the right to revoke the surrender of a child within four days after signing such surrender in accordance with O.C.G.A. Sec. 19-8-9.

(j) Requirements and procedures for any reimbursement of funds to the agency from the birth parent(s) in the event of a withdrawal or revocation of consent shall be made available in writing to the birth parent(s) and shall be discussed during initial interviews.

1. Requiring reimbursement for Agency operational expenses is prohibited.

2. If there is no required reimbursement of funds, a statement signed by the birth parent(s) and the Agency representative to that effect shall be in the file.

(k) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:

1. That the birth parent(s) signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent;

2. That all facts relative to the biological or legal father are a part of the record;

3. That adoption is in the child's best interest; and

4. That the written consent of a child who is 14 years of age or older to his or her adoption is given and acknowledged in the presence of the court and is made a part of the record.

(l) A surrender shall not be accepted prior to the birth of the child, nor within 24 hours after the birth of the child.

(m) The surrender of parental rights of the birth parents shall be executed under oath and in the presence of a notary public and an adult witness.

(n) A surrender of parental rights of the birth parents shall not be accepted without the benefit of legal representation or action when:

1. In the Agency's opinion the birth parent(s) appear incapable of exercising informed judgment; or

2. The birth parent(s) refuses to sign a surrender or assume responsibility for the child.

(o) The Agency shall assure that a surrender of parental rights of the birth parents is executed in accordance with the provisions of the O.C.G.A. Chapter 19-8.

(p) The Agency shall be responsible for any legal services necessary for the termination of the parental rights of the biological or legal father, if applicable.

(q) When an Agency accepts surrender of a child from a birth parent, the Agency shall assume primary responsibility for the child, including care and support, until the final decree of adoption.

(r) Birth parent(s) shall be informed of Georgia's Adoption Reunion Registry and their legal rights to enter either a consent to contact or affidavit of nondisclosure should their child placed for adoption ever request contact with them upon reaching age eighteen (18) or older.

(s) Records for the birth parent(s) and child shall contain:

1. Name, address, social security number, telephone number and marital status of the birth parent(s);

2. Social history of the family;

3. A report of the circumstances precipitating the Agency's involvement with the birth parent(s);

4. Agreement for services to birth parent(s) and child;

5. Plan of care for the child;

6. Health history of the birth parent(s) and child including a health examination of the child within one year prior to date of placement. Such examination shall be done by a medical doctor, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or public health department;

7. Name, sex, race, birth date and birthplace of the child;

8. Legal documents including verified birth certificate, court order, agreements, surrenders, consents, etc.;

9. Documentation of the surrender or termination of parental rights of the birth parents;

10. Documentation that birth parent(s) were informed of Georgia's Adoption Reunion Registry and of how they could register their wishes on the Registry; and

11. Documentation of contacts with or made on behalf of the birth parent(s) and child.

(5) **Services to the Biological Father Who Is Not a Legal Father of the Child.**

(a) The Agency shall offer and document services to the biological father who is not a legal father of the child, if applicable.

(b) The Agency shall obtain medical and social background information for the biological father who is not a legal father such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the biological father who is not a legal father and his families, which might affect the child's normal development, shall be included in the background information.

(c) Whenever rights are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, a copy of the executed surrender documents shall be provided at the signing to the biological father who is not a legal father.

(d) The biological father who is not a legal father shall have the right to revoke the surrender of the child within four days after signing such surrender in accordance with O.C.G.A. Sec. 19-8-9.

(e) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:

1. That the biological father who is not the legal father signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent; and

2. That all available information relative to the biological father who is not a legal father is a part of the record.

(f) A biological father who is not a legal father of a child may execute a surrender of his rights to the child prior to the birth of the child for the purpose of an adoption pursuant to Chapter 8 of Title 19 of the Official Code of Georgia Annotated.

(g) The surrender of rights by the biological father who is not a legal father shall be executed under oath and in the presence of a notary public and an adult witness.

(h) A surrender of rights shall not be accepted from the biological father who is not a legal father without the benefit of legal representation or action when:

1. In the Agency's opinion the biological father who is not a legal father appears to be incapable of exercising informed judgment; or

2. The biological father who is not a legal father refuses to sign a surrender.

(i) The Agency shall assure that a surrender of rights by the biological father who is not a legal father is executed in accordance with the provisions of O.C.G.A. Chapter 19-8.

(j) The biological father who is not a legal father shall be informed of Georgia's Adoption Reunion Registry and his legal rights to enter either a consent to contact or affidavit of nondisclosure should his child placed for adoption ever request contact with him upon reaching age eighteen (18) or older.

(k) Records for the biological father who is not a legal father shall contain, if available:

1. His name, address, social security number, telephone number and marital status;

2. A report of the circumstances precipitating the Agency's involvement with him;

3. His health history;

4. Documentation of the surrender or termination of his rights to the child;

5. Documentation that he was informed of Georgia's Adoption Reunion Registry and of how he could register his wishes on the Registry; and

6. Documentation of contacts made with or made on behalf of him.

(6) **Services Prior to An Adoption Placement.** These services are provided after an applicant has been approved, and prior to the placement of a child for adoption.

(a) The Agency shall consider a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's right for placement and care.

(b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable. If not in the

best interest of the children involved, the reasons shall be documented in the records.

(c) The Agency shall discuss children for potential adoption with the approved prospective adoptive family and shall prepare the prospective adoptive family for the placement of a particular child or children, by anticipating the adjustments and problems that may arise during and after placement.

1. All available information about the child's development and background shall be shared in writing with the prospective adoptive parent(s).

2. A copy of the written health history shall be given to the prospective adoptive parent(s) for their use with the child's physician.

3. Documentation of these disclosures shall be included in the case record.

(d) The child shall be seen by the prospective adoptive parent(s) prior to the signing of the placement agreement, and this event shall be documented in the case record. For intercountry adoptions, this rule shall not apply if the Agency does not have custody of the child.

(7) **Services Following An Adoption Placement.**

(a) The Agency caseworker shall make at least two home visits after the placement of the child and prior to the filing of the petition for adoption.

1. The first home visit may be made at any time within 30 days after the placement of the child.

2. There shall be a minimum of two weeks between the required home visits for a child age twelve (12) months or younger.

3. There shall be a minimum of 30 days between the required home visits for a child over the age of twelve (12) months.

(b) Home visits shall be made with the prospective adoptive family at least once a month prior to the filing of a petition for adoption to verify that the prospective parent(s) are delivering care in a safe and healthy environment to the children in accordance with these rules and regulations and relevant Agency policies and procedures. Such visits shall include observation of the child and at least one prospective adoptive parent in the home.

(c) When foster parent(s) are adopting their foster child, the foster parents may proceed with the filing of the petition prior to any home visits.

(d) If a petition for adoption is not granted within 90 days after filing, the Agency shall make additional home visits at least quarterly until a final order has been entered on the petition.

(e) Documentation of home visits will be maintained in both the prospective adoptive family's and the child's file. Documentation of home visits should include but not be limited to a summary of the entire family's adjustment to the prospective adoptive placement, any problem or issue that has arisen, and the resolution of the problem or issue.

(f) The Agency shall explain to the prospective adoptive family the requirement that the prospective adoptive family engage an attorney of its choice for finalization of the adoption.

(g) The Agency, when appointed as the agent by the court, shall help complete the adoption as required by the Superior Court through preparation and presentation of the written court report. A copy of the court report shall be filed with the state Office of Adoptions. Copies of the state birth verification and the court report shall be retained by the Agency in the adoption record. Any requests, consents or objections for the name of a biological parent to be released to an adopted individual shall be filed with the State Adoption Unit.

(h) In an interstate adoption placement where Georgia is the state of origin, the requirements for services following an adoption placement may be met by fulfilling the requirements of the receiving state.

(8) **Inter-country Adoptions.** When an Agency is participating in inter-country adoptions, the following requirements must be met in addition to other requirements contained in these rules:

(a) An Agency participating in prospective inter-country adoptions, whether as a sponsoring agency or by the provision of home studies, shall abide by all applicable federal and state laws and regulations, including immigration laws and those relating to inter-country agreements concerning adoptions.

(b) Where written agreements exist, an Agency shall retain copies of all agreements with foreign countries and English translations of those agreements.

(c) A sponsoring agency for a prospective inter-country adoption shall retain documentation that:

1. The child is legally freed for adoption in the country of origin; and

2. All information about supervision after placement required by the country of origin has been provided prior to the finalization of the adoption.

(d) An Agency participating in prospective inter-country adoption placements where the United States is the country of origin shall document that the following processes have occurred before the child leaves Georgia:

1. There has been termination of parental rights as required by the receiving country;

2. There has been termination of rights by the biological father who is not the legal father, if applicable;

3. There has been a determination of legal responsibility for the child in the new country; and

4. There has been validation that all the requirements for the adoption to occur in the foreign country can be satisfied.

(e) A sponsoring agency shall provide and document orientation for prospective adoptive parent(s) in issues related to inter-country adoptions, including but not limited to:

1. Adoption requirements of the country of origin;

2. Health issues of the country of origin;

3. Institutional disorders; and

4. Developmental delay.

(f) A sponsoring agency shall document the provision of the following information to prospective adoptive parent(s):

1. Which countries finalize adoptions abroad, and which require that the adoption be finalized in the United States;

2. Information about the physical and mental health of the child;

3. Information regarding domestication of the foreign adoption decree; and

4. Information regarding obtaining U.S. citizenship for the child.

(g) The Agency shall apply the same standards for home study for prospective inter-country placements as for other placements in Georgia and shall meet any federal requirements for the home study.

(h) Agencies providing inter-country adoption services, whether as a sponsoring agency, through the provision of home studies, or in any other capacity, shall disclose promptly to prospective adoptive parent(s) any information that is or

becomes available which may affect their adoption placement, including but not limited to any suspension of the adoption program by the foreign country.

(i) Agencies providing inter-country adoption services shall provide all applicants with policies governing refunds when adoption services that have been promised have not been rendered or when there is a disruption of services that may nullify an adoption.

(9) **Maintenance of Adoption Records.**

(a) The Agency shall maintain a record for each applicant for adoption services, to contain the application and other information collected by the Agency pertaining to the applicant including but not limited to:

1. The home study and all documents required by the home study, such as criminal records checks;

2. Upon placement of a child in the home, a signed agreement as to the terms of the placement;

3. A copy of the information given to the parent(s) concerning the child;

4. All legal documents pertaining to the adoption; and

5. A summary narrative on the pre-placement and post-placement contacts with the prospective adoptive family and the adopted child. Entries shall be dated and shall identify the caseworker making the contacts.

(b) Adoption records shall be maintained permanently following finalization of the adoption. Immediately upon receipt of the final order or certificate of adoption, each individual record shall be sealed and secured from unauthorized scrutiny in accordance with the provisions of O.C.G.A. Sec. 19-8-23.

(c) For adoptions finalized after the effective date of these rules, the adoption records shall be converted to non-paper format, such as microfilm or computer format, within six months from the date of finalization of the adoption. The format type and date must be clearly labeled on the exterior of the record container.

(d) Records of evaluation of applicants for adoption services which do not result in the finalization of an adoption shall be maintained for at least one year following date of written notification to applicants of their unapproved status.

(e) All adoption records shall be stored in fireproof file cabinets or maintained electronically in accordance with policies that protect against fire and theft, ensure access to authorized users, and provide safeguards against access by unauthorized users.

(f) All records relating to adoption shall be kept confidential.

(10) **Behavior Management and Emergency Safety Interventions.**

(a) Child training, behavior management, and emergency safety interventions may be administered by the prospective adoptive parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.

(b) The use of positive techniques for child training and behavior management shall be encouraged and supported by the Agency.

(c) Behavior Management.

1. The agency shall make available to prospective adoptive parent(s) information on the kinds of behavioral problems of the children that might arise and appropriate techniques of behavior management for dealing with such behaviors.

2. The following forms of behavior management shall not be used by prospective adoptive parent(s) receiving services through the licensed agency;

(i) Assignment of excessive or unreasonable work tasks;

(ii) Denial of meals and hydration;

(iii) Denial of sleep;

(iv) Denial of shelter, clothing, or essential personal needs;

(v) Denial of essential services;

(vi) Verbal abuse, ridicule, or humiliation;

(vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

(viii) Corporal punishment;

(ix) Seclusion or confinement of a child in a room or area which may reasonably be expected to cause physical or emotional damage to the child; or

(x) Seclusion or confinement of a child to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a

room or area without the supervision or monitoring necessary to ensure the child's safety and well-being.

3. Children shall not be permitted to participate in the behavior management of other children.

4. Agencies shall submit to the Department electronically or by facsimile a report within 24 hours, whenever the Agency becomes aware of an incident, which results in any injury to a child requiring medical treatment beyond first aid that is received by a child as a result of or in connection with any behavior management or emergency safety intervention.

5. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .06(10)(c)2. through (xi) or inappropriate emergency safety interventions. Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.

6. Prospective adoptive parent(s) shall be made aware of each child's known or apparent medical and psychological conditions and family history, as evidenced by written acknowledgement of such awareness, to ensure that the prospective adoptive parent(s) have adequate knowledge to deliver safe and healthy care to the child.

7. The Agency shall require the prospective adoptive parent(s) to report to the agency within 24 hours whenever a child receiving services through the Agency requires medical attention as a result of or in connection with the use of a behavior management techniques or emergency safety interventions.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.06
Authority: O.C.G.A. §§ 19-8-1*et. seq*, 49-5-3, 49-5-8, 49-5-12,49-5-60.
History. Original Rule entitled "Adoption Services" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Amended: F. Nov. 15, 2018; eff. Dec. 5, 2018.

Rule 290-9-2-.07. Foster Care Services.

(1) Foster care shall be considered only after it has been established that it is necessary for the physical and/or emotional well-being of the child.

(2) No more than 6 children under the age of 19 may reside in a foster home.

(3) Orientation Prior to Foster Care Application. The Agency shall provide orientation information in person or in written form to prospective foster parent(s) to assist them in making an informed decision about applying to become a foster parent. The format of the orientation must be documented in the applicant's file. The orientation information must include at least the following:

(a) The Agency's purpose and a listing of services provided;

(b) A description of the approval process for foster parenting;

(c) The minimum requirements for foster parenting including the limits to the number of children in the home;

(d) The roles and responsibilities of foster parent(s), including the provision of room, board and watchful oversight;

(e) A description of children served by the Agency;

(f) Support services available for foster parent(s);

(g) General information regarding financial reimbursement for expenses in foster care; and

(h) Policies and procedures regarding appropriate behavior management and emergency safety interventions.

(4) Training for Prospective Foster Parent(s). Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the agency shall provide and document training for the applicant in at least the following topics:

(a) The Agency's grievance policies and procedures;

(b) The annual training requirements for foster parent(s), including the requirement of at least fifteen (15) hours of training relevant to the type of child placed or to be placed in the foster home if the child is more than 12 months old. For parent(s) providing foster care for children under 12 months of age, the foster parent shall have at least eight (8) hours of training.

(c) The Agency's policies and procedures for behavior management techniques and emergency safety interventions for children in foster care;

(d) Child abuse recognition, reporting, and investigation procedures;

(e) Characteristics of children served and their developmental needs, including special needs when applicable; and

(f) The Agency's policies and procedures for handling medical emergencies (conditions or situations which threaten life, limb, or continued functioning), and managing use of medications by children in care.

(5) Minimum Requirements for Prospective Foster Families.

(a) Home Study. The Agency shall make a thorough evaluation of each prospective foster family and document this evaluation in a foster home study report which shall be updated as changes in the required home study information occur and include at least the following:

1. The names of family members, the family address and telephone number, drivers' license numbers, and proof of automobile insurance as applicable;

2. The motivation for foster parenting, including but not limited to attitude toward childlessness;

3. A description of family members, including:

(i) Date and place of birth;

(ii) Physical description;

(iii) Family background and history;

(iv) Current relationships with immediate and extended family members;

(v) Education;

(vi) Social involvements;

(vii) Personal characteristics;

(I) Personality;

(II) Interests and hobbies; and

(III) Emotional stability.

4. Evaluation of marriages and family life:

(i) Verified date and place of marriage, if applicable;

(ii) Assessment of marital relationship;

(iii) Family interaction patterns; and

(iv) Previous marriages.

