

Senate Bill 92

By: Senators Beach of the 21st, Brass of the 28th, Martin of the 9th, Robertson of the 29th and Thompson of the 14th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to prohibit
2 professional licensing boards from refusing to issue a license or suspending or revoking the
3 license of a person who is a borrower in default under an educational loan issued through the
4 Georgia Higher Education Assistance Corporation or through a federal agency; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for
9 denial, suspension, revocation, or modification of license, permit, or certification for the use
10 and handling of pesticides, is amended by revising subsection (d) as follows:

11 "(d) The Commissioner shall not suspend any pesticide contractor's license or certified
12 commercial pesticide applicator's license or refuse to grant or renew either license ~~upon~~
13 ~~notice to the Commissioner by the Georgia Higher Education Assistance Corporation that:~~

14 ~~(1) The because an applicant for or holder of either such license is a borrower in default~~
15 ~~who is not in satisfactory repayment status under the Georgia Higher Education Loan~~
16 ~~Program as determined by the Georgia Higher Education Assistance Corporation or who~~
17 ~~has been certified by any entity of the federal government for nonpayment or default or~~
18 ~~breach of a repayment or service obligation under any federal educational loan, loan~~
19 ~~repayment, or service conditional scholarship program as defined in Code Section~~
20 ~~20-3-295; and~~

21 ~~(2) The hearings and appeals procedures provided in Code Section 20-3-295, where~~
22 ~~applicable, shall be the only such procedures required under this article."~~

23 **SECTION 2.**

24 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial
25 institutions, is amended in Code Section 7-1-693, relating to applicant or licensee to engage

26 in the sale of payment instruments or money transmissions as borrower in default, by
27 revising subsection (a) as follows:

28 "(a) Where an applicant or licensee has been found to be a borrower in default, ~~as defined~~
29 ~~in Code Section 20-3-295 under the Georgia Higher Education Loan Program as~~
30 ~~determined by the Georgia Higher Education Assistance Corporation or has been certified~~
31 ~~by any entity of the federal government for nonpayment or default or breach of a~~
32 ~~repayment or service obligation under any federal educational loan, loan repayment, or~~
33 ~~service conditional scholarship program~~, such action shall not be sufficient grounds for
34 refusal of a license or suspension of a license. ~~In such actions, the hearing and appeal~~
35 ~~procedures provided for in said Code section shall be the only procedures required under~~
36 ~~this article. The department shall be permitted to share, without liability, information on~~
37 ~~its applications or other forms with appropriate state agencies to assist them in collecting~~
38 ~~outstanding student loan debt."~~

39 **SECTION 3.**

40 Said chapter is further amended in Code Section 7-1-708.1, relating to denial or suspension
41 of license to cash payment instruments for student borrowers in default, by revising
42 subsection (a) as follows:

43 "(a) Where an applicant or licensee has been found to be a borrower in default, ~~as defined~~
44 ~~in Code Section 20-3-295 under the Georgia Higher Education Loan Program as~~
45 ~~determined by the Georgia Higher Education Assistance Corporation or has been certified~~
46 ~~by any entity of the federal government for nonpayment or default or breach of a~~
47 ~~repayment or service obligation under any federal educational loan, loan repayment, or~~
48 ~~service conditional scholarship program~~, such action shall not be sufficient grounds for
49 denial of an application or suspension of a license. ~~In such actions, the hearing and appeal~~
50 ~~procedures provided for in said Code section shall be the only procedures required under~~
51 ~~this article. The department shall be permitted to share, without liability, information on~~
52 ~~its applications or other forms with appropriate state agencies to assist them in collecting~~
53 ~~outstanding student loan debt."~~

54 **SECTION 4.**

55 Said chapter is further amended in Code Section 7-1-1017, relating to suspension or
56 revocation of licenses, registrations, or mortgage broker education approval for mortgage
57 lenders and mortgage brokers, notice, judicial review, and effect on preexisting contract, by
58 revising paragraph (3) of subsection (a) as follows:

59 "(3) Where an applicant or licensee has been found to be a borrower in default as
60 ~~provided in Code Section 20-3-295~~ under the Georgia Higher Education Loan Program

61 as determined by the Georgia Higher Education Assistance Corporation or has been
 62 certified by any entity of the federal government for nonpayment or default or breach of
 63 a repayment or service obligation under any federal educational loan, loan repayment, or
 64 service conditional scholarship program, such action shall not be sufficient grounds for
 65 refusal of a license or suspension of a license. In such actions, the hearing and appeal
 66 procedures provided for in Code Section 20-3-295 shall be the only such procedures
 67 required under this article."

68 **SECTION 5.**

69 Code Section 12-6-49.2 of the Official Code of Georgia Annotated, relating to the suspension
 70 of a registered forester license, borrowers in default, and hearing and appeal procedures, is
 71 amended by revising as follows:

72 "12-6-49.2.

73 (a) As used in this Code section, the term:

74 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
 75 Code Section 20-3-263 which is responsible for administering a program of guaranteed
 76 educational loans to eligible students and eligible parents known as the Georgia Higher
 77 Education Loan Program.

78 (2) 'Borrower' means an individual who borrowed a guaranteed educational loan under
 79 the Georgia Higher Education Loan Program.

80 (3) 'Default' means default as defined by federal law under the Higher Education Act of
 81 1965.

82 (4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
 83 loan to the agency and has made a payment in the most recent prior 60 days.

