

## **Rule 375-5-6-.06 DUI Alcohol or Drug Use Risk Reduction Qualifications of Program Instructors**

- (1) **Initial qualifications.** To be certified by the Department, each Applicant for Program Instructor shall meet the following initial qualifications:
  - (a) **Clear criminal record.** Each Applicant for Program Instructor shall be subject to a fingerprint-based check of his or her criminal history, as designated by the Department. No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law, shall be certified by the Department as a Program Instructor, unless he or she has received a pardon and can produce evidence of same. For the purposes of this chapter, a plea of *nolo contendere* and "first offender" sentences imposed pursuant to O.C.G.A. § 42-8-60, *et seq.*, shall be considered a conviction. ~~For the purposes of this chapter, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years shall not be considered, unless the conviction is for a felony, an offense which is a dangerous sexual offense, as defined in O.C.G.A. § 42-1-12, or the criminal offense was committed against a victim who was a minor at the time of the offense, which offense shall result in the applicant's permanent disqualification from eligibility.~~
  - (b) **Safe driving record.** Each Applicant for Program Instructor shall possess a valid driver's license from the state of his or her legal residence, unless he or she has a medical condition that makes him or her ineligible for a driver's license. Each Applicant for Program Instructor shall be subject to a check of his or her driving history. No Person whose driver's license or privilege to drive has been suspended or revoked as the result of any conviction or combination of convictions during the five (5) year period of immediately preceding application for Certification shall be certified by the Department as a Program Instructor.
  - (c) **Academic and work experience qualifications.** Each Applicant for Program Instructor shall have the following documented academic and/prior work experience requirements:
    - ~~1-~~(i) An undergraduate or graduate degree from an accredited college or university in a human service related field; or
    - 2-(ii) An undergraduate degree in any field of study from an accredited institution, and two (2) years of work experience (20 hours per week or more) of teaching, counseling or training experience or three (3) years part-time training experience; or
    - 3-(iii) At least two (2) years of full-time work experience as a licensed, certified, or credentialed substance abuse counselor with at least six (6) months of experience in group counseling or group facilitation.
  - (d) **Age.** Each Applicant for Program Instructor shall be at least twenty-one (21) years of age.
  - (e) **Freedom from substance abuse and illicit drug use.** Each Applicant for Program Instructor shall certify to the Department that he or she refrains from,

and will continue to refrain from, abusing alcoholic beverages or controlled substances and from using illicit drugs.

- (2) **Ongoing qualifications.** Each Instructor certified by the Department shall possess the following qualifications, on an ongoing basis:
- (a) **Continued clear criminal record.** Each Program Instructor shall maintain a criminal record free of felony or misdemeanor convictions or pleas. In addition, each Instructor certified by the Department shall notify the Department if he or she pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor within five (5) business days immediately following such event. Further, each Program Instructor certified by the Department shall, within five (5) business days immediately thereafter, report to the Department any arrests, which, if convicted thereof, would have excluded him or her from becoming initially certified as a Program Instructor pursuant to Ga. Comp. R. & Regs. R. 375-5-6-.06 (1)(a). The Department may suspend, revoke, or cancel any Program Instructor Certification upon receipt of notice of a conviction or arrest.
  - (b) **Continued safe driving record.** Each Program Instructor shall continue to maintain a safe driving record during his or her period of Certification by the Department. Each Program Instructor shall continue to possess a valid driver's license from the state of his or her legal residence, unless he or she has a medical condition that makes him or her ineligible for a driver's license. Each Program Instructor shall notify the Department, within five (5) business days immediately thereafter, if his or her driver's license or privilege to drive is cancelled, suspended, or revoked in any jurisdiction, including the State of Georgia, for any reason. The Department may suspend, revoke, or cancel any Program Instructor's Certification upon receipt of such notice.
  - (c) **Continuing education.** Each Program Instructor shall complete a minimum of thirty-two (32) hours of continuing education in alcohol and drug training or group facilitation training sponsored or approved by the Department every four (4) years; of which, a minimum of sixteen (16) hours shall be in Department-designated refresher courses specific to Program components. Each Program Instructor shall complete a minimum of sixteen (16) of the required thirty-two (32) hours of continuing education training biannually, and provide proof thereof to the Department on a biannual basis. The Department may cancel a Program Instructor's certification for failure to complete a minimum of sixteen (16) hours of continuing education training and to provide proof thereof to the Department biannually.

**Authority: O.C.G.A. Secs. ~~§§~~ 40-5-82, 40-5-83.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to align the rule with the law.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE**

The proposed amendment removes from paragraph (1)(a) the DUI Alcohol or Drug Use Risk Reduction Program Instructor criminal history qualification that *"... a conviction for which a person has been free from custody and free from supervision for at least ten (10) years shall not be considered, unless the conviction is for a felony, an offense which is a dangerous sexual offense, as defined in O.C.G.A. § 42-1-12, or the criminal offense was committed against a victim who was a minor at the time of the offense, which offense shall result in the applicant's permanent disqualification from eligibility."* O.C.G.A. § 40-5-82(e) states that no applicant shall be certified who has previously been convicted of a felony. It does not make a 10 year or criminal penalty type distinction. The rule title is updated to reflect to what this rule is referring.