

Rule 375-5-6-.03 Exclusions

- (1) No employee of the Department, ~~the Georgia Department of Public Safety,~~ the Department of Behavioral Health and Developmental Disabilities, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee, shall be an owner, operator, instructor, or employee of a Program. ~~or any spouse, dependent child, dependent stepchild, or dependent adopted child of such employee, shall be certified by the Department as a Program Owner, Director, or Instructor.~~
- (2) No judge, public or private probation officer, public or private probation employee or agent, bail bondsman, employee or agent of a bonding company, law enforcement or peace officer, employee of a court in this or any or any other state, or any immediate family member to include but not limited to a spouse, child, stepchild, parent, or stepparent of such employee thereof, except for such persons who were and have been continuously certified as of June 30, 2015, shall be an owner, operator, instructor or employee of a Program. ~~or any spouse thereof, except for such persons who were and have been continuously certified as of July 1, 1990, shall be certified by the Department as a Program Owner, Director, or Instructor.~~
- (3) No Person who owns, manages, operates, or is employed by a private company that has contracted to provide probation services for misdemeanor cases shall be an owner, operator, director, instructor, or employee of a Program. ~~certified by the Department as a Program Owner, Director, or Instructor.~~
- (4) No Person shall be certified by the Department if his or her Certification as a Program Owner, Director, or Instructor could pose an actual, potential, or ~~apparent-implied~~ conflict of interest due to the existence of any relationship that would place such Person in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any Student or Offender.
- (5) No Person who is neither a United States citizen nor a non-citizen who is lawfully present in the United States shall be certified by the Department as a Program Owner, Director, or Instructor.
- (6) Any Program Owner, Director, or Instructor shall notify the Department if he or she has a change in their immigration status that creates an exclusion as defined in this chapter within five business days immediately following such event. The Department may suspend, revoke, or cancel any Program Owner, Director, or Instructor Certification upon receipt of such notice.
- (6~~7~~) Any Program Owner, Director, or Instructor shall notify the Department if he or she, or ~~his or her~~ their spouse, dependent child, dependent stepchild, or dependent adopted child, ~~or parent~~ has a change in employment status that creates an exclusion, as defined in this chapter, within five ~~(5)~~ business days immediately following such event. The Department may suspend, revoke, or cancel any Program Owner, Director, or Instructor Certification upon receipt of any such notice.
- (7) ~~Any Program Owner, Director, or Instructor shall notify the Department if he or she has a change in his or her~~ their immigration status that creates an exclusion, as defined in this chapter, within five ~~(5)~~ business days immediately following such event. The Department may suspend, revoke, or cancel any Program Owner, Director, or Instructor Certification upon receipt of such notice.

Authority: O.C.G.A. §§ 40-5-82 and 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

Terminology is updated to coincide with § 40-5-83 and the opinions of the Attorney General.