5. Evaluation of parenting practices:

   (i) Description of parenting knowledge, attitudes and skills;

   (ii) Current behavior management practices; and

   (iii) Current child-rearing practices.

6. Evaluation of physical and mental health needs and/or supports that maybe required from external sources, such as an MRO:

   (i) Health history and condition of family members;

   (ii) Documentation of a physical examination of the foster parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;

   (iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study;

   (iv) Evaluation of emotional and mental health status of each member of the prospective foster family; and

   (v) Screening for tuberculosis and venereal disease for prospective foster parent(s) and children 16 years of age and older living in the prospective foster home.

7. Understanding of and adjustment to foster parenting:

   (i) Understanding of the role of a foster parent and the issues in caring for foster children;

   (ii) Foster family's attitude toward the parent(s) of the foster children including parental visits in their home;

   (iii) Expectations of the foster child, including intellectual and physical achievement;

(iv) Anticipated adjustment of each foster family member to a foster child;

(v) Willingness to cooperate with the placement agency; and

(vi) Support network in place for the foster family, including support systems for single parent families, if applicable;

8. Finances and occupations of family members:

(i) Employment history, including whether the home is a registered family day care home or operating any other business or service out of the home that might have an impact on health and safety of the children in care;

(ii) Financial stability of the family;

(iii) Possible financial impact of the addition of a foster child to the home;

9. Home and community:

(i) Description of neighborhood;

(ii) Physical standards of the home, including:

(I) Space and sleeping arrangements, such that:

(II) Only bedrooms are used as sleeping space for children,

(III) A maximum of two (2) children sleep in a double or larger bed, and only if they are of the same sex and under 5 years of age,

(IV) No child over one (1) year of age sleeps in a room with an adult,

(V) Children over three (3) years of age of different sexes do not share a bedroom,

(VI) Children sleep in a bedroom with adequate space for clothing and personal possessions,

(VII) The home is maintained in a condition to ensure the health and safety of children,

(VIII) Hazardous items are not accessible to children,

(IX) A statement as to whether or not there are firearms kept in the home and if so, all firearms owned and in the home are locked away from children,

(X) A statement as to whether or not there is a swimming pool on the premises, and if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and it meets all applicable community ordinances,

(XI) Each level of the home is equipped with a functional smoke alarm,

(XII) Water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities,

(XIII) Domestic pets owned or residing with the family have been inoculated against rabies as required by law, and

(XIV) Gas heaters are vented to avoid fire and health hazards, with any un-vented, fuel-fired heaters equipped with oxygen depletion safety shut-off systems.

(iii) Assessment of community resources, including accessibility of schools, churches, recreation, medical facilities and mental health facilities;

10. Religion;

11. A statement regarding the results of a criminal records check, as required by law, for each prospective foster parent(s) and any adult residing in the home. Where the individuals in the home have not resided in this state for the five years preceding their application to foster, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.

12. Pre-service training the prospective foster parent and/or family may have received;

13. A minimum of three (3) character references:

(i) At least one reference shall be from an extended family member not residing with the prospective foster family; and

(ii) If the prospective foster parent has either served previously as a foster parent for another agency, and/or been employed within the past five (5) years in a job involving the care of children, at least one reference must be from the former agency or employer.

14. A description of the type of child desired by the prospective foster family;

15. The date the study is completed and the name and signature of the person completing the study; and

16. Recommendation regarding approval as prospective foster parent(s), including description of any identified training or resource needs; and that the prospective foster parents possess the capacity to provide room, board and watchful oversight.

(b) Notification of Approval. Potential foster parent(s) shall be notified in writing as to whether or not their application has been approved.

(c) Location of Foster Homes. Foster homes used by the Agency shall be located within a reasonable travel distance from the Agency so as to be accessible for regular visits by family and Agency staff.

(6) Services Prior to Foster Care Placement.

(a) The selection of a foster home for a particular child shall be based on an assessment of the child's total needs and how well a particular home can meet the child's needs.

(b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable.

(c) Placement considerations shall include the potential for children's participation in religious and cultural activities in accordance with their cultural ethnic heritage.

(d) The Agency shall discuss the prospective foster placement with the foster family and shall prepare the foster family for the placement of a particular child by anticipating the adjustments and problems that may arise during placement and any specialized services to be provided. This discussion shall be documented in the case record.

(e) Pre-placement activities between child and foster family shall be documented in the case record of the child and family.

(f) Complete written placement agreement(s) shall be developed with the involvement of the child, the foster parent(s), the parent(s) or guardian(s), and the placing agency representative and signed by all adult parties; such agreement(s) shall include the following:

1. Written authorization to care for the child;

2. Written authorization to obtain medical care for the child;

(g) The Agency shall have a written agreement with the foster parent regarding its policies as to payment of board, arrangements for medical care, clothing, incidental expenses, visits by parent(s), discipline, advance notices for removal when placements are terminated by foster parent and emergency procedures.

(7) Services During the Foster Care Placement.

(a) A plan of care, or case plan, for the foster child and the foster family shall be developed within 30 days from the date of placement.

1. The case plan shall be reevaluated for appropriateness in a case review conference at least every 6 months.

2. The involvement of the child, foster parent, Agency representative and, when appropriate the legal custody holder, shall be documented in the case plan.

(b) The case plan shall include, but not be limited to:

1. Reason for present foster care placement;

2. Statement of preliminary plans for discharge;

3. Statements of any special care and services that will be arranged for or provided directly;

4. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them, and:

(i) Designation of responsibility for carrying out objectives with child, birth parent(s), foster parent(s), and Agency representative;

(ii) A method for evaluating and changing goals as needed.

5. A visitation plan, with any changes to the plan documented:

(i) Provisions for visits between parent(s) and children shall be made, except where the parental rights have been terminated or where it is documented that visits are detrimental to the child;

(ii) The parent(s) and the child shall be informed of the visitation plan.

(c) When the agency has a written contract with a state human services agency to provide home finding services only, and the state agency has prepared a case plan for the child and family, then the contracting Child-Placing Agency shall not be required to complete an additional case plan. The Child-Placing Agency must document that a case plan is in place at the time of placement of the child.

(d) The Agency shall provide for a complete health and dental program for each child including:

1. A physical examination of the child shall be provided within 72 hours (excluding weekends and holidays) of placement. If the child is being moved from a previous placement by a licensed agency or state agency, results from an examination completed within one year prior to the new placement shall be accepted for this requirement as long as there appears to be no obvious change in health status;

2. A general dental examination of a child over the age of three (3) years shall be provided for unless such an examination has been completed within 6 months prior to placement. Such examinations shall be done by either a dentist or a licensed dental hygienist;

3. Correction/improvement of health and dental defects (including an annual physical examination and a semiannual dental examination);

4. Immunizations appropriate for the age of the child.

(e) The Agency shall provide opportunity for academic and/or vocational training for each child in accordance with his ability and aptitude and as required by the school attendance laws of the state.

(f) Home visits shall be conducted by the Agency at least monthly in order to verify that the foster parent(s) are delivering care and room, board and watchful oversight in a safe and healthy environment to the children, in accordance with these rules and regulations and Agency policies and procedures. Such visits shall include observation of the foster child with at least one of the foster parent(s).

(g) The Agency shall provide an annual evaluation of the strengths and needs of the foster family and assessment of the best way to maximize the foster care

experience for the foster family and the children placed with them. This evaluation shall be shared with the foster family as evidenced by the signature of the foster parent(s) on the evaluation.

(h) Documentation of supervision of the placement by the agency shall include:

1. Adjustment of the child to the foster family and vice versa;

2. Progress made on service plan goals;

3. Any new problems that have arisen and the actions taken toward a solution of those problems;

4. Contacts and issues with other resources and community agencies (i.e., MRO) serving the child;

5. Agency updates reassessing the appropriateness of the foster care placement whenever a significant change occurs in the home, to ensure that care and room, board and watchful oversight continue s to be delivered in a safe and healthy environment in accordance with these rules and regulations and agency policies and procedures.

6. Documentation that the foster parent(s) have received the required clock hours of training annually following the initial foster placement, with the training being relevant to the type(s) of children placed in the foster home.

(i) Termination of Agency care shall be determined by casework study and planning with the child and his family and/or the court or local public Agency responsible for the child.

(8) Behavior Management and Emergency Safety Interventions in Foster Care.

(a) Child training and behavior management may be administered by the foster parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.

(b) Foster parents shall supervise the foster children placed in their homes and utilize appropriate behavior management techniques to assist the foster children in meeting service plan goals.

(c) Behavior Management.

1. The agency shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served in accordance with its program purpose, the anticipated

behavioral problems of the children, and acceptable methods of managing such problems.

2. Such behavior management policies and procedures shall incorporate the following minimum requirements:

   (i) Behavior management principles and techniques shall be used in accordance with written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

   (ii) Behavior management shall be limited to the least restrictive appropriate method in accordance with the prohibitions as specified in these rules and regulations.

3. The following forms of behavior management are prohibited and shall not be used:

   (i) Assignment of excessive or unreasonable work tasks;

   (ii) Denial of meals and hydration;

   (iii) Denial of sleep;

   (iv) Denial of shelter, clothing, or essential personal needs;

   (v) Denial of essential services;

   (vi) Verbal abuse, ridicule, or humiliation;

   (vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

   (viii) Denial of communication and visits with family unless restricted by case plan or court order;

   (ix) Corporal punishment;

   (x) Seclusion of a child or children in a room or area which may reasonably be expected to cause physical or emotional damage to the child (e.g., small closet, crawl space, cabinet, etc.); or

   (xi) Seclusion of a child or children to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a room or area

without the supervision or monitoring necessary to ensure the child's safety and well-being.

4. Children shall not be permitted to participate in the behavior management of other children.

5. Agencies shall submit to the Department electronically or by facsimile a report within 24 hours whenever the Agency becomes aware of an incident which results in any injury of a child requiring medical treatment beyond first aid that is received by a child as a result of or in connection with any behavior management or emergency safety intervention.

6. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .07(8)(c)(i)through(xi). Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.

7. The Agency shall require any foster parent(s) to report to the agency within 24 hours whenever a child receiving services through the Agency requires medical attention beyond first aid as a result of or in connection with the use of behavior management techniques or emergency safety interventions.

(d) Emergency Safety Interventions.

1. When it can be reasonably anticipated from a child's behavioral history, that a child may likely require the use of emergency safety interventions to keep either the child or others safe from immediate physical harm, the staff and therapeutic foster parent(s) working with such child shall be trained in emergency safety interventions utilizing a nationally recognized training program in emergency safety interventions which has been approved by the Department.

2. Emergency safety interventions shall only be used when 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. Emergency safety interventions shall not include the use of any 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 psychological condition.

3. The agency shall have and enforce written policies and procedures for the appropriate use of emergency safety interventions that shall apply to both foster and therapeutic foster parent(s), a copy of which shall be provided to

and discussed with each child (as appropriate taking into account the child's age and intellectual development) and the child's foster parent(s) prior to or at the time of placement. Emergency safety intervention policies and procedures shall include:

(i) Provisions for the documentation of an assessment at placement and at each annual exam by the child's physician, a physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or a public health department that reflects that there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that child. Such assessment and documentation must be re-evaluated following any significant change in the child's medical condition; and

(ii) Provisions for the documentation and reporting of each use of an emergency safety intervention by a therapeutic foster parent 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) Therapeutic foster parent(s) or staff members 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.

(iii) Provisions for prohibiting manual hold use by any staff or therapeutic foster parent(s) not trained in prevention and use of emergency safety interventions.

4. Emergency safety interventions may be used to prevent runaway only when the child presents an imminent threat of physical harm to self or others.

5. Agency staff and foster parent(s) shall be aware of each child's known or apparent medical and psychological conditions (e.g., obvious health issues, list of medications, history of physical abuse, etc.), as evidenced by written acknowledgement of such awareness, to ensure that an emergency safety intervention that is utilized does not pose a danger to the physical or mental health of the child.

6. Children shall not be allowed to participate in the emergency safety intervention of other children.

7. 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 or foster parent, 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. Authority O.C.G.A. §§ 49-5-8 and 49-5-12.

8. At a minimum, the emergency safety intervention program that is utilized by staff and foster parent(s) shall include the following:

   (i) Techniques for de-escalating problem behavior including child, staff and foster parent debriefings;

   (ii) Appropriate use of emergency safety interventions;

   (iii) Recognizing aggressive behavior that may be related to a medical condition;

   (iv) Awareness of physiological impact of a restraint on the child;

   (v) Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;

   (vi) 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;

   (vii) Appropriate self-protection techniques;

(viii) Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a child's ability to breathe;

(ix) Agency policies and reporting requirements;

(x) Alternatives to restraint;

(xi) Avoiding power struggles;

(xii) Escape and evasion techniques;

(xiii) Time limits for the use of restraint and seclusion;

(xiv) Process for obtaining approval for continual restraints and seclusion;

(xv) Procedures to address problematic restraints;

(xvi) Documentation;

(xvii) Investigation of injuries and complaints;

(xviii) Monitoring physical signs of distress and obtaining medical assistance; and

(xix) Legal issues.

9. The emergency safety intervention training for foster parent(s) who are approved to care for children who are likely to require the use of emergency safety interventions shall be recorded in the child's record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the executive director, the casework supervisor, and the physician who has responsibility for the diagnosis and treatment of the child's behavior.

10. Agencies shall submit to the Department electronically or by facsimile a report within 24 hours whenever the Agency becomes aware of an incident which results in injury to a child requiring medical treatment beyond first aid that is received by a child as a result of or in connection with any emergency safety intervention.

    (i) For any agency with 20 or more foster placement homes, serving children who are likely to require the use of emergency safety interventions, any 30-day period in which three or more instances of

emergency safety interventions of a specific child occurred and/or whenever the agency has had a total of 10 emergency safety interventions for all children in care within the 30-day period; and

(ii) For any agency with less than 20 foster placement homes, serving children who are likely to require the use of emergency safety interventions, of a specific child occurred and/or whenever the agency has had a total of five instances for all children in care within the 30-day period.

11. Agency staff and foster parents shall submit a written report to the executive director on the use of any emergency safety intervention immediately after the conclusion of the intervention. A copy of such report shall be maintained in the child's file.

12. At least once per quarter, the agency, utilizing a master agency emergency safety intervention log and the child's case record, shall review the use of all emergency safety interventions for each child and foster therapeutic placement, including the type of intervention used and the length of time of each use, to determine whether there was a clinically therapeutic 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 agency identifies opportunities for improvement as a result of such reviews or otherwise, the agency shall implement these changes through an effective quality improvement plan.

13. No later than January 1, 2007 and ongoing thereafter, all foster parent(s) who likely may require the use of emergency safety interventions, because of the identified needs of the children being served, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect children and others from injury, which has been approved by the Department and taught by an appropriately certified trainer in such program.

14. Manual Holds.

    (i) Emergency safety interventions utilizing manual holds require at least one trained staff member or foster parent(s) to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members or foster parent(s) to carry out the hold.

(ii) Emergency safety interventions utilized by any staff or foster parent shall not include the use of any 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 psychological condition.

(iii) 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.

(iv) If the use of a manual hold exceeds 15 consecutive minutes, the executive director or his or her designee, who possesses at least the qualifications of the executive director and has been fully trained in the agency'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.

(v) 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.

(vi) 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 treatment strategies, document same, and consider notifying the authorities or transporting the child to a hospital or mental health facility for evaluation.

(vii) 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 or foster parent 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 or trained foster parent is involved in the restraint and no other trained staff member or parent 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.

15. Seclusion.

(i) If used, seclusion procedures in excess of thirty (30) minutes must be approved by the executive director or designee. No child shall be placed in a seclusion room or area in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's physician, psychiatrist, or licensed psychologist and documenting such authorization in the child's record.

(ii) A seclusion room or area shall only be used if a child is in danger of harming himself or herself or others.

(iii) A child placed in a seclusion room or area shall be visually monitored at least every 15 minutes.

(iv) A room or area used for the purposes of seclusion must meet the following criteria:

(I) The room or area shall be constructed and used in such ways that the risk of harm to the child is minimized;

(II) The room or area shall be constructed so that a staff member or foster parent can visually 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.

