

Rule 375-5-6-.29 Enforcement of Program Requirements

- (1) The Department shall have the authority to deny, cancel, suspend, or revoke the Certification of any Program or Program Owner, Director, or Instructor for noncompliance with the Rules and Regulations of the Department; or assess administrative fines against any Program or Instructor for noncompliance with the Rules and Regulations of the Department.
- (2) ~~**Choice of Revocation or Suspension.** The Department, in its discretion, may choose whether to impose Suspension or Revocation against a Program, Program Owner, Director, or Instructor. In considering which to impose, the Department may consider the Program or Program Owner, Director, or Instructor's history of compliance; the seriousness of the violations; whether the violation(s) was Program or Program Owner, Director, or Instructor voluntarily reported to the Department problems giving rise to any violation; and whether the Program or Program Owner, Director, or Instructor exhibited good faith efforts to correct areas of noncompliance were exhibited, prior or subsequent to their discovery by the Department.~~
- (3) ~~**Administrative fines.** The Department, in its discretion, may choose to impose an administrative fine, up to \$1,000 per violation, against a Program, Program Owner, Director, or Instructor. In considering which to impose, the Department may consider history of compliance; the seriousness of the violations; whether the violation(s) was voluntarily reported to the Department; and whether good faith efforts to correct areas of noncompliance were exhibited. The Department has the authority to assess an administrative fine, not to exceed \$1,000.00 per violation, against any Program or Program Owner, Director, or Instructor that fails to comply with any Program requirement. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other Rule or Regulation has been violated previously by the same Program or Program Owner, Director, or Instructor, and whether procedures designated to prevent the violation were in place and were followed.~~
- (4) ~~**Implementation Effectuation of Suspension or Revocation.** Any Program, Program Owner, Director, or Instructor whose Certification is canceled, suspended, or revoked by the Department shall return shall return said its Certification and Program Records unused certificates of completion to the Department within five (5) business days immediately following such event.~~

Authority: O.C.G.A. Secs. ~~§§~~ 40-5-83, 40-5-88, 50-13-18.

SYNOPSIS

STATEMENT OF PURPOSE

The purpose of this amendment is to provide flexibility when updates are needed and to clarify enforcement authority.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

In paragraph (1), "deny" was removed because this rule pertains to possible actions after certification approval. Also removed were "Program Owner" and "Director" because action against the program is action against the owner, so it was not needed, and Regulatory Compliance eliminated Directors. Added to this paragraph was "Instructor" because it was inadvertently omitted previously. Paragraph (2) and a portion of paragraph (3) were deleted to be placed in Program policies and procedures. Paragraph (3) was

rewritten to simplify it. Paragraph (4) was deleted because it is now unnecessary since Program records are no longer sent to the Department.