

520-1-.04 Obtaining a License.

(3) Examinations.

(g) A candidate for licensure for licensure who has moved to Georgia from another state or a candidate for licensure for non-resident licensure may be granted a license without further examination or education if such candidate for licensure produces, from the licensing body of each state which has licensed the candidate for licensure, an original certification issued no more than twelve months prior to the candidate for licensure making application for licensure which shows that the candidate for licensure:

1. has passed an examination for the type of license for which such candidate for licensure seeks licensure in Georgia;
2. has met all prelicense and continuing education requirements required by such other state(s) for that license;
3. is licensed in good standing at the time of the certification; and
4. has not had any disciplinary action imposed by such state's licensing body.

A candidate for licensure whose certification from the other state(s) does not comply with all of the conditions in the preceding sentence must take and pass the qualifying examination for the Georgia license which such candidate for licensure seeks. Rather than the written certification required of applicants by this paragraph, the Commission, in its sole discretion, may choose to accept some electronic form of the certified data from other states, which applicants must submit, or by some other procedure that reduces paperwork.

(9) Applicants with Disciplinary Actions. Whenever a candidate for licensure or an applicant reveals that such candidate or applicant for licensure, has been the subject of a disciplinary action before any licensing agency, and whenever any licensee has been the subject of a disciplinary action before any licensing agency that the licensee is required to report to the Commission, such candidate for licensure, applicant, or licensee must supply the Commission with a certified copy of:

- (a) any allegations that preceded the final order; and
- (b) the final order of that licensing agency.

(11) Preliminary Decisions for Candidates for Licensure Having Convictions or Disciplinary Actions.

The Official Code of Georgia Annotated Section 43-40-15 provides in part that the Commission may deny a license to an applicant who has a prior criminal conviction(s) or a disciplinary actions(s) imposed by any occupational licensing body. An applicant for licensure is a person who has met all experience, education, and examination requirements for the license sought. Because of the time and expense involved in becoming an applicant for licensure, the Commission affords an individual who has not yet become an applicant the opportunity to request that the Commission make a preliminary decision on the conviction(s) or the prior disciplinary actions before the individual takes the required education and examination for license. The purpose of a preliminary decision is merely to provide advisory guidance. Preliminary decisions are not binding. However, the Commission may elect to allow a favorable preliminary

decision to become its final decision without further investigation or hearing when the individual becomes an applicant for licensure.

(a) Required Information. An individual seeking a preliminary decision must submit to the Commission a certified copy of any indictment and conviction or a disciplinary action imposed by another licensing regulatory authority. An individual seeking a preliminary decision may also provide the Commission with any additional information that the individual believes may assist the Commission in rendering a preliminary decision.

(b) Adverse Preliminary Decisions. A preliminary decision by the Commission that is unfavorable to the individual shall not prevent the individual from becoming an applicant for licensure by successfully completing all education, experience, and examination requirements for the license. Whenever the Commission denies a license based on a prior conviction or prior disciplinary action, it must provide the applicant the opportunity for notice and a hearing.