(VI) No more than one child shall be placed in the seclusion room or area at a time.

(v) 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 or area;

(IV) Name and signature of the therapeutic foster parent or staff that conducted visual monitoring;

(V) Signed observation notes; and

(VI) Time of the child's removal from the seclusion room or area.

(9) Maintenance of Foster Care Records.

(a) The Agency shall maintain separate records for each foster home. The record shall be started at the time of application and shall be kept current.

(b) The foster home record shall contain:

1. The application;

2. Home study;

3. Medical reports for each member of the foster family;

4. Summary narrative containing the dates as well as the content material from the caseworker's contacts;

5. References;

6. The annual evaluations of the foster home, family, and placements;

7. Placement history of the foster home, children placed, date(s) admitted, date(s) discharged and reason for discharge;

8. Documentation of satisfactory criminal records checks in accordance with Georgia law.

9. Phone numbers of foster parent(s) including day, cell & evening phone numbers and the days of the week and times of day the foster parent is likely to be accessible at the foster home.

10. Foster children currently in the foster home including the child's name & county of custody.

(c) Foster home records shall be maintained for at least 3 years following the Agency's last placement in said foster home.

(d) The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include:

1. Name, sex, race, birth date and birthplace of child;

2. Name, address, telephone number and marital status of parent or guardian of the child;

3. Name, address, telephone number of the foster parent with whom the child is currently placed;

4. Legal documents including verified birth record, court status, agreements, consents, etc.;

5. Social history of the family and parent background;

6. Medical history and cumulative health record, psychological and psychiatric reports;

7. Education records and reports;

8. Plan of care pursuant to these rules;

9. Summary of each 6 month case review conference which reflects the contacts with and the status of all family members in relation to the placement plan as well as the achievements or changes in the goals or services;

10. Summary of child's contacts with the family, the quality of the relationships and the child's progress in coping;

(e) Upon termination of placement of the child, the following shall be placed in the record of the child and the foster home:

1. Date of termination, reason for termination, the name, telephone number, address, and relationship of the person or Agency assuming responsibility for the child.

2. A termination summary describing the services provided during care, growth and accomplishments, and assessed needs which remain to be met with the service possibilities, which might meet those needs.

3. Aftercare and room, board and watchful oversight plans that determine the responsibility for follow through.

(f) Family/child records shall be maintained for at least 3 years following completion of service.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.07
Authority: O.C.G.A. Secs. 49-5-12, 49-5-60.
History. Original Rule entitled "Foster Care Services" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 20, 2006; eff. Dec. 10, 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.

Rule 290-9-2-.08. Agency Records and Reports.

(1) Each Agency shall maintain records and submit on a timely basis reports required by the Department.

(2) Each Agency shall maintain a permanent listing with identifying information of all children accepted for service or placement.

(3) Records shall be confidential and protected from unauthorized use, fire, damage or theft.

(4) Records and files shall be kept current and be available for review by the Department.

(5) The Agency shall submit on a timely basis such financial, statistical reports, and Board minutes and other information as may be required by the Department.

(6) Reporting. Detailed written summary reports shall be made to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit via email or fax on the required incident intake information form (IIIF) within 24 hours. This report shall be made regarding serious occurrences 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; or

(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) A detailed investigative report which includes steps taken by the facility to prevent further incidents of a similar nature from occurring shall follow in five work days if not provided initially.

(7) Child Abuse Reports. Whenever the child placing agency 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 Resources (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 Office of Regulatory Services.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.08
Authority: O.C.G.A. Secs. 49-5-12, 49-5-60.
History. Original Rule entitled "Agency Records and Reports" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
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.

Rule 290-9-2-.09. How to Apply For/Renew a License.

(1) **Applicant Responsibilities.**

* Indicates those items that must be submitted for application for **renewal** of either a temporary or continuing license. Non-asterisked items need not be submitted with an application for renewal. All items must be submitted with application for initial license.

(a) * All applications for license or renewal of license shall be submitted on forms provided by the Department. Both the Executive Director and the Chairman of the Board must verify the application for the Agency.

(b) The following information shall be submitted with the completed application forms:

1. Certified copy of the Agency's current Articles of Incorporation;

2. Certified copy of the current Agency by-laws;

3. * A list of the names and addresses of the current members of the Board of Directors and a letter of acceptance from each.

4. * A list of the professional staff including their education and experience;

5. * The Agency plan for financing including an itemized budget, base for and schedule of fees;

6. Copy of the Agency's personnel policies.

7. Outline of the Agency's proposed program including but not limited to specific geographic area and clients to be served.

8. Documentation of need:

   (i) Written communications from community leaders in the field of child welfare indicating a need for the services proposed by the applicant, or

   (ii) Recent research data establishing a need for the service proposed, and

   (iii) Evidence that the services will be used by referral sources.

9. The Agency's manual of operating procedures; and

10. * Full written disclosure of the following as applies to the applicant Agency, its Executive Director, and any affiliates of the Agency and their child placement activities in this and other jurisdictions:

    (i) The status of all child-placing license applications submitted or licenses issued whether denied, pending, active, revoked, suspended or voluntarily surrendered; and

    (ii) Any current or previous judicial or administrative action against the above listed persons or entities, along with the disposition of the case.

(c) * An application for renewal of license shall be submitted by the Agency as requested by the Department prior to the periodic review of the Agency. A listing of identifying information for all children accepted for service or placement shall be available for review on site at the time of renewal.

(d) When there is a substantial change in the Agency Board membership (50% or greater), other than changes required for systematic rotation, the Agency must notify the Department in writing. The Department may, at its discretion, require that a new application be submitted by the Agency under these circumstances.

(e) Posting of License. The issued license shall be posted near the entrance to the Agency office or in a part of the Agency office that is open to view by the public.

(2) **Department Review of Applications.**

(a) An application for license or renewal of license shall be considered by the Department only when all sections are completed and all required information is present with the application.

(b) **Initial Application - Temporary License.** The initial application submitted by an Agency shall be considered an application for a temporary license.

1. Consideration for approval of the initial temporary license shall be based on a determination that the Agency has made adequate provision to meet these Rules.

2. The Department may, at its discretion, following review of the initial application, issue or deny the temporary license.

3. Upon approval, the temporary license shall be valid for a period not to exceed one year.

(c) **Renewal of the Temporary License.** Prior to the expiration of the temporary license, the Department shall consider an application to renew the license.If the department finds that any child placing agency 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 placing agency, 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.

3. Consideration for the renewal of the one year temporary license shall be based on the Agency's performance during the temporary license period.

4. The Department may, at its discretion, after review of the Agency's performance, either approve the Agency for an additional six-month temporary license, approve the Agency for a one-year license, or deny the license renewal.

(d) **Review of** the Continuing License. An annual review packet must be completed and submitted within to the Department within ten (10) working days from the annual review of the Agency.

1. Consideration for the renewal of the one-year license shall be based on the results of the Department review of the renewal application and the review of the performance of the Agency.

2. The Department may, at its discretion and after review of the Agency's performance, either approve the renewal of the one-year license, approve the Agency for a temporary license, or deny the license renewal.

(3) **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.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.09
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "How to Apply for/Renew a License" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
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.

Rule 290-9-2-.10. Variances and Waivers.

(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by an agency. The department may establish conditions which must be met by the agency in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(a) Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the

rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(c) Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.10
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Variances and Waivers" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
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.

Rule 290-9-2-.11. Inspections by the Department and Access by Department Staff.

(1) The department is authorized and empowered to conduct investigations and on-site inspections of any agency 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 on-site inspection of the agency to assess compliance with these rules.

(b) **Consent to Entry.** An application for a license or commission to operate an agency 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 agency 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. To the degree possible, inspections of records normally maintained in the agency's business office, such as financial records, will be conducted during normal business hours, e.g. 8:00 a.m. to 6:00 p.m. on Mondays through Fridays. The department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of any agency.

(c) **Other Inspections.** The department may conduct scheduled and unscheduled on-site inspections of an agency 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 agency, alleging child abuse, neglect, sexual exploitation, or deprivation which occurred while the child was in the care of the agency director or employees; or

3. Upon receiving information of alleged violations of these rules, including information provided by the agency, 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 on-site 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 make an on-site 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 agency's personnel.

(d) **Failure to Allow Access.** Failure to allow access of the department's representative to the agency, its staff, or the children receiving care at the agency 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. 290-9-2-.11
Authority: O.C.G.A. Sec. 49-5-12.
History. Original Rule entitled "Inspections by the Department and Access by Department Staff" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
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.

Rule 290-9-2-.12. Disaster Preparedness.

The Agency shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, 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, involving any placement homes within a local or widespread area;

4. Loss of heat or air conditioning in the placement home;

5. Fire, explosion, or other physical damage in the placement home; and

6. Pandemics or other situations where the community's need for services exceeds the availability of placement homes and services regularly offered by the Agency.

(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 children in placement homes, should it be necessary, in vehicles appropriate to the children's needs. Additionally there shall be written agreements with any agencies which have agreed to receive the agencies' children in these situations.

(d) The Agency shall document participation of each placement home's quarterly fire drills.

(e) The plan shall include a requirement for the placement home to notify the Child Placing Agency, who will in turn notify the Department of the emergency situation as required by these rules and notify the lawful custodians of the children's whereabouts and condition.

(f) The Agency 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.

(g) The Agency's disaster preparedness plan shall be made available to the Department for inspection upon request.

(h) 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. 290-9-2-.12
Authority: O.C.G.A. Secs. 31-2-6, 49-5-12.
History. Original Rule entitled "Denial or Revocation of a License" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule entitled "Disaster Preparedness" adopted. F. June 5, 2007; eff. June 25, 2007.

Rule 290-9-2-.13. 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 designee may issue emergency orders. Such orders may include emergency placement of a monitor or monitors in an agency 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:

(i) The agency is operating without a license; or

(ii) The department has denied the application for the license or has initiated action to revoke the existing license; or

(iii) 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.

(2) 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 agency at the time of the service of the order.

(3) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the agency 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. 290-9-2-.13
Authority: Authority O.C.G.A. Secs. 31-2-4, 31-2-6, 49-5-8, 49-5-12, 49-5-12.1.
History. Original Rule entitled "Enforcement of Law and Rules" adopted. F. Mar. 16, 2000; eff. Apr. 8, 2000.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Emergency Orders" adopted. F. Jan 24, 2008; eff. February 13, 2008.

Rule 290-9-2-.14. Enforcement and Penalties.

(1) **Plans of Correction**. If the Department determines that either a child-placing agency or a facility applying to become licensed as a child-placing agency does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the agency not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an

opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the child-placing agency or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the agency to submit a revised plan of correction.

(a) The agency shall comply with an accepted plan of correction.

(b) Where the Department determines that either the child-placing agency or the facility applying to become licensed as a child-placing agency has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for Child-Placing Agencies shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. Secs. 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and Secs. 49-5-60*et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The agency shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the agency's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the agency to each current and prospective child's parents and/or legal guardians.

(b) The agency shall ensure the posting of the official notice at the agency in an area that is visible to each child's parents and/or legal guardians.

(c) The agency shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The agency shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the agency to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency

suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care of the agency.

(g) 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. 290-9-2-.14
Authority: O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12, 49-5-12.1.
History. Original Rule entitled "Severability of These Rules" adopted. F. Mar. 16, 2000; eff. Apr. 5, 2000.
Repealed: New Rule of same title adopted. F. June 5, 2007; eff. June 25, 2007.
Repealed: New Rule entitled "Enforcement and Penalties" adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

Rule 290-9-2-.15. Severability of These Rules.

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, the remaining rules or portions of the rules shall not be affected and shall remain in full force and effect.

Cite as Ga. Comp. R. & Regs. R. 290-9-2-.15
Authority: O.C.G.A. Secs. 49-5-8, 49-5-12.
History. Original Rule entitled "Severability of These Rules" adopted. F. Jan. 24, 2008; eff. Feb. 13, 2008.

Subject 290-9-7. RULES AND REGULATIONS FOR HOSPITALS.

Rule 290-9-7-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.01
Authority: O.C.G.A. §§ 31-2-4, 31-2-5, 31-7-2.1 and 31-7-3.
History. Original Rule entitled "Title and Purpose" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.02
Authority: O.C.G.A. §§ 31-7-1, 31-7-2.1, 31-7-15 and 31-7-131.
History. Original Rule entitled "Definitions" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.03
Authority: O.C.G.A. §§ 31-7-1, 31-7-2, 31-7-2.1 and 31-7-3.
History. Original Rule entitled "Hospital Permit Requirement" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.04
Authority: O.C.G.A. §§ 31-2-7, 31-7-2 and 31-7-5.
History. Original Rule entitled "Facilities Exempt from These Rules" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: New Rule of same title adopted. F. Mar. 20, 2009; eff. Apr. 9, 2009.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.05
Authority: O.C.G.A. § 31-7-3.
History. Original Rule entitled "Application for a Permit" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.06
Authority: O.C.G.A. §§ 31-2-8 and 31-7-1*et seq.*, and the Rules for General Licensing and Enforcement Requirements, Chapter 111-8-25.
History. Original Rule entitled "Permit Denial and Sanctions" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.07
Authority: O.C.G.A. §§ 31-2-7, 31-2-8, 31-7-2.1, 31-7-15, 31-7-133, 31-7-140 and 50-18-72.
History. Original Rule entitled "Hospital Inspections and Required Reports to the Department" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: New Rule of same title adopted. F. Nov. 2, 2005; eff. Nov. 22, 2005.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.08
Authority: O.C.G.A. § 31-7-3.
History. Original Rule entitled "Hospital Ownership" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.09
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Governing Body and Hospital Administration" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.10
Authority: O.C.G.A. §§ 10-1-393, 31-7-2.1, 31-7-11, 31-9-2, 31-9-7, 31-11-82, 31-32-1*et seq.*, 31-33-2, 31-33-3.
History. Original Rule entitled "Hospital-Patient Communications" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.11
Authority: O.C.G.A. §§ 31-7-2.1 and 31-7-15.
History. Original Rule entitled "Medical Staff" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.12
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Human Resources Management" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.13
Authority: O.C.G.A. §§ 31-7-2.1 and 31-7-15.
History. Original Rule entitled "Quality Management" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.14
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Physical Environment" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.15
Authority: O.C.G.A. §§ 31-7-2.1, 31-7-3 and 31-12-2.1.
History. Original Rule entitled "Disaster Preparedness" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.16
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Infection Control" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.17
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Sterile Processing Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.18
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Medical Records" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.19
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Patient Assessment and Treatment" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.20
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Discharge Planning and Transfers for Inpatients" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: New Rule of same title adopted. F. Mar. 20, 2009; eff. Apr. 9, 2009.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.21
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Nursing Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.22
Authority: O.C.G.A. §§ 16-4-77, 16-13-20*et seq.* and 31-7-2.1.
History. Original Rule entitled "Pharmaceutical Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.23
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Food and Dietary Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.24. IRepealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.24
Authority: O.C.G.A. §§ 31-7-2.1 and 31-13-1*et seq.*
History. Original Rule entitled "Imaging and Therapeutic Radiology Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: New Rule of same title adopted. F. Mar. 20, 2009; eff. Apr. 9, 2009.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.25
Authority: O.C.G.A. Ch. 31-22, Sec. 31-7-2.1.
History. Original Rule entitled "Laboratory Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.26
Authority: O.C.G.A. Ch. 31-22, Sec. 31-7-2.1.
History. Original Rule entitled "Respiratory/Pulmonary Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.27
Authority: O.C.G.A. §§ 31-7-2.1 and 44-5-140.
History. Original Rule entitled "Organ, Tissue, and Eye Procurement and Transplantation" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.28
Authority: O.C.G.A. §§ 31-7-2.1 and 31-9-6.1.
History. Original Rule entitled "Surgical Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.29
Authority: O.C.G.A. §§ 31-7-2.1, 43-22-21 and 43-26-11.1.
History. Original Rule entitled "Anesthesia Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.30
Authority: O.C.G.A. §§ 31-7-2.1, 31-13-1*et seq.* and 31-22-1 *et seq.*
History. Original Rule entitled "Nuclear Medicine Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.31
Authority: O.C.G.A. §§ 31-7-2.1, 31-7-3.1, 31-8-42 and 31-11-82.
History. Original Rule entitled "Emergency Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.32
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Outpatient Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.33
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Rehabilitation Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.34
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Maternal and Newborn Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.35
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Pediatric Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.36
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Dialysis Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013

Rule 290-9-7-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.37
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Psychiatric and Substance Abuse Services" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.38
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Special Requirements for Critical Access Hospitals" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.39. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.39
Authority: O.C.G.A. § 31-7-2.1.
History. Original Rule entitled "Physical Plant Design and Construction" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.40. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.40
Authority: O.C.G.A. § 31-2-7.
History. Original Rule entitled "Requests for Waiver or Variance" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.41. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.41
Authority: O.C.G.A. § 31-2-8.
History. Original Rule entitled "Enforcement of Rules and Regulations" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-7-.42. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-7-.42
Authority: O.C.G.A. §§ 31-2-1*et seq.* and 31-7-1 *et seq.*
History. Original Rule entitled "Severability of These Rules" adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-9-8. LICENSURE OF CLINICAL LABORATORIES.

