

## Rule 375-5-6-.07 Program Owner Application, Certification, and Recertification Requirements

- (1) **Certification required.** No Person may operate a Program may operate without first being certified by the Department.
- (2) **Management and control by Owners, partners, or stockholders.** Only certified Owners, partners, and stockholders are authorized to exercise management and control over Program operations.

### (3) Application for Program Certification requirements.

- (a) All applications for Program Owner shall be submitted on forms prepared by the Department, following the procedure prescribed by the Department.
- (b) All applications for Program Owner shall be accompanied by all required materials include all information and fees; and shall be truthful, accurate and complete.

~~e All applicants must undergo a national and state fingerprint based criminal background check utilizing a method prescribed by the Department.~~

- (c) All Applicants must undergo a national and state fingerprint-based criminal background check utilizing a method prescribed by the Department.

- (d)e) All Applicants for Program Owner shall submit to the Department the following materials, in addition to the completed Program application:
  1. A Consent for Background Investigation Form with notarized signatures from each Program Owner, partner, or stockholder;
  2. Either a copy of the Program's Certificate of Incorporation from the State of Georgia Secretary of State's Office, a copy of the Program's Business License, or proof that the Program's adopted business (DBA) name has been filed with the Clerk of Superior Court in the county where the program is located, in accordance with O.C.G.A. § 10-1-490;
  - ~~3. A copy of the Program's Business License;~~
  - 3.4. Proof of a continuous Surety Bond in the principal sum of \$10,000 per Program location from a company authorized to conduct business in the State of Georgia indicating the Georgia Department of Driver Services as obligee. Where multiple Programs are owned by one entity, a single surety bond for all locations may be submitted reflecting an aggregate amount of \$10,000 per Program location;
  - 4.5. A certificate of occupancy from the local governing authority or fire code inspection report from a local, municipal, or state fire marshal showing no violations for each Program location and dated within 90\_ days of filing the Program application;
  - 5.6. A copy of the Program's standard business hours and days of operation;
  - ~~7. A draft of the sStudent Assessment Component contract, complete with the Program's name, address, and telephone number;~~
  - ~~8. A draft of the Student Intervention Component contract complete with Program's name, address, and telephone number;~~

~~6.9. A C A completed Program Director Application(s) notarized letter appointing one or more individuals as Program Director;~~

~~67.10. A signed and notarized confidentiality statement from each Each Owner owner, partner, or stockholder certifiesying that he or she they will hold the identity of Student and Program records confidential as required on the program application.~~

~~(ed) The Department shall conduct an on-site inspection of the Program location. After receipt of a completed application evidencing that all Program Owners, partners, and stockholders have met the qualifications requirements set forth in Ga. Admin. Comp. Ch. 375-5-6-.04, and provided all other Program requirements have been met, the Department, or an authorized representative thereof, shall conduct an on-site inspection of the Program location to determine the Program's compliance with location and facilities requirements. If the Program demonstrates compliance with Program requirements, the Department shall certify the Program. For Programs certified as of the effective date of this regulation, the Department shall set the expiration date of their Certifications and notify them thereof.~~

~~(fe) The Department may require any Applicant for Program Owner Certification to submit additional information or verification that is reasonably related to making a determination regarding initial Program Certification.~~

**(4) Program Owner Recertification requirements.**

~~(a) Once certified, a Program Owner shall remain certified for a period of up to four(4) years, or as long as the Program Owner remains in compliance with Program Requirements.~~

~~(b) Program Owners certified as of the effective date of this regulation, shall come into compliance with this regulation by July 1, 2010.~~

~~(eb) Applications for Program Owner recertification shall be submitted to the Department no more than 9060 days, and no less than 30 days, prior to the expiration date of the existing Certification. Failure to adhere to this requirement shall lead to program expiration and disruption in program operations.~~

~~(ec) Any Program Owner whose Certification has expired shall not conduct business until a completed recertification application has been submitted to and approved by the Department. If a Program Owner's Certification has expired, and remained expired for a period of more than one(1) year, a new application is required and the Certification process, as outlined in this chapter and 375-5-6-.04, shall be followed.~~

~~(ed) The Department may require any Program Owner that is applying for recertification to submit additional information or verification that is reasonably related to making a determination regarding recertification.~~

**(5) Non-transferability of Certification.** Any certification shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new certification shall be made to the Department and the old certification surrendered to the Department before another can be issued to the new owner(s). The Certification of a Program is not transferable. A Program must apply for Certification at least sixty (60) days prior to any change in Program ownership. All new Program Owners, partners, and stockholders shall meet the requirements set forth in Ga. Admin. Comp. Ch. 375-5-6-.04. The Program shall return the old Program certificate to the Department prior to receiving a new certificate. If the change in Program ownership is the

~~result of death of a Program Owner, the Program may continue to operate with a certified Director for a period of sixty (60) days pending completion of the new Program application. Failure to adhere to this requirement shall lead to program closure.~~

~~(6) **Validity of Program Certification.** In the event the Program Owner ceases to be actively engaged in the operation of a Program, the Program Owner shall immediately notify the Department and return his or her Certification to the Department. A Program Owner ceases to be actively engaged in the operation of a Program when he or she fails to conduct a class for a period of one (1) year.~~

~~(6)(7) If, within ninety90 days ~~six (6) months~~ of the time that a person applies for issuance or renewal of his or her their certification as a program owner, he or she has undergone a background investigation for issuance or renewal of his or her certification for another program regulated by the Department, he or she shall not be required to submit new fingerprints, and the Department shall utilize the criminal history information obtained from that investigation in considering the person's eligibility for issuance or renewal of his or her certification as a program owner.~~

~~(7) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a certification and, if discovered after the issuance of the certification, shall be grounds for revocation.~~

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

## **SYNOPSIS**

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

The purpose of this amendment is to update the DUI Alcohol or Drug Use Risk Reduction Program rules.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

In subsection (1) 'Person' is replaced with 'Program'. In subsection (3)(d)(3) the Program's Business License is removed from and added to (3)(d)(2). Subsections (3)(d) (7) & (8) are removed as part of the application process. Subsection (4)(b) is removed based on statute. Subsection (6) Validity of Program certification is removed. In the new subsection (6), six months is changed to 90 days to align with other agencies. The new subsection (7) is added to give DDS grounds to proceed with legal action.