Rule 290-9-8-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.01
Authority: O.C.G.A. §§ 31-2-5*et seq.*, 31-7-1 *et seq.* and 31-22-1 *et seq.*
History. Original Rule entitled "Legal Authority" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.02
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Purpose" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.03
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.04
Authority: O.C.G.A. §§ 16-13-111 and 31-22-1*et seq.*
History. Original Rule entitled "License" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.05
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Fees" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.06
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Laboratory Personnel Requirements, Personnel Qualification and Personnel Records" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.07
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Application" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.08
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Sanitation and Safety" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.09
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "General Quality Control Requirements" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.10
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Microbiology" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.11
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Serology/Immunology" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.12
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Clinical Chemistry" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.13
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Immunohematology" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.14
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Hematology" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.15
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Exfoliative Cytology; Histopathology; and Oral Pathology" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.16
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Tissue Banks" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.17
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Sperm Banks/Embryology and Assisted Reproductive Technology (ART)" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.18
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Specimen Collection Stations" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.19
Authority: O.C.G.A. § 31-22-1*et seq*.
History. Original Rule entitled "Quality Control for Cytogenetics" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.20
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Quality Control for Screening and Monitoring Tests" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.21
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Quality Control for Histocompatibility" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.22
Authority: O.C.G.A. §§ 31-22-1, 31-22-4.
History. Original Rule entitled "Quality Control for Flow Cytometry" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.23
Authority: O.C.G.A. §§ 31-2-8 and 31-22-1*et seq.*
History. Original Rule entitled "Evaluation" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.24
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Specimens Examined" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.25
Authority: O.C.G.A. § 31-22-1*et seq.*

History. Original Rule entitled "Reporting" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.26
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Records" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.27
Authority: O.C.G.A. §§ 31-7-15 and 31-22-1*et seq.*
History. Original Rule entitled "Reports to the Department" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.28
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Plasmapheresis and Whole Blood Donor Centers" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.29
Authority: O.C.G.A. §§ 31-2-7 and 31-22-1*et seq.*
History. Original Rule entitled "Exemption of Specific Screening and Monitoring Tests" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.30
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Inspections and Plans of Correction" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.31
Authority: O.C.G.A. §§ 26-4-4 and 31-22-9.
History. Original Rule entitled "Exemptions" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.32
Authority: O.C.G.A. § 31-2-7.
History. Original Rule entitled "Variances and Waivers" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.33
Authority: O.C.G.A. §§ 16-13-110*et seq.*, 31-2-8 and 31-22-1 *et seq.*
History. Original Rule entitled "Enforcement" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-8-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-8-.34
Authority: O.C.G.A. § 31-22-1*et seq.*
History. Original Rule entitled "Severability" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-9-9. END STAGE RENAL DISEASE FACILITIES.

Rule 290-9-9-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.01
Authority: O.C.G.A. §§ 31-2-4, 31-2-5, 31-2-7 and 31-44-3.
History. Original Rule entitled "Purposes of This Chapter" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.02
Authority: O.C.G.A. § 31-44-1.
History. Original Rule entitled "Definitions" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.03
Authority: O.C.G.A. § 31-44-5.
History. Original Rule entitled "License Requirements and Exemptions" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.04
Authority: O.C.G.A. §§ 31-44-2, 31-44-6 and 31-44-11.
History. Original Rule entitled "Application for a License and License Renewal" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.05
Authority: O.C.G.A. § 31-44-10.
History. Original Rule entitled "Facility Inspections" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.06
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Facility Organization and Administration" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.07
Authority: O.C.G.A. §§ 31-44-3, 31-5-5, 31-7-131 and 31-7-133.
History. Original Rule entitled "Facility Communication Responsibilities" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.08
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Continuous Quality Improvement" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.09
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Medical Staff and Medical Services" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.10
Authority: O.C.G.A. §§ 31-44-3, 31-44-8 and 31-44-9.
History. Original Rule entitled "Staff Qualifications, Training, and Supervision and Staff Records" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.11
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Patient Care Services" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.12
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Patient Care Plans" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.13
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Hemodialyzer Reuse" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.14
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Medical Records" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.15
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Environment of Care" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.16
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Infection Control" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.17
Authority: O.C.G.A. § 31-44-3.
History. Original Rule entitled "Emergency and Disaster Preparedness" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.18
Authority: O.C.G.A. § 31-2-47.
History. Original Rule entitled "Requests for Waiver or Variance" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.19
Authority: O.C.G.A. §§ 31-2-8 and 31-44-13*et seq.*
History. Original Rule entitled "Enforcemnt of Rules and Regulations" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.
Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Rule 290-9-9-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-9-.20
Authority: O.C.G.A. §§ 31-2-4, 31-2-7 and 31-44-1*et seq.*
History. Original Rule entitled "Severability of These Rules" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Repealed: F. Feb. 20, 2013; eff. Mar. 12, 2013.

Subject 290-9-12. REPEALED.

Rule 290-9-12-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.01
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Legal Authority" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.02
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Title and Purpose" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.03
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Definitions" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.04
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Governing Body" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.05
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Licenses" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.06
Authority: O.C.G.A. § 26-5-2.

History. Original Rule entitled "Provisional Licenses" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.07
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Applications" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.08
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Inspections and Plans of Correction" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.09
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Administration" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.10
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Staffing" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.11
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Physical Plant and Safety" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.12
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Patient Screening, Assessment, and Admission" adopted. F. May 14, 2003; eff.

June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.13
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Individual Treatment Plan" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.14
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Discharge and Aftercare Plans" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.15
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Narcotic Drugs" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.16
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Drug-Screen Tests" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.17
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Quality Improvement" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.18
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Patient Rights, Responsibilities, and Complaints" adopted. F. May 14, 2003; eff.

June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.19
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Central Registry" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.20
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Reporting to the Department" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013

Rule 290-9-12-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.21
Authority: O.C.G.A. §§ 26-5-2, 50-13-1.
History. Original Rule entitled "Enforcement and Penalties" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Rule 290-9-12-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-12-.22
Authority: O.C.G.A. § 26-5-2.
History. Original Rule entitled "Severability" adopted. F. May 14, 2003; eff. June 3, 2003.
Repealed: F. Sep. 9, 2013; eff. Sept. 29, 2013.

Subject 290-9-37. RULES AND REGULATIONS FOR COMMUNITY LIVING ARRANGEMENTS.

Rule 290-9-37-.01. Authority.

The Legal authority for this Chapter is O.C.G.A. §§ 31-7-1*et seq.* and 37-1-22.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.01
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Authority" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.02. Purpose.

The purpose of these rules is to establish the minimum operating requirements for Community Living Arrangements that provide residential services to the citizens of this state whose services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Development Disabilities, and Addictive Diseases.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.02
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Purpose" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.03. Applicability.

These rules apply to all Community Living Arrangements that serve exclusively two or more adult persons who are receiving services authorized or financed, in whole or in part, by the Division of mental Health, Developmental Disabilities, and Addictive Diseases. Residents regulated under these rules provide services specified by the individual service plan of each resident, including daily personal services.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.03
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Applicability" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.04. Exemptions.

These rules do not apply to the following facilities;

(a) Boarding homes or rooming houses that provide no personal services other than lodging and meals;

(b) Facilities offering temporary or emergency shelter, such as those for the homeless or victims of family violence, respite homes serving persons for 30 days or less, or homes serving one person;

(c) Emergency receiving, evaluation, and treatment facilities that provide medical and nursing services and that are approved by the state and regulated under the more specific authorities;

(d) Facilities providing residential services for federal, state, or local correctional institutions under the jurisdiction for the criminal justice system;

(e) Hospices that serve terminally ill persons as defined in O.C.G.A. § 31-7-172(3);

(f) Therapeutic substance abuse treatment facilities and residences that are not intended to be an individual's permanent residence;

(g) Group residences organized by or for persons who choose to live independently and mange their own care and who share the cost of service including but not limited to attendant care, transportation, rent utilities, and food preparation;

(h) Charitable organizations providing shelter and other services without charging any fee to the resident and without billing other agencies for services provided.

(i) Residences in which a person lives with his or her family;

(j) Residences in which a person lives under his or her own lease or warranty deed, in which the agency providing services do not manage the person's residence and the resident is not required to move when the agency providing services is changed;

(k) Apartments or other clustered residential arrangements where staff is available that are developed as permanent housing for adults with mental illness, in which each person lives within his or her residential arrangement with immediate support of staff; or

(l) Personal care homes as defined in Chapter 290-5-35.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.04
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Exemptions" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.05. Definitions.

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

(a) "Administrator" means the manager designated by the governing body as responsible for overall operations of the Community Living Arrangement;

(b) "Applicant" means:

1. When the Community Living Arrangement 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 Community Living Arrangement 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 Community Living Arrangement is owned by an association or limited liability company (LLC), the governing body of the association or LLC 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 Community Living Arrangement 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) "Biomedical waste" as defined in O.C.G.A. § 12-8-22(1.1) means, in relevant part, pathological waste, sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials that have been contaminated and have not been decontaminated, as further defined in Rule 391-3-4-.15, and other such waste materials;

(d) "Capacity" means the physical and mental capability of an individual as determined by health care professionals through clinical evaluation, observation, interview, or other assessments;

(e) "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 a standard treatment for the resident's medical or psychiatric condition;

(f) "Choice" means following the preferences of residents served concerning decisions about the residential environment and daily activities to the extent possible;

(g) "Community Living Arrangement" means any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. A Community Living Arrangement is also referred to as a "residence";

(h) "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.*

(i) "Criminal history background check" means a search of appropriate records to obtain criminal background information on an owner of a business or agency licensed as a community living arrangement or seeking licensure as a community living arrangement.

(j) "Department" means the Department of Human Resources of the State of Georgia;

(k) "Director" means the chief administrator, executive officer or manager.

(l) "Disaster preparedness plan" means a written document that identifies potential hazards or events that, should they occur, would cause an emergency situation at the Community Living Arrangement and that proposes, for each identified emergency situation, a course of action so as to minimize the threat to the health and safety of the residents within the Community Living Arrangement;

(m) "Fingerprint criminal history record check" means the satisfactory or unsatisfactory determination by the Management Actions and Appeals Section of the Office of Human Resources Management of the Department of Human Resources based upon a criminal history record check comparison of Georgia Crime Information Center data with fingerprints and other information, as specified in O.C.G.A. § 49-2-14(b);

(n) "Governing body" means the board of trustees, partnership, corporation, association, agency, entity, or person or group of persons who maintain and control the residence and who are legally responsible for the operation of the residence;

(o) "Health care professional" means a physician, physician's assistant, registered nurse, psychologist, social worker, physical therapist, audiologist, or speech pathologist providing professional services, within the scope of his or her practice as authorized by Georgia law, and participating in the care of the resident;

(p) "License" means the permit issued by the Department to operate a Community Living Arrangement;

(q) "Individual service plan" or "ISP" means a comprehensive written plan of care which specifies services, supports, care, or treatment required to assist the resident in achieving self-sufficiency and community integration and maintaining a satisfactory quality of life;

(r) "Legal guardian" means a duly appointed person who is authorized to act, within the scope of the authority granted under the legal guardian's appointment, on behalf of a resident who is adjudicated incapacitated;

(s) "Mechanical restraint" means a device attached or adjacent to the resident's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body and that is not used for a therapeutic purpose. Mechanical restraint may also be referred to as "physical restraint";

(t) "Medical protection device" and "adaptive support device" mean devices that may restrain movement but are applied for protection from injury or to support or correct the body alignment of the person, are required for the treatment of the person's physical condition, and may be used only as treatment interventions;

(u) "Medical services" means services that may be provided by a person licensed under Chapter 34 of Title 43 of the O.C.G.A.;

(v) "Non-family adult" means a person 18 years of age or older who is not related by blood within the third degree of consanguinity or by marriage to the person responsible for the management of the Community Living Arrangement or to a member of the governing body;

(w) "Nursing services" means those services that may be rendered by a person licensed under the Georgia Registered Professional Nurse Practice Act, O.C.G.A. § 43-26-1*et seq.*, or the Georgia Practical Nurses Practice Act, O.C.G.A. § 43-26-30*et seq.*;

(x) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in a business or agency providing community living arrangement services and who:

1. Purports to or exercises authority of an owner in the business or agency;

2. Applies to operate or operates the business or agency; or

3. Enters into a contract to acquire ownership of such a business or agency.

(y) "Personal restraint" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a resident's body. Personal restraint does not include briefly holding a resident without undue force in order to calm or comfort the resident or holding a resident's hand to safely escort the resident from one area to another;

(z) "Personal services" means provision of services, on a daily basis, that include, but are not limited to, individual assistance with or supervision of medications, ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting;

(aa) "Plan of correction" means a written plan in response to a report of deficiencies in meeting rules and regulations of the Department of Human Resources, which states what the residence will do, and when, to correct each of the violations identified;

(bb) "Quiet time" means the restriction of a resident for a period of time to a designated area, from which the resident is not physically prevented from leaving, for the purpose of providing the resident an opportunity to regain self-control;

(cc) "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.

(dd) "Representative" means an individual, selected by a resident to receive notices of admission, discharge, transfer, or significant change in condition of the resident and to otherwise advocate for the well-being of the resident. In the event that the resident is unable because of capacity to select a representative, a representative shall be selected from the following persons in the order of listing: legal guardian; spouse; adult child; parent; attorney; adult next of kin; or adult friend. The representative's power to act on behalf of the resident under these rules shall be completely consistent with the definition of representative under Georgia law as it may be amended from time to time;

(ee) "Resident" means any non-family adult living in a Community Living Arrangement and receiving services, supports, care, or treatment;

(ff) "Responsible staff person" means the employee designated by the administrator or site manager as responsible for supervising the operation of the residence during periods of temporary absence of the site manager;

(gg) "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 which indicates an arrest, charge or conviction of a covered crime as outlined in the current or amended Department of Human Resources Policy #504, if applicable, or as outlined in O.C.G.A. Sec. 49-2-14.1*et seq.*, if applicable.

(hh) "Seclusion" means the involuntary confinement of a resident alone in a room or an area from which the resident is physically prevented from leaving;

(ii) "Site manager" means the person directly responsible for the operations of a particular residence;

(jj) "Standard precautions" means activities designed to reduce the risk of transmission of microorganisms from both recognized and unrecognized sources of infection. Standard precautions apply to: blood; all body fluids, secretions, and excretions, except sweat,

regardless of whether they contain visible blood; skin that is not intact; and mucous membranes; and

(kk) "Supports, care, or treatment" means specific services that are provided to the resident in the Community Living Arrangement, coordinated by the administrator as necessary, or reasonably requested by the resident and that include but are not limited to: mental health services, habilitation, rehabilitation, social services, medical, dental, and other health care services, education, financial management, legal services, vocational services, transportation, recreational and leisure activities, and other services required to meet a resident's needs.

(ll) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record which indicates an arrest, charge or conviction of one of the covered crimes as outlined in the current or amended Department of Human Resources Policy #504, if applicable, or as outlined in O.C.G.A. Sec. 49-2-14.1*et seq.*, if applicable.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.05
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Definitions" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-9-37-.06. Governing Body.

(1) The governing body shall be responsible for compliance with the requirements of the Official Code of Georgia Annotated and with applicable standards, regulations, and administrative rules of the Department of Human Resources.

(2) The governing body shall identify in its application the name of the administrator who has been designated as responsible for the overall management of its Community Living Arrangements and for carrying out the rules and policies adopted by the governing body.

(3) The governing body shall ensure that no member of the governing body, administration, staff associated with the Community Living Arrangement or affiliated Community Living Arrangements, or family member of staff serves as the representative or legal guardian for a resident.

(4) The governing body shall ensure that no member of the governing body, administration, staff associated with or affiliated with the Community Living Arrangement, or family member of staff causes, encourages, or persuades any resident to name any person affiliated with the Community Living Arrangement as outlined herein as a beneficiary under a will, trust, or life insurance policy. The governing body shall investigate the circumstances associated with any such gift to verify that such gift is knowingly and voluntarily made and not the result of any coercion. Where such gift is not voluntarily

made, the governing body shall notify appropriate law enforcement authorities and any legal representative of the resident.

(5) The governing body shall ensure that no member of the governing body, administration, staff associated with or affiliated with the Community Living Arrangement, or family member of staff takes out or otherwise secures a life insurance policy on any resident or former resident.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.06
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Governing Body" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.07. Administration, Criminal History Background Checks.

(1) Prior to being issued a license, each residence shall develop written policies and procedures outlining the responsibilities of the governing body of the Community Living Arrangement and of the residents that ensure compliance with these rules.

(2) The governing body of the Community Living Arrangement shall ensure that the policies and procedures are developed and followed in accordance with these rules.

(3) The policies and procedures of the governing body shall include, but may not be limited to, the following:

(a) A description of the services the residence intends to provide;

(b) How the residence ensures that it does not admit or retain persons who require more care than the residence can provide;

(c) How the residence guarantees the rights of residents;

(d) How the residence supervises medications;

(e) Procedures for reporting and investigating abuse, neglect, exploitation, incidents, accidents, injuries, and changes in a resident's condition, including death;

(f) How the residence handles admissions;

(g) Procedures for discharge and immediate transfers;

(h) How refunds are handled when a resident is transferred, is discharged, or dies;

(i) Expectations regarding cooperative living;

(j) The quality assurance procedures that shall be used to maintain or improve the quality of care and services provided to the residents, including indicators of

performance that shall be routinely measured and evaluated. At a minimum, the residence shall include as an indicator to be measured and improved, as necessary, any injury to a resident;

(k) How the residence will ensure that staff are trained; and

(l) How the residence handles acts committed by staff or residents that are inconsistent with policies of the residence.

(4) The Community Living Arrangement administrator shall designate a qualified staff member as the responsible staff person to act on his or her behalf and to carry out his or her duties in the administrator's absence. Residents of the Community Living Arrangement may not serve as the responsible staff person.

(5) Personnel shall be assigned duties consistent with their position, training, and experience and with the requirements of Section .15 of these rules.

(6) Each residence shall have a written plan that effectively addresses the Community Living Arrangement's strategy for responding to the following emergency situations:

(a) Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;

(b) Manmade disasters such as acts of terrorism and hazardous materials spills;

(c) Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the facility or within a local or widespread area;

(d) Fire, explosion, or other physical damage to the residence; and

(e) Reporting the elopement of any disabled person from a Community Living Arrangement to local law enforcement within 30 minutes of the Community Living Arrangement staff receiving actual knowledge that such person is missing.

(7) Evacuation plan drills shall be held at each residence at least semiannually. The residence shall provide evidence that residents have participated in drills in anticipation of what might be expected to occur in Community Living Arrangements.

(8) Each resident shall have a telephone available for incoming and outgoing calls that is maintained in working order. The telephone must be accessible at all times for emergency use by staff and accessible to residents in a private location to make and receive personal calls.

(9) Criminal History Background Checks for Owners Required. Prior to the issuance of any new license, the owner of the business or agency applying for the license shall submit a records check application so as to permit the department to obtain a criminal history

background check. An owner holding a valid license as a Community Living Arrangement provider prior to June 30, 2007 shall be required to submit a records check application at the request of the department.

(a) An owner may not be required to submit a records check application if it is determined that the owner neither:

1. Maintains an office at the location where services are provided to residents;

2. Resides at a location where services are provided to residents;

3. Has direct access to residents receiving care; nor

4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided.

(b) In lieu of a records check application, the 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.

(c) A community living arrangement provider license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record which includes an arrest, charge or conviction for any of the following covered crimes, as outlined in O.C.G.A. Sec. 49-2-14.1*et seq.*:

1. A violation of Code Section 16-5-1, relating to murder and felony murder;

2. A violation of Code Section 16-5-21, relating to aggravated assault;

3. A violation of Code Section 16-5-24, relating to aggravated battery;

4. A violation of Code Section 16-5-70, relating to cruelty to children;

5. A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

6. A violation of Code Section 16-6-1, relating to rape;

7. A violation of Code Section 16-6-2, relating to aggravated sodomy;

8. A violation of Code Section 16-6-4, relating to child molestation;

9. A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;

10. A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;

11. A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;

12. A violation of Code Section 16-8-41, relating to armed robbery;

13. A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or

14. 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.

(d) An owner with a valid community living arrangement license issued on or before June 30, 2007 who has received an unsatisfactory criminal records check determination which includes one of the listed crimes 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."

(e) If at any time the department has reason to believe an owner holding a valid license has been arrested, charged or convicted of any of the crimes listed above, the department shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary.

(10) Criminal History Background Checks for Directors and Employees Required. Prior to working in a Community Living Arrangement, a potential employee is required to obtain a Georgia Crime Information Center state criminal history record check comparison of data with information other than fingerprints done through local law enforcement authorities. At the time of hiring, the Community Living Arrangement shall submit two sets of fingerprints for the staff member and the director to the Georgia Bureau of Investigations for a fingerprint criminal history record check.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed Community Living Arrangement if it is determined that such person has a criminal record which indicates an arrest, charge or conviction of any of the covered crimes outlined in the current or amended Department of Human Resources Policy #504.

(b) If the determination of a fingerprint criminal history background check is unsatisfactory, the Community Living Arrangement shall take the necessary steps to ensure that such staff member is no longer an employee.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.07
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Administration" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.
Repealed: New Rule entitled "Administration, Criminal Background Checks" adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-9-37-.08. Minimum Floor Plan Requirements.

(1) A residence shall be constructed, arranged, and maintained so as to provide adequately for the health, safety, access, and well-being of the resident.

(2) A Community Living Arrangement shall provide for common living space and private sleeping areas.

  (a) The living and sleeping areas for a given resident shall be within the same building.

  (b) Windows used for ventilation to the outside and exterior doors used for ventilation shall be screened and in good repair.

  (c) Supportive devices shall be installed as necessary to enable residents to achieve a greater degree of mobility and safety from falling.

(3) All residences shall provide an area for use by residents and visitors that affords privacy.

(4) There must be common space, such as living and dining rooms, for use by the residents without restriction.

(5) Common areas of the residence must be large enough to accommodate all residents without crowding. The areas must be comfortably furnished.

(6) The residence shall provide a means of locked storage for the valuables or personal belongings of any resident, upon request.

(7) A residence shall provide laundering facilities on the premises for resident's personal laundry.

(8) The following minimum standards for bedrooms must be met:

  (a) Bedrooms shall have sufficient space to accommodate without crowding the resident, the resident's belongings, and the minimum furniture of bed, dresser, and closet;

  (b) There shall be no more than one resident per bedroom unless adequate bedroom space is available for two residents to accommodate without crowding the residents, their belongings, and their beds, dressers, and closets;

(c) Each bedroom shall have at least one window;

(d) Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls. Hallways shall not be used for sleeping;

(e) The floor plan shall be such that no person other than the occupant of that bedroom shall pass through a bedroom in order to reach another room;

(f) Bedrooms occupied by residents shall have doors that can be closed. For bedrooms that have locks on doors, both the occupant and staff must be provided with keys to ensure easy entry. Double-cylinder locks (locks requiring a key on both sides) may not be used on the bedroom of a resident;

(g) A room shall not be used as a bedroom where more than one-half the room height is below ground level. Bedrooms which are partially below ground level shall have adequate natural light and ventilation and be provided with two useful means of egress; and

(h) When a resident is discharged, the room and its contents shall be thoroughly cleaned.

(9) The following minimum standards apply to bathroom facilities:

(a) At least one functional toilet, lavatory, and bathing or showering facility shall be provided for each four persons residing in a Community Living Arrangement;

(b) At least one fully handicap accessible bathroom must be available if any resident requires handicap access;

(c) Grab bars and non-skid surfacing or strips shall be installed in all showers and bath areas, as required by the needs of the residents;

(d) Bathrooms and toilet facilities shall have a window that can be opened or shall have forced ventilation;

(e) Toilets, bathtubs, and showers shall provide for individual privacy; and

(f) All plumbing and bathroom fixtures shall be maintained in good working order at all times and shall present a clean and sanitary appearance.

(10) All stairways and ramps shall have sturdy handrails, securely fastened not less than 30 inches nor more than 34 inches above the center of the tread. Exterior stairways, decks, and porches shall have handrails on the open sides unless the surface of the deck or porch is so close to ground level that it does not pose a significant risk of injury to the resident to fall from the deck or porch.

(11) Floor coverings shall be intact, safely secured, and free of any hazard that may cause tripping.

(12) All areas including hallways and stairs shall be lighted sufficiently.

(13) The following exterior conditions must be maintained:

(a) Entrances and exits, sidewalks, and escape routes shall be maintained free of any obstructions that would impede leaving the residence quickly in the case of fire or other emergency. All such entrances and exits, sidewalks, and escape routes shall be kept free of any hazards such as ice, snow, or debris;

(b) The yard area, if applicable, shall be kept free of all hazards, nuisances, refuse, and litter; and

(c) The residence must have its house number displayed so as to be easily visible from the street.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.08
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Minimum Floor Plan Requirements" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.09. Furnishings and Fixtures.

(1) Furnishings of the residents in the living room, bedroom, and dining room, including furnishings provided by the resident, shall be maintained in good condition, intact, and functional.

(2) Furnishings and housekeeping standards shall be such that a residence presents a clean and orderly appearance.

(3) Where a resident does not choose to provide furnishings for his or her own use, the Community Living Arrangement shall pro- vide the following bedroom furnishings based on safety and personal choice:

(a) An adequate closet or wardrobe;

(b) Lighting fixtures sufficient for reading and other activities;

(c) A bureau, dresser, or the equivalent;

(d) A mirror appropriate for grooming;

(e) A standard, non-portable bed measuring at least 36 inches wide and 72 inches long with comfortable springs and a clean mattress. The mattress shall be not less than

five-inches thick, or four inches if of a synthetic construction. Couples may request a double bed when available; and

(f) Bedding for each resident, including two sheets, a pillow, a pillowcase, a minimum of one blanket and bedspread. A residence shall maintain a linen supply for not less than twice the bed capacity.

(4) A residence shall provide to each resident clean towels and washcloths at least twice weekly and more often if soiled. The residence shall provide sufficient bed linen so that all beds may be changed at least weekly and more often if soiled.

(5) Provision shall be made for assisting a resident to personalize the bedroom by allowing the use of his or her own furniture if so desired and by mounting or hanging pictures on bedroom walls.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.09
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Furnishings and Fixtures" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.10. Temperature Conditions.

(1) The temperature throughout the residence shall be maintained by a central heating system or its equivalent at ranges that are consistent with individual health needs of residents. No resident shall be in any area of the residence that falls below 65 degrees Fahrenheit or that exceeds 85 degrees Fahrenheit.

(2) Mechanical cooling devices shall be made available for use in those areas of the building used by residents when inside temperatures exceed 80 degrees Fahrenheit.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.10
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Temperature Conditions" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.11. Physical Plant Health and Safety Standards.

(1) Each Community Living Arrangement shall provide a safe and healthy home for its residents, and where subject to fire and safety standards promulgated by the Office of the Safety Fire Commissioner, such Community Living Arrangement shall be in compliance with those standards.

(2) Each Community Living Arrangement shall comply and remain in compliance with any and all local ordinances for fire safety in residences of that size and function. Private

quarters shall be maintained in such a manner as to comply with fire safety codes and not threaten the health or safety of residents. In the absence of or in addition to any such local ordinances, the following requirements shall be met:

(a) Wall-mounted electric outlets and lamps or light fixtures shall be maintained in a safe and operational condition;

(b) Cooking appliances shall be suitably installed in accordance with approved safety practices;

(c) Space heaters shall not be used;

(d) Fire screens and protective devices shall be used with fireplaces, stoves, and heaters;

(e) Sufficient AC powered smoke detectors, with battery backup, shall be in place and, when activated, shall initiate an alarm that is audible in the sleeping rooms. Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons;

(f) If natural gas or heating oil is used to heat the residence, or if a wood-burning fireplace is in the residence, the residence shall be protected with carbon monoxide detectors;

(g) Each residence must have at least one charged, 5 lb. multipurpose ABC fire extinguisher on each occupied floor and in the basement that shall be readily accessible. These extinguishers shall be checked annually by a fire safety technician and monthly by the staff of the Community Living Arrangement to ensure they are charged and in operable condition; and

(h) Exterior doors shall be equipped with locks that do not require keys to open the door from the inside.

(3) Fire drills shall be conducted every month at alternating times and shifts. At least two drills per calendar year shall be during sleeping hours. All fire drills shall be documented with staffing involved. The Department maintains the right to require an immediate demonstration of a fire drill during any on-site visit.

(4) The Department may require an appropriate fire safety inspection of any Community Living Arrangement at any time, including, but not limited to, when the physical plant undergoes a substantial change, such as repairs, renovations, or additions, or the Department has reason to believe that residents are at risk. Further, if the Department determines that a substantial increase in the amount of personal assistance is being offered to residents, a repeat fire safety inspection may be required. The residence shall correct all fire safety violations identified in the inspection.

(5) Water and sewage systems shall meet applicable federal, state, and local standards and regulations.

(6) Floors, walls, and ceilings shall be kept clean and in good repair.

(7) Kitchen and bathroom areas shall be cleaned with disinfectant and maintained to ensure cleanliness and sanitation.

(8) The storage and disposal of biomedical wastes and hazardous wastes shall comply with applicable federal and state rules and standards.

(9) The storage and disposal of garbage, trash, and waste shall be accomplished in a manner that will not permit the transmission of disease, create a nuisance, or provide a breeding place for insects or rodents. Waste shall be removed from the kitchen as necessary and from the premises at least weekly.

(10) Procedures for the prevention of infestation by insects, rodents, or other vermin or vectors shall be maintained and conducted in a manner that continually protects the health of residents.

(11) Pets living at the residence shall meet the following requirements:

(a) No vicious animals shall be kept at the residence;

(b) All pets shall have a current inoculation for rabies as required by law;

(c) Exotic animals shall be obtained from federally approved sources; and

(d) Parrots, cockatoos, macaws, and other psittacine birds shall be domestic birds or USDA inspected and banded and must be free of disease.

(12) Poisons, caustics, and other dangerous materials shall be stored in clearly labeled and appropriate containers, safeguarded in an area away from medication storage areas and from food preparation and storage areas and secured as required by the capacity of the residents.

(13) A residence shall be equipped and maintained so as to provide a sufficient amount of hot water for the use of residents. Heated water provided for use of residents shall not exceed 120 degrees Fahrenheit at the hot water fixture, unless a cooler temperature is required by the needs of the individual. A water temperature monitor or a scald valve shall be installed where necessary to ensure the safety of the residents.

(14) The following evacuation requirements must be met:

(a) Residents who need assistance with ambulation shall be provided bedrooms that have access to a ground-level exit to the outside or provided bedrooms above

ground level that have access to exits with easily negotiable ramps or easily accessible lifts;

(b) There shall be established procedures and mechanisms for alerting and caring for residents in case of emergencies and for evacuating them to safety. An evacuation plan with clear instructions shall be available within each residence. Each sleeping room shall have a secondary exit, which may be a door or a window usable for escape;

(c) A Community Living Arrangement serving a resident dependent upon a wheelchair or other mechanical device for mobility shall provide at least two (2) exits from the Community Living Arrangement, remote from each other, that are accessible to the residents; and

(d) There shall be clearly accessible route(s) for emergencies throughout the residence.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.11
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Physical Plant Health and Safety Standards" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.12. Supplies.

(1) The residence shall have a supply of first-aid materials available for use. This supply shall include, at a minimum, band aids, antiseptic, gauze, tape, and a thermometer.

(2) A residence shall ensure that toilet tissue is available for use at each commode.

(3) Hand-washing facilities provided in both kitchen and bathroom areas shall include hot and cold running water, soap, and clean towels.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.12
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Supplies" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.13. Services.

(1) Each Community Living Arrangement shall provide room, meals, and services that are commensurate with the needs of the residents. Services shall be provided by appropriately qualified staff members designated by the Community Living Arrangement administrator.

Intensity of services required by each resident shall be noted in the individual services plan for each resident.

(2) The Community Living Arrangement shall ensure that each resident has either an individual service plan or a course of action written by an appropriate licensed health care professional that specifies the medical, physical, behavioral, and social needs of the resident and the services, supports, care, or treatment that the resident will receive from the Community Living Arrangement. The individual service plan or course of action shall contain at least the following information:

(a) Identified areas of life in which the resident requires services, supports, care, or treatment;

(b) Goals, outcomes, or what is expected to be achieved through the services, supports, care, or treatment;

(c) Objectives or what the resident will do to achieve the goal;

(d) Interventions or what services, supports, care, or treatment will be carried out by staff to achieve the goal, including the name or title of staff responsible for the intervention and the frequency of the intervention; and

(e) Indicators that will signify the need for decrease or increase in intensity of services. The individual service plan shall reflect the preferences of the resident as well as perspectives from those individuals or agencies participating in the services, supports, care, or treatment of the resident. The ISP shall reflect both formal (paid) and informal services, supports, care, or treatment, as appropriate.

(3) Personal hygiene assistance shall be given to those residents who are unable to keep themselves neat and clean.

(4) The Community Living Arrangement administrator or his or her designee shall teach each resident the techniques of "Standard Precautions," as appropriate to the resident's ability, or shall support each resident in the performance of the techniques of "Standard Precautions," including washing his or her hands thoroughly after toileting, sneezing, or any other activity during which the resident's hands may become contaminated.

(5) Each Community Living Arrangement shall offer a range of social, recreational, and educational activities as required to meet the needs and preferences of each resident.

(6) The routine of the residence shall be such that a resident may spend the majority of his or her non-sleeping hours out of the bedroom if he or she so chooses.

(7) A residence shall not restrict a resident's free access to common areas of the residence or to the resident's own bedroom unless the rationale for not meeting this requirement is documented in the individual service plan of the resident, which justifies that exceptions are based on the needs of the resident.

(8) The Community Living Arrangement administrator or his or her designee shall be available to any person within the Community Living Arrangement, including each resident, in the event of an emergency.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.13
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Services" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.14. Staffing.

(1) The Community Living Arrangement shall have as many qualified and trained employees on duty as shall be needed to safeguard properly the health, safety, and welfare of residents and ensure the provision of services the residents require to be delivered in the Community Living Arrangement. The Community Living Arrangement must maintain a staffing ratio sufficient to ensure that all residents can be evacuated from the residence within three minutes.

(2) If residents are in the residence and staff are not present within the residence, the individual service plan for each resident must support evidence of assessment regarding capacity to be independent within the residence.

(3) All Community Living Arrangements must maintain a monthly plan for specific staff coverage in advance of the month, a record of actual staff coverage, and a plan for provision of all required services.

(4) For purposes of these rules, a resident shall not be considered a staff person in the residence in which they live. The Community Living Arrangement shall not require any resident to perform tasks that are ordinarily considered staff responsibilities, unless there is documentation in the individual service plan of the resident, or elsewhere, that indicates that participation of the resident is voluntary and appropriate.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.14
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Staffing" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.15. Personnel.

(1) The administrator for the Community Living Arrangement shall be at least 21 years of age and shall be qualified by training and experience to operate competently the Community Living Arrangement in accordance with these rules.

(2) All staff members working in Community Living Arrangements shall be at least 18 years of age and shall be able and qualified by training or experience to carry out all duties and responsibilities of the job competently.

(3) The administrator for the Community Living Arrangement agency or residence shall ensure that any staff member who interacts with residents, under contract or otherwise, receives work-related training acceptable to the Department. At no time may a staff member be allowed to work alone with residents until all minimum required training has been completed, including documented evidence of that staff member's competence in each topic area.

(a) Prior to having any contact with residents, each staff member shall be trained and show continuing evidence of competence in:

1. Rights and responsibilities of residents according to these rules; and

2. Requirements that staff recognize and immediately report suspected abuse, neglect, or exploitation of any resident or former resident to the Department and to appropriate law enforcement agencies.

(b) Before working independently with residents, each staff member shall be trained and show continuing evidence of competence in:

1. The medical, physical, behavioral, and social needs and characteristics of the residents served, including training regarding care required to meet the specific needs of each resident;

2. Ethics and cultural competence and appropriateness;

3. Techniques of de-escalation and techniques to prevent behavioral crises;

4. Fire safety and emergency evacuation procedures;

5. Techniques of Standard Precautions;

6. Policies and procedures for the use of personal restraint, quiet time, and medical protection devices and adaptive support devices; and

7. Medications of residents, including risks and benefits.

(c) Each staff member shall have current certification in emergency first aid, except where the staff member is a currently licensed physician, physician's assistant, or nurse.

(d) Each staff member shall have current certification in basic cardiac life support (BCLS) or cardiopulmonary resuscitation.

(4) All staff members who offer direct care to residents must satisfactorily complete a total of at least 16 hours of continuing education per year in curriculum related to the needs of the residents or to the responsibilities of the position.

(5) All staff members who offer direct care to any resident shall be responsible for maintaining awareness of each resident's usual appearance and condition and shall take appropriate action if a change in the resident's usual appearance or condition occurs.

(6) The administrator and each staff member of a Community Living Arrangement shall have received a tuberculosis screening within 12 months prior to employment (or initial application for licensure or being issued a license for the residence) to ensure that those persons are free of tuberculosis.

(7) An employment history for the five most recent years, including previous places of work, contact names, and contact telephone numbers, for each staff member shall be verified by the Community Living Arrangement administrator and shall be maintained on file at the agency operating the Community Living Arrangement.

(8) A personnel file shall be maintained for each staff member. These files shall be available for inspection by the appropriate enforcement authorities on the premises but shall otherwise be maintained to protect the confidentiality of the information contained in them, and shall include the following:

(a) Evidence of a Georgia Crime Information Center state criminal history record check comparison of data with information other than fingerprints done through local law enforcement authorities and a satisfactory fingerprint criminal history background check;

(b) Evidence of satisfactory screening for tuberculosis;

(c) Evidence of first aid and BCLS training and recertification as required; and

(d) Evidence of required training and competency evaluations, including evidence of 16 hours of continuing education annually.

(9) No administrator or staff member shall be under the influence of alcohol or other controlled substances while on duty.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.15
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Personnel" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-9-37-.16. Admission.

(1) Community Living Arrangements shall not admit or retain a resident whose care requirements are beyond that which the residence is able to support.

(2) The Community Living Arrangement administrator or his or her designee shall conduct a complete review of all medical, physical, behavioral, and social health documentation as part of the personal interview process. If the individual is not currently enrolled in another Division of MHDDAD funded service, or if documentation is not available, an appropriate health care professional shall conduct an assessment of the individual to assist the administrator or his or her designee in determining whether the Community Living Arrangement can meet the individual's needs.

(3) The Community Living Arrangement administrator shall conduct an interview with the individual requesting services and, as authorized by the individual, the individual's legally authorized representative or legal guardian, if any, to ascertain that the residence can meet the individual's needs.

(4) The administrator or site manager shall require the individual to provide the residence with a report of a physical examination from a licensed physician or other health care professional authorized by law dated within 12 months prior to the date of admission. Additionally, the report shall indicate that the individual shall be free of signs or symptoms of any infectious disease that is likely to be transmitted.

(5) The results of a satisfactory screening for tuberculosis of the individual by a health care professional or licensed practical nurse authorized by law dated within 12 months prior to the date of admission shall be documented in the individual's file prior to admission.

(6) The Community Living Arrangement shall not provide residential services to individuals whose services are not authorized and reimbursed, in whole or in part, by the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.16
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Admission" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.17. Admission Agreement.

(1) A written admission agreement shall be entered into between the governing body and the resident. Such agreement shall be signed by a representative of the Community Living Arrangement, the resident, and the resident's legally authorized representative or legal guardian, if any, and shall contain the following:

   (a) A statement of all services to be delivered, all associated fees or charges and how fees or charges shall be assessed.

(b) A statement that the resident and his or her representative or legal guardian, if any, shall be informed, in writing, at least 60 days prior to changes in charges or services;

(c) A statement of the residence's refund policy when a resident is transferred, is discharged, or dies;

(d) A statement about the responsibility assumed, if any, by the Community Living Arrangement for the resident's valuables and other personal belongings; and

(e) A copy of expectations regarding cooperative living, which must be in writing, with evidence of review by the resident and the resident's representative or legal guardian, if any. Expectations regarding cooperative living may not violate the rights and responsibilities of the resident enumerated in Section .19 of these rules. Expectations shall include, but not be limited to, a statement about sharing of common space and other resources, expectations regarding the use of tobacco and alcohol, and explanation regarding items, if any, prohibited by the Community Living Arrangement.

(2) Each resident, prior to the execution of the admissions agreement, shall have an opportunity to read the agreement. In the event that a resident is unable to read the agreement, the administrator or site manager shall take special steps to ensure communication of its contents to the resident.

(3) The resident and his or her representative or legal guardian, if any, shall each be given a photocopy of the signed agreement. A photocopy shall be retained in the file of the resident.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.17
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Admission Agreement" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.18. Resident Files and Information.

(1) An individual file shall be maintained for each resident. Personal information shall be treated as confidential and shall not be disclosed except to the resident and his or her legally authorized representative or legal guardian, if any. The file shall be disclosed to an authorized agent of the Department or others to whom written authorization is given by the resident or his or her legally authorized representative or legal guardian, if any. The file shall be made available, upon request, for inspection and copy to the Department and to the resident or his or her legally authorized representative or legal guardian, if any.

(2) If the primary file for the resident is kept at a location other than the Community Living Arrangement, information maintained within the residence shall be sufficient in order to

allow staff to respond to residents' emergencies and shall include the following information:

(a) Identifying information including name, social security number, and date of birth;

(b) Name, address, and telephone number of next of kin, representative or legal guardian, if any, or representative payee and any court order or written document designating the representative or legal guardian, if any, of the resident;

(c) Name, address, and telephone number and relationship of the person to be contacted in the event of an emergency;

(d) The name, address, and telephone number of the resident's physician, hospital and pharmacy of choice;

(e) A record of all monies and other valuables entrusted to the residence for safekeeping. A receipt for same shall be provided to the resident or his or her representative or legal guardian, if any, at the time of admission and at any time thereafter when the resident acquires additional property and wishes to entrust such property to the residence for safekeeping;

(f) Health information, including all health appraisals, diagnoses, prescribed diets, medications, and physician's instructions;

(g) An inventory of or system for marking and identifying all personal items brought to the residence by the residents. The inventory may be updated upon request at any time. Such inventory or marking requirement may be waived by the resident or his or her legally authorized representative or legal guardian, if any;

(h) A copy of resident rights and responsibilities including all rights and responsibilities enumerated in Section .19 of these rules, or a statement asserting that the resident has a copy of such rights and responsibilities signed by the resident or his or her representative or legal guardian, if any;

(i) A photocopy of the signed admission agreement;

(j) A copy of a living will and durable power of attorney for health care, if any. Original documents shall remain within possession of the resident or his or her legally authorized representative or legal guardian, if any;

(k) A copy of the resident's individual service plan, and

(l) A summary of any incident, accident, or adverse change in the condition of the resident, including follow-up and notifications.

(3) A written record reflecting the services, supports, care, or treatment, as applicable, provided to the resident shall be maintained in chronological order by the Community Living Arrangement.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.18
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Resident Files and Information" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.19. Residents Rights.

(1) Rules and Regulations for Clients' Rights, Chapter 290-4-9 shall be followed.

(2) Residents shall have the following rights concerning the community ombudsman program currently being operated by the State Long-term Care Ombudsman:

(a) All residents shall have the right to complain to the state or community ombudsman designated by the Department to receive, investigate, refer, and attempt to resolve such complaints concerning any act, omission to act, practice, policy, or procedure that may adversely affect the health, safety, or welfare of any resident;

(b) The resident shall have the right to participate in planning any course of action to be taken on his or her behalf by the designated state or community ombudsman, and the resident shall have the right to approve or disapprove any proposed action to be taken on his or her behalf by such ombudsman;

(c) The resident shall have the right to report to the designated state or community ombudsman any suspicion that a resident of a Community Living Arrangement is being, or has been, abused, neglected, exploited, or abandoned or is in a condition which is the result of abuse, neglect, exploitation, or abandonment. Where the subject of the investigation involves suspected abuse, neglect, or exploitation of a resident, the resident shall have the right to communicate with the designated state or community ombudsman in a private and confidential setting notwithstanding any objection by the resident's representative or legal guardian, if any;

(d) The resident shall have the right to confidentiality of his or her identity with respect to any investigation conducted by the designated state or community ombudsman. The identity of any complainant, resident on whose behalf a complaint is made, or individual providing information on behalf of the resident or complainant relevant to the investigation of a complaint shall be confidential and may be disclosed only with the express permission of such person or his or her legally authorized representative or legal guardian, if any; and

(e) The resident shall have the right to be free from discrimination and retaliation due to any complaint or report made to the designated state or community

ombudsman. No Community Living Arrangement shall discriminate or retaliate in any manner against any resident, his or her relative, or his or her representative or legal guardian, if any, any staff member of a Community Living Arrangement, or any other person because of the making of a complaint in good faith or providing of information in good faith to the designated state or community ombudsman.

(3) A Community Living Arrangement shall not infringe upon any resident's rights and shall ensure that residents may communicate privately and confidentially, individually or in groups, with the designated state or community ombudsman. A Community Living Arrangement shall cooperate fully with the designated state or community ombudsman.

(4) At a minimum, the following rights shall be guaranteed and cannot be waived by the resident or his or her representative or legal guardian, if any:

(a) Each resident shall receive personal services, supports, care, or treatment, as applicable, which shall be adequate, appropriate, and in compliance with applicable federal and state law and regulations, without discrimination in the quality of service based on age, gender, race, physical or mental disability, religion, sexual orientation, national origin, marital status, or the source of payment for the services.

(b) No resident shall be punished or harassed by staff of the Community Living Arrangement, its agents, or its employees because of efforts by or on behalf of the resident to enforce his or her rights;

(c) Each resident shall have the right to:

1. Exercise the constitutional rights guaranteed to citizens of this state and the United States, including, but not limited to, the right to vote;

2. Choose activities and schedules consistent with interests and assessments of the resident;

3. Interact with members of the community both inside and outside the Community Living Arrangement and to participate fully in the life of the community; and

4. Make choices about aspects of his or her life in the residence that are significant to the resident;

(d) Each resident shall have the right to enjoy privacy in his or her bedroom. Staff, residents, and others shall respect this right by knocking on the door before entering the room of a resident. Each resident may associate and communicate privately with persons and groups of his or her choice. Persons served shall have the right of freedom from eavesdropping and the right to private and uncensored communication with anyone of the resident's choice;

(e) If the resident is married and the spouse is also a resident in the Community Living Arrangement, they shall be permitted to share a room unless they request otherwise;

(f) Each resident shall be treated with respect and given privacy in the provision of personal care. Each resident shall be accorded privacy and freedom for the use of bathrooms at all hours;

(g) No religious belief or practice shall be imposed upon any resident. Residents shall be free to practice their religious beliefs as they choose. Each resident shall have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents;

(h) Each resident shall have the right to be free from mental, verbal, sexual, and physical abuse, neglect, and exploitation. Each resident has the right to be free from actual or threatened mechanical or chemical restraint, isolation, seclusion, corporal punishment, or any disciplinary methods not specifically authorized by the ISP, including interference with the daily functions of living such as eating or sleeping;

(i) Each resident shall have the right to use, keep, and control his or her own personal property and possessions in the immediate living quarters, except to the extent as use of his or her property would interfere with the safety or health of other residents. Each resident shall have the right to reasonable safeguards for the protection and security of his or her personal property and possessions brought into the Community Living Arrangement;

(j) Each Community Living Arrangement shall permit access to residents by others who are visiting with the consent of the resident during mutually agreed upon times. Residents have the right to have visitors at mutually agreed upon times. Once the times are agreed upon, no prior notice is necessary. Each resident shall have the complete right to terminate any visit by any person who is visiting that resident;

(k) Each resident shall have access to a telephone to make and receive personal calls, the phone number of which shall be made available to the resident and his or her representative or legal guardian, if any. The resident shall also have the right to have a private telephone, at the expense of the resident. Telephones shall be placed in areas to ensure privacy without denying accessibility;

(l) Each resident shall have the right to manage his or her own financial affairs, including the right to keep and spend his or her own money unless that resident has been adjudicated incompetent by a court of competent jurisdiction. Each resident shall have the right to be free from coercion to assign or transfer to the residence money, valuables, benefits, property, or anything of value other than payment for services rendered by the residence;

(m) Each resident shall have the right to access a personal needs allowance as specified in the admission agreement to be distributed by the administrator, site manager, or staff person in the residence for the free use by the resident. The following conditions shall be met regarding the personal needs allowance:

1. The personal needs allowance shall be included as a charge for services to the account of each resident. The resident may waive the personal needs allowance by signing a written waiver upon admission or anytime thereafter. If, pursuant to an assessment of capacity by an appropriate health care professional, the resident cannot understand the purpose of money, the resident or his or her authorized representative under the law may waive the personal needs allowance by signing a written waiver upon admission or anytime thereafter. No allowance charge shall be assessed where the resident's legally authorized representative or legal guardian, if any, has signed a written waiver of the personal needs allowance. Such a waiver shall be kept in the resident's file;

2. The personal needs allowance shall not be intended or required to be used for purchasing necessary goods such as toilet paper, light bulbs, and supplies that the residence shall provide and shall in no way relieve the residence of the obligation to ensure that such necessary goods are available to the resident; and

3. Upon written authorization of a resident or his or her legally authorized representative or legal guardian, if any, the Community Living Arrangement must hold, safeguard, manage, and account for the personal funds of the resident deposited with the residence;

(n) Each resident shall also have the right to receive or reject medical care, dental care, or other services except as required by law or regulations;

(o) Each resident shall have the right to choose and retain the services of a personal physician and any other health care professional or licensed practical nurse or service. No administrator or staff of the Community Living Arrangement shall interfere with the right of the resident to receive from his or her attending physician complete and current information concerning his or her diagnosis, treatment, and prognosis. Each resident and his or her legally authorized representative or legal guardian, if any, shall have the right to be fully informed about the care of the resident and of any changes in that care and the right of access to all information in the resident's medical records.

(p) Each resident shall have the right to fully participate in the planning of his or her care. Case discussion, consultation, and examination shall be confidential and conducted discreetly. A person who is not directly involved in the care of a resident may be present when care is being discussed or rendered only if he or she has the permission of the resident; provided, however, that authorized

representatives of the Department shall have full access to the residence and all residents for purposes of ensuring compliance with these rules;

(q) Each resident who does not have a legal guardian with authority to admit, transfer, or discharge may choose to discharge or transfer himself or herself upon notification to the residence in conformance with the residence's policies and procedures;

(r) Each resident shall have the right to inspect his or her files and records upon request. Each resident shall have the right to make a copy of all files and records pertaining to the resident. Each resident has the right to confidential treatment of personal information in the resident's file;

(s) Each resident shall have the right to utilize all applicable complaint and grievance procedures. The telephone numbers for the regional MHDDAD office and for the Division of MHDDAD shall be posted and made known to all residents within the Community Living Arrangement; and

(t) Each resident shall have the right to access the appropriate ombudsman and the Office of Regulatory Services of the Department of Human Resources. The name, address, and telephone number of the ombudsman assigned to the residence and of the Office of Regulatory Services shall be posted in an accessible area of the residence.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.19
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Resident's Rights" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.20. Medications.

(1) All medications required by a resident in a Community Living Arrangement shall be administered appropriately and only in accordance with a physician's order. Where a resident does not have the capacity to self-administer the medications, a licensed nurse, physician's assistant, or other certified staff as determined by the Division of MHDDAD shall administer the medications.

(2) Notwithstanding other provisions of these rules to the contrary, a staff member who is not a licensed nurse or physician's assistant may appropriately administer epinephrine for analphylactic reaction, insulin required for diabetes, suppositories for ameliorating serious seizure activity, and medications through a nebulizer under the following conditions:

(a) The Community Living Arrangement shall have written protocol for the administration of the medication as ordered by a physician for a resident;

(b) The staff shall have been trained by a licensed nurse or physician's assistant in the written protocol and proper technique for the administration of the medication as ordered by a physician for a resident;

(c) The written protocol and staff training shall be updated annually; and

(d) A licensed nurse or physician's assistant shall verify the training and ability of the unlicensed staff member by signing and dating a copy of the written protocol. The signed and dated copy shall be kept in the file of the staff member.

(3) Responsibility for initial acquisition and refilling of prescribed medications shall be specifically assigned in the admission agreement to the resident, his or her representative or legal guardian, if any, or the Community Living Arrangement's designee.

(4) A resident who is not capable of fully independent self-administration of medication may be assisted and supervised in self-administration by staff to the following extent:

(a) He or she may be reminded of the time to take medication;

(b) The medication regimen as indicated by the physician's order or commercially labeled container may be read to him or her;

(c) The dosage he or she self-administers may be checked according to the physician's order or commercially labeled container; and

(d) He or she may be physically assisted in pouring medication.

(5) Over the counter drugs or dietary supplements, including vitamins and herbal supplements, shall be used by the resident under the following circumstances:

(a) Use of the drug is not contraindicated by allergies or sensitivities of the resident;

(b) Use of the drug is according to physician's order; and

(c) Use of the drug is documented on the medication administration record.

(6) All medication shall be administered solely for the purpose of providing effective treatment. Medications shall not be used as punishment or for the convenience of staff.

(7) Storage of medications. Medications shall be stored safely and appropriately monitored to prevent unauthorized use or access.

(a) Medications shall be stored under lock and key at all times whether kept by a resident or kept by the residence, except when required to be kept by the resident on his or her person due to need for frequent or emergency use, as determined by the physician. A key must be maintained within the residence and accessible to authorized staff at all times.

(b) Medication kept by a resident shall be stored in the resident's bedroom in a locked cabinet or other locked storage container, stored in a single-occupancy bedroom which is kept locked at all times, or stored in such a way as to make it inaccessible to others.

(c) Medications requiring refrigeration shall be stored separately from food. If a separate refrigerator is not available, these medications may be placed in a locked container in the same refrigerator in which food is stored. The temperature of the refrigerator shall be maintained between 36 degrees Fahrenheit and 41 degrees Fahrenheit.

(8) Medications shall be properly labeled and handled in accordance with current accepted standards of practice. Outdated, mislabeled, or otherwise unusable medications shall not be available for resident use.

(9) Staff members providing supervision of self-administration of medications shall be trained by a licensed nurse or physician's assistant prior to supervising self-administration of medications. Documented evidence of training shall be kept within the staff member's personnel file. Staff competencies related to the supervision of self-administration of medications shall be tested and documented annually.

(10) Staff training must include but may not be limited to:

(a) Purpose of a resident's medications, including risks and benefits;

(b) Identifying and responding appropriately to adverse reactions to medications;

(c) Following physician's orders, including rationale for ensuring timely receipt of medications;

(d) Documenting all medications, including vitamins and dietary and herbal supplements, taken by the resident on the Medication Administration Record (MAR);

(e) Documenting medications changed or discontinued by a physician;

(f) Proper storage of medication;

(g) Proper disposal of medication; and

(h) Information about medication errors, error-prone situations, and strategies to prevent such medication errors and instructions on proper documentation and reporting of medication errors.

(11) Community Living Arrangements shall have a written policy that specifies the procedures to be followed regarding oversight of medication. Such policy shall include but may not be limited to:

(a) Emergency procedures such as the employees to be notified, the local poison information center telephone number, the person responsible for decision making, and the physician, clinic, emergency room, or comparable medical personnel to be contacted in the event of a medication emergency;

(b) Procedures regarding management of medications including disposal of discontinued or out-of-date medications;

(c) Definitions and procedures for documenting and reporting medication errors;

(d) Procedures to flag allergies and other critical information; and

(e) Requirements for staff training.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.20
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Medications" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.21. Medical Protection Devices and Adaptive Support Devices.

(1) Medical protection devices and adaptive support devices are designed to facilitate and not impede the resident's participation in usual activities of daily living. Medical protection devices and adaptive support devices shall be used appropriately as treatment interventions only where less restrictive methods and devices have been evaluated and determined to be inappropriate and so documented.

(2) Where medical protection devices and adaptive support devices have been determined to be the least restrictive alternative in accordance with subparagraph (1) above, the following steps shall be taken prior to use:

(a) An appropriate health care professional conducts an assessment, a copy of which shall be kept in the resident's file, that describes and supports the specific needs for the device(s);

(b) An order shall be written by a physician for the use of the device and shall be filed in the resident's record. The order shall be for no longer than 180 days or six calendar months. The order shall include the type of device, the rationale for its use, the duration of its use, a plan for reduction in its use, and appropriate instructions for release and monitoring of its use. Reordering the device's use shall be preceded by the physician's physical examination of the resident;

(c) The proposed use of the device is discussed in advance with the resident and his or her legally authorized representative or legal guardian, if any;

(d) The use of the device shall be specifically authorized in the individual service plan; and

(e) Staff shall be trained in the application of the device and the care of the residents to whom they are applied.

(3) A registered nurse, or other appropriate health care professional, shall personally assess the resident once per quarter, or more frequently as ordered by a physician, and shall document his or her findings in the file of the resident, including the resident's response to the use of the device.

(4) Devices shall be:

(a) Authorized specifically in a resident's ISP;

(b) Kept clean and used only in ways which cause no physical harm to the resident;

(c) Fully inspected prior to use to ensure that they are in good repair and free from tears or protrusions that might cause injury; and

(d) Discontinued when no longer needed as a treatment intervention.

(5) The use of medical protection devices and adaptive support devices shall be monitored by staff to ensure that the terms of the order are followed and the devices are used appropriately.

(6) On an annual basis, training must be updated and staff must demonstrate competency in the application of medical protection devices and adaptive support devices as part of the training activities enumerated in Section .15 of these rules.

(7) Chemical restraints, mechanical restraints, and seclusion may not be used under any circumstances.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.21
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Medical Protection Devices and Adaptive Support Devices" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.22. Use of Personal Restraints and Quiet Time.

(1) The Community Living Arrangement shall have and enforce effective procedures to minimize to the greatest extent possible the use of personal restraints. The use of personal

restraints shall be specified in the individual service plan and shall be used as a safety intervention solely for the purposes of protecting the safety of the resident or other persons in the residence after a hierarchy of appropriate interventions have been utilized in the situation and the resident continues to be a danger to self or other persons in the residence.

(2) Prior to the use of personal restraints, Community Living Arrangements shall have evidence that an appropriate plan is in place in the event emergency care is required.

(3) All interventions utilized but not effective prior to the use of personal restraints must be documented in the sequence used and identified as to the staff member conducting the intervention.

(4) The length of time permitted to use personal restraints for any one episode shall not exceed one hour. Consecutive periods of personal restraints, which have the effect of restraining the resident in excess of one hour, are not permitted.

(5) In the event that personal restraints are used, the resident shall be cared for in the following way:

(a) During the use of personal restraints, the door to the room shall be left open. The physical and emotional status of the resident shall be checked at least every 15 minutes by staff members trained in the use of personal restraint, and a written record of these checks and all other activities shall be made. The personal restraint pressure sites should be checked every 15 minutes for evidence of swelling or abrasion;

(b) When personal restraints are used, the resident shall be spoken to, checked for indications of obvious physical distress, offered water, and provided an opportunity to meet his or her need to urinate and defecate as needed or at least one time during the episode unless the resident is asleep or his or her condition does not permit; and

(c) The resident shall be provided an opportunity to eat if the application of personal restraints occurs during meals. If the resident is unable to participate in the meal, the resident will be offered food immediately following the personal restraint episode.

(6) In all cases, the resident shall be released from personal restraints when that resident's demeanor evidences that he or she is no longer a danger to himself or herself or to others. A resident shall not remain in personal restraints longer than 15 minutes beyond which time he or she is no longer a danger to himself or herself or to others but in no event, shall the total time exceed one hour.

(7) Notification of the use of personal restraints shall be given by telephone to the resident's representative or legal guardian, if any, and to the regional MHDDAD office within 24 hours of the use of personal restraints and shall be documented in the resident's file. In the

event the resident's representative or legal guardian, if any, cannot be reached, that fact shall be documented in the resident's file, and a report shall be faxed or mailed to the resident's representative or legal guardian, if any.

(8) In the case of an accident or adverse change in the condition of a resident resulting from the use of personal restraints, procedures specified in Section .24 of these rules shall apply.

(9) The use of quiet time shall be specified in the individual service plan and shall be used under the supervision and observation of staff.

(10) All interventions utilized prior to the use of quiet time must be documented in the sequence used and identified as to the staff member conducting the intervention.

(11) The length of time permitted for the use of quiet time shall not exceed 15 minutes per episode.

(12) Every use of quiet time shall be conducted in an unlocked, well-lighted, well-ventilated area with a means of observation available. The area to be used for quiet time shall be identified within the Community Living Arrangement's policy for the utilization of quiet time.

(13) The Community Living Arrangement shall maintain documentation reflecting that the residence monitors and evaluates all aspects of its use of personal restraints and quiet time to ensure that the Community Living Arrangement takes all appropriate steps to minimize or eliminate the need for personal restraints and quiet time to be used in the residence at all.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.22
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Use of Personal Restraints and Quiet Time" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.23. Nutrition.

(1) A minimum of three regularly scheduled, well-balanced meals shall be available seven days a week. Meals shall be served in the early morning, at midday, and the evening, with the last meal taking place no earlier than 5:00 P.M. Meals shall meet the general requirements for nutrition published by the Department or currently found in the Recommended Daily Diet Allowances, Food and Nutrition Board, National Academy of Sciences or a diet established by a registered dietitian. Meals shall be of sufficient and proper quantity, form, consistency, and temperature. Food for at least one nutritious snack shall be available and offered mid-afternoon and evening. All food groups shall be available within the residence and represented on the daily menu.

(2) All foods, while being stored, prepared, or served, shall be protected against contamination and be safe for human consumption in accordance with accepted standards for food safety.

(3) Food received or used in a Community Living Arrangement shall be clean, wholesome, free from spoilage, adulteration, and misbranding, and safe for human consumption.

(4) A residence shall have a properly equipped kitchen to prepare regularly scheduled, well-balanced meals unless it arranges for meals to be provided by a permitted food service establishment.

(5) A residence shall maintain a three-day supply of non-perishable foods for emergency needs.

(6) A residence shall arrange for and serve special diets as prescribed.

(7) The Community Living Arrangement shall show evidence of individual choice and participation in the planning of meals, as appropriate. Records of the meals as served shall be kept on file for 30 days for review by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.23
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Nutrition" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.24. Procedures for Change in Condition or Serious or Unusual Incident.

(1) In case of an accident or adverse change in the condition of a resident, the residence shall immediately obtain needed care and notify the resident's emergency contact, representative or legal guardian, if any.

(2) In case of an accident or adverse change in the condition of a resident, the Community Living Arrangement administrator or designee shall conduct an immediate investigation to determine the cause and shall follow Division of MHDDAD protocol on reporting serious or unusual incidents.

(3) A summary of the incident, including follow-up and notifications, shall be documented.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.24
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Procedures for Change in Condition or Serious or Unusual Incident" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.25. Death of a Resident.

Should a resident die while in the residence or while at another location when still a resident of the Community Living Arrangement, the resident shall immediately notify the resident's next of kin, physician, and representative or legal guardian, if any. Statutes applicable to the reporting of death and reports that must accompany the deceased shall be observed. The residence shall report the death to the Office of Regulatory Services of the Department of Human Resources within 24 hours and follow Department policy and Division of MHDDAD protocol on reporting deaths.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.25
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Death of a Resident" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.26. Discharge or Transfer of a Resident.

(1) Each admission agreement shall include a written procedure for handling discharge and transfer of the resident that complies with these rules. Thirty days' written notice, including the reason for the proposed discharge or transfer, shall be given to both the resident and his or her representative or legal guardian, if any, prior to discharge or transfer of the resident except where an expedited transfer or discharge planning process is initiated, per Section .27 of these rules.

(2) The applicable regional office of the Division of MHDDAD shall be copied on the notice provided to the resident.

(3) The Department may require an appropriate physical examination and psychosocial assessment of a resident at any time when the Department has reason to believe that the needs of a resident are not being met.

(4) In all cases, except those requiring expedited transfer, residents whose needs cannot be met by the residence or who no longer choose to live in the residence shall be discharged or transferred to an appropriate residence based on discharge and transfer procedures entered into at the time of admission. For such discharge or transfer, a 30 day written notice shall be given to both the resident and his or her representative or legal guardian, if any, except when transfer is necessitated by a change in physical or mental condition as specified in these rules.

(5) The residence shall notify the Division of MHDDAD for the county in which residence is located and other appropriate agencies when transfer assistance is needed and no legally authorized representative or legal guardian is willing to provide assistance.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.26
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Discharge or Transfer of a Resident" adopted. F. Oct. 24, 2002; eff. Nov. 30, 2002.

Rule 290-9-37-.27. Expedited Transfer or Discharge Planning.

(1) A Community Living Arrangement may initiate an expedited transfer or discharge planning process to relocate a resident immediately from the residence if the resident develops a physical or mental condition requiring continuous medical care or nursing care, beyond that for which the Community Living Arrangement is capable of providing care, or if the condition or continuing behavior of a resident directly and substantially threatens the health, safety, or welfare of that resident or any other resident.

(2) As appropriate, the expedited transfer or discharge planning process shall involve the resident (if he or she is able to participate), the treatment team, a family member or a friend who has been active with the resident, a representative from the regional MHDDAD office, and, as appropriate, the resident's representative or legal guardian, if any.

(3) In all cases where an expedited transfer or discharge is to be made, the residence shall transfer the resident to an appropriate facility or service provider where the needs of the resident can be met. Prior to making such transfer or discharge, the administrator or site manager shall:

(a) Notify the resident and his or her representative or legal guardian, if any, of the reason for the immediate transfer;

(b) Inquire as to any preference of the resident and his or her legally authorized representative or legal guardian, if any, regarding the facility or service provider to which the resident is to be discharged or transferred;

(c) Inform the resident and his or her representative or legal guardian, if any, about resident rights and choice regarding the proposed discharge or transfer; and

(d) Inform the resident and his or her representative or legal guardian, if any, of the place to which the resident is to be discharged or transferred.

(4) Within 24 hours of the discharge or transfer, the administrator or site manager of the Community Living Arrangement shall:

(a) Provide a full protocopy of the resident's file to the receiving facility or service provider; and

(b) Document in the resident's file the following:

1. The reason for the discharge or transfer;

2. The fact that the resident, his or her representative or legal guardian, if any, and the Regional MHDDAD Board were informed pursuant to this subparagraph; and

3. The name, address, and telephone number of the place to which the resident is to be transferred or discharged.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.27
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Expedited Transfer or Discharge Planning" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.28. Application for License.

(1) The governing body of the Community Living Arrangement shall submit to the Department an application for a license to operate under these rules. No Community Living Arrangement shall operate or provide services to residents without a valid license issued by the Department.

(2) The application for a license shall be made on forms provided by the Department.

(3) The following shall accompany the application for a license to operate a Community Living Arrangement:

(a) A fingerprint records check application for the administrator or site manager;

(b) A copy of the application submitted to the Department's Office of Human Resource Management that has been submitted within the year immediately preceding the date of application for licensure as a Community Living Arrangement shall be submitted unless the administrator or director was serving as an administrator or site manager of a personal care home immediately prior to application for the Community Living Arrangement license and has a satisfactory fingerprint criminal history background check on file with the Department;

(c) Evidence of a satisfactory Georgia Crime Information Center (GCIC) state criminal history background check done by local law enforcement authorities for the administrator or site manager shall accompany the application.

(4) Each application for a license shall be accompanied by a floor sketch of the residence to be licensed as a Community Living Arrangement showing windows, doors, room measurements, and bed placement for residents, family, and staff.

(5) The ownership of the residence shall be fully disclosed in the application for a license. In the case of ownership by corporations, partnerships, and other bodies created by statute, the corporate officers and all other individuals or family groups owning 5 percent or more of the corporate stock or ownership, as well as the registered agent for service of process, shall be disclosed in the application for a license.

(6) Where a residence has not been licensed as a Personal Care Home immediately prior to application for licensure as a Community Living Arrangement, satisfactory proof shall accompany license applications that all electrical, water, and sewage systems of the residence meet applicable federal, state, and local standards and regulations and that the

residence is in compliance with any local fire safety standards and the fire and safety standards promulgated by the Office of the Safety Fire Commissioner.

(7) Proof that at least one staff member is qualified by training or experience to perform competently all duties and responsibilities of his or her job shall accompany the application.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.28
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Application for License" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.
Repealed: New Rule of same title adopted. F. Jan. 23, 2008; eff. Feb. 12, 2008.

Rule 290-9-37-.29. Licenses.

(1) The governing body of each Community Living Arrangement shall obtain a valid license or provisional license from the Department prior to beginning operation. To be eligible for a license the residence must be in compliance with these rules.

(2) The license shall be available within the residence.

(3) Licenses are not transferable from one residence to another.

(4) A license shall no longer be valid and shall be returned to the Department when the residence ceases to operate or is moved to another location, the ownership changes, the governing body is significantly changed, the service requirement changes, or the license is suspended or revoked.

(5) A license shall be required for each residence located on different premises where more than one residence is operated under the same governing body.

(6) A Community Living Arrangement shall not exceed its licensed capacity. The licensed capacity of a Community Living Arrangement shall not exceed six residents except under the following circumstances:

(a) The Division of Mental Health, Developmental Disabilities, and Addictive Diseases limits its funding of residents to a lesser number; or

(b)

1. The Division of Mental Health, Developmental Disabilities, and Addictive Diseases authorizes, under special circumstances, the placement and funding of one or more additional residents in the Community Living Arrangement; and

2. Pursuant to authorization by the Division of Mental Health, Developmental Disabilities, and Addictive Diseases, the Community Living Arrangement

makes direct application to the Office of Regulatory Services of the Department of Human Resources to increase the licensed capacity for a Community Living Arrangement; and

3. The Office of Regulatory Services approves the increase in licensed capacity based upon the written authorization of the Division of Mental Health, Developmental Disabilities, and Addictive Diseases and the demonstration of the Community Living Arrangement's compliance with applicable regulations; or

(c) A residence licensed under the Rules and Regulations for Personal Care Homes that may become a Community Living Arrangement upon promulgation of these rules shall continue to be licensed to serve the same number of residents previously permitted that residence under the Rules and Regulations for Personal Care Homes provided that the Community Living Arrangement maintains compliance with applicable regulations.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.29
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Licenses" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.30. Provisional Licenses.

(1) Provisional licenses may be issued to the governing body of a Community Living Arrangement to provide time in which to demonstrate compliance with these rules.

(2) Provisional licenses shall be issued to a Community Living Arrangement that has been previously licensed as a personal care home to allow a reasonable time to demonstrate compliance with operating procedures or to allow reasonable time to correct violations of rules that relate to the structural or physical condition of the residence shall not exceed six months.

(3) A provisional license shall not be issued to the governing body of a residence that has never been previously issued a license and is not in compliance with the rules and regulations relating to the structural or physical condition of the residence.

(4) A provisional license shall not be issued to a Community Living Arrangement in which there are conditions that present an immediate hazard to the life, health, or safety of resident or staff.

(5) A provisional license shall not be issued to a Community Living Arrangement unless the governing body shall first present to the Department a plan of correction acceptable to the

Department. The plan of correction shall specify how each deficiency is to be corrected and the time, methods, and procedures to be used in the correction of the deficiencies.

(6) A Community Living Arrangement shall not exceed its licensed capacity.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.30
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Provisional Licenses" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.31. Inspections and Plans of Correction.

(1) The Community Living Arrangement, its residents, and its records shall be available for review and examination by properly identified representatives of the Department. Inspections may be conducted both on an announced and unannounced basis as determined by the Department.

(2) For the purposes of conducting any inspection, investigation, or survey, the Department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of the residence.

(3) If violations of these licensing rules are identified, the Community Living Arrangement shall be given a written inspection report that identifies the violations. The Community Living Arrangement shall submit to the Department a written plan of correction in response to the inspection report of violations that states what the Community Living Arrangement will do and when to correct each of the violations identified. The plan of correction shall be submitted within 10 days of the Community Living Arrangement's receipt of the inspection report of violations and shall be determined to be ac- ceptable by the Department. The Community Living Arrangement must correct all violations cited.

(4) A copy of the inspection report shall be available for inspection at the residence upon request by any person.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.31
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Inspections and Plans of Correction" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.32. Reporting to the Department.

(1) The Community Living Arrangement shall report to the Office of Regulatory Services and also follow Division of MHDDAD reporting protocol whenever any of the following incidents involving residents occurs or the Community Living Arrangement has reasonable cause to believe that an incident involving a resident has occurred:

(a) Any death of a resident;

(b) Any rape that occurs in the residence;

(c) Any serious injury to a resident that requires medical attention;

(d) Any assault, any battery on a resident, or any abuse, neglect, or exploitation of a resident;

(e) Any time a resident cannot be located, where there are circumstances that place the health, safety, or welfare of the resident or others at risk and the resident has been missing for more than 24 hours;

(f) An external disaster or other emergency situation that affects the continued safe operation of the residence; and

(g) Any circumstances where a member of the governing body, administration, staff associated with or affiliated with the Community Living Arrangement, or family member of staff is associated with a will, trust, or life insurance policy of a resident or former resident to verify that such gift is knowingly and voluntarily made and not the result of any coercion.

(2) The report shall be received by the Department, operating through the Office of Regulatory Services, in confidence and shall include at least:

(a) The name of the Community Living Arrangement and the name of the administrator or site manager;

(b) The date of the incident and the date the Community Living Arrangement became aware of the incident;

(c) The type of incident suspected, with a brief description of the incident; and

(d) Any immediate corrective or preventative action taken by the residence to ensure against the replication of the incident.

(3) Where the Department's Office of Regulatory Services determines that a rule violation related to the incident has occurred, the Department, through the Office of Regulatory Services, will initiate a separate complaint investigation of the incident. The complaint investigation report and the report of any rule violation compiled by the Office of Regulatory Services on behalf of the Department arising either from the initial report received from the Community Living Arrangement or an independent source shall be subject to disclosure in accordance with applicable laws.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.32
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.

History. Original Rule entitled "Reporting to the Department" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.33. Variances and Waivers.

The Department may, in its discretion, grant variances and waivers of specific rules upon application or petition filed on forms provided by the Department. The Department may establish conditions that must be met by the Community Living Arrangement in order to operate under the variance or waiver granted.

(a) Variance. A variance may be granted by the Department upon showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety, care, and rights of the residents exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) Waiver. The Department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety, care, and rights of the residents.

(c) Experimental variance or waiver. The Department may grant variances and waivers to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation that is the subject of the request are met and that the innovative approach has the potential to improve service delivery without compromising the health, safety, care, or rights of the residents or other relevant standards.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.33
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Variances and Waivers" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.34. Enforcement and Sanctions.

The Department may refuse to grant an initial license, revoke a current license, or impose other sanctions as described in these rules and in the rules for the "Enforcement of Licensing Requirements," Chapter 290-1-6.

(a) Denial of an application for a license. The Department may refuse to grant an initial license or provisional license without the requirement of holding a hearing prior to the action. An application for a license may be refused or denied if:

1. The residence has failed to demonstrate compliance with these rules and regulations;

2. The governing body of the residence has had a license denied, revoked, or suspended within one year of the date of a new application;

3. The governing body of the residence has transferred ownership or governing authority of a Community Living Arrangement within one year of the date of the new application when such transfer was made in order to avert denial, suspension, or revocation of a license; or

4. The governing body of the residence has knowingly made any verbal or written false statements of material fact in connection with the application for the license or on documents submitted to the Department as part of any inspection or investigation or in the falsification or alteration of records made or maintained by the residence.

(b) Sanction of a license. The Department may take an action to sanction the Community Living Arrangement license holder, subject to notice and opportunity for a hearing, where the Department finds that the governing body of the Community Living Arrangement has:

1. Knowingly made any verbal or written false statement of material fact either in connection with the application for the license or on documents submitted to the Department as part of any inspection or investigation or in the falsification or alteration of records made or maintained by the residence;

2. Failed or refused, without legal cause, to provide the Department with access to the premises subject to regulation or information pertinent to the initial and continued licensing of the residence;

3. Failed to comply with the licensing requirements of this state; or

4. Failed to comply with the provisions of O.C.G.A. Section 31-2-6 or Rules for the Enforcement of Licensing Requirements, Chapter 290-1-6.

(c) Sanctions may include any one or more of the following:

1. Administration of a public reprimand;

2. Suspension of the license;

3. Prohibition of persons in management or control;

4. Imposition of civil penalties as provided by law; and

5. Revocation of the license.

(d) If the sanction hearing process results in revocation of the license, the license shall be returned to the Department.

(e) 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. 290-9-37-.34
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Enforcement and Sanctions" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Rule 290-9-37-.35. 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 shall remain in full force and effect, as if such rule or portions thereof so determined, declared, and adjudged invalid or unconstitutional were not originally a part of these rules.

Cite as Ga. Comp. R. & Regs. R. 290-9-37-.35
Authority: O.C.G.A. Secs. 31-7-1*et seq.*, 37-1-22.
History. Original Rule entitled "Severability" adopted. F. Oct. 24, 2002; eff. Nov. 13, 2002.

Subject 290-9-43. Repealed.

Rule 290-9-43-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.01
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Title and Purpose" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.02
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. . Original Rule entitled "Authority" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.03
Authority: O.C.G.A. Sec. 31-7-170*et seq.*

History. Original Rule entitled "Definitions" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.04
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Licensure Procedures" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.05
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Inspections and Investigations" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.06
Authority: O.C.G.A. Secs. 31-7-130*et seq.*, 31-7-170 *et seq.*
History. Original Rule entitled "Reports to the Department" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.07
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Governing Body" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.08
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Administrator" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.09
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Quality Management" adopted. F. July 27, 2005; eff. August 16, 2005.

Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.10
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Patient and Family Rights" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.11
Authority: O.C.G.A. Secs. 31-7-170*et seq.*, 50-13-4.
History. Original Rule entitled "Disaster Preparedness" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.12
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Infection Control" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.13
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Human Resources" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.14
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Admissions, Discharges, and Transfers" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.15
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Assessment and Plan of Care" adopted. F. July 27, 2005; eff. August 16, 2005.

Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.16
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Home Care" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.17
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Medical Services" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.18
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Nursing Services" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.19
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Other Services" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.20
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Volunteer Services" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.21
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Pharmaceutical Services" adopted. F. July 27, 2005; eff. August 16, 2005.

Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.22
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Medical Supplies" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.23
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Medical Records" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.24
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Hospice Care Facilities" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.25
Authority: O.C.G.A. Secs. 31-2-4, 31-7-170*et seq.*
History. Original Rule entitled "Waivers and Variances" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.26
Authority: O.C.G.A. Secs. 31-2-6, 31-7-170*et seq.*
History. Original Rule entitled "Enforcement" adopted. F. July 27, 2005; eff. August 16, 2005.
Repealed: F. May 26, 2015; eff. June 15, 2015.

Rule 290-9-43-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 290-9-43-.27
Authority: O.C.G.A. Sec. 31-7-170*et seq.*
History. Original Rule entitled "Severability" adopted. F. July 27, 2005; eff. August 16, 2005.

Repealed: F. May 26, 2015; eff. June 15, 2015.