84 (b) The board shall not suspend, ~~as provided for in Code Section 20-3-295,~~ the license of
 85 any registered forester ~~upon receipt of a record from the agency stating that such licensee~~
 86 because he or she is a borrower in default who is not in satisfactory repayment status as
 87 determined by the agency or who has been certified by any entity of the federal government
 88 for nonpayment or default or breach of a repayment or service obligation under any federal
 89 educational loan, loan repayment, or service conditional scholarship program.

90 (c) The board shall not deny the application for renewal, ~~as provided for in Code Section~~
 91 ~~20-3-295,~~ of any applicant or licensee ~~upon receipt of a record from the agency stating that~~
 92 ~~such licensee~~ because he or she is a borrower in default who is not in satisfactory
 93 repayment status as determined by the agency or who has been certified by any entity of
 94 the federal government for nonpayment or default or breach of a repayment or service
 95 obligation under any federal educational loan, loan repayment, or service conditional
 96 scholarship program.

97 ~~(d) Notwithstanding any other provisions of law, the hearings and appeals procedures~~
 98 ~~provided for in Code Section 20-3-295, where applicable, shall be the only such procedures~~
 99 ~~required to suspend a license or deny the issuance or renewal of an application for a license~~
 100 ~~under this part."~~

101 **SECTION 6.**

102 Part 2 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
 103 relating to the Georgia Higher Education Assistance Corporation, is amended by revising
 104 Code Section 20-3-295, relating to the corporation to maintain certified list of borrowers in
 105 default, administrative hearings, and appeals, as follows:

106 "20-3-295.

107 (a) As used in this Code section, the term:

108 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
 109 Code Section 20-3-263 which is responsible for administering a program of guaranteed
 110 educational loans to eligible students and eligible parents known as the Georgia Higher
 111 Education Loan Program.

112 (2) 'Applicant' means any person applying for issuance or renewal of a license.

113 (3) 'Borrower' means an individual who borrowed a guaranteed educational loan under
 114 the Georgia Higher Education Loan Program.

115 ~~(4) 'Certified list' means a list provided by the agency of the names of borrowers who~~
 116 ~~default on guaranteed educational loans made under the Georgia Higher Education Loan~~
 117 ~~Program and are not in a satisfactory repayment status; provided, however, the term~~
 118 ~~default shall not include any obligation which is restructured or which is discharged~~
 119 ~~under hardship provisions under the federal Bankruptcy Code. Reserved.~~

120 (5) 'Default' means default as defined by federal law under the Higher Education Act of
 121 1965.

122 (6) 'License' means a certificate, permit, registration, or any other authorization issued
 123 by any licensing entity that allows a person to engage in a profession, business, or
 124 occupation.

125 (7) 'Licensee' means any person holding a license.

126 (8) 'Licensing entity' means any state agency, department, or board of this state which
 127 issues or renews any license, certificate, permit, or registration to authorize a person to
 128 engage in a profession, business, or occupation, including those under Article 3 of
 129 Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application Act of 1976'; Article 13
 130 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of
 131 Title 10, the 'Georgia Uniform Securities Act of 2008,' relating to securities salespersons
 132 and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12,

133 relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33,
 134 relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43,
 135 relating to professions and businesses; Chapter 3 of Title 43, relating to accountants;
 136 Chapter 39A of Title 43, relating to real estate appraisers; or Chapter 40 of Title 43,
 137 relating to real estate brokers and salespersons.

138 (9) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
 139 loan to the agency and has made a payment in the most recent prior 60 days.

140 ~~(b) The agency shall maintain a state-wide certified list of borrowers in default who have~~
 141 ~~not made satisfactory arrangements to ensure voluntary repayment. The certified list must~~
 142 ~~be updated on a monthly basis. The agency shall submit to each licensing entity a certified~~
 143 ~~list with the name, social security number, if known, date of birth, and last known address~~
 144 ~~of each person on the list. No licensing entity shall refuse to issue nor suspend or revoke~~
 145 ~~a license to an applicant or licensee because he or she is a borrower in default who is not~~
 146 ~~in satisfactory repayment status as determined by the agency or who has been certified by~~
 147 ~~any entity of the federal government for nonpayment or default or breach of a repayment~~
 148 ~~or service obligation under any federal educational loan, loan repayment, or service~~
 149 ~~conditional scholarship program.~~

150 ~~(c) On or before January 1, 1999, all licensing entities shall implement procedures to~~
 151 ~~accept and process the list provided by the agency in accordance with this Code section.~~
 152 ~~Such procedures should be substantially similar if not identical to those implemented to~~
 153 ~~comply with Code Section 19-11-9.3.~~

154 ~~(d) Promptly after receiving the certified list from the agency, all licensing entities shall~~
 155 ~~determine whether an applicant or licensee is on the most recent certified list. If an~~
 156 ~~applicant or licensee is on the certified list, the licensing entity shall immediately notify the~~
 157 ~~agency. That notification shall include the applicant's or licensee's last known mailing~~
 158 ~~address on file with the licensing entity.~~

159 ~~(e) After receiving notice from the licensing entity of applicants or licensees who are on~~
 160 ~~the certified list, the agency shall immediately notify those individuals as specified in~~
 161 ~~subsection (f) of this Code section of the agency's intent to request that all pertinent~~
 162 ~~licensing entities suspend all licenses or withhold issuance or renewal of any license.~~

163 ~~(f) Notice for purposes of this Code section shall be initiated by the agency. Notice to the~~
 164 ~~borrower in default shall include the address and telephone number of the agency and shall~~
 165 ~~inform the borrower in default of the agency's intent to submit the borrower's name to the~~
 166 ~~relevant licensing entities and to request that the relevant licensing entities withhold~~
 167 ~~issuance or renewal of the license or suspend the license. The notice must also inform the~~
 168 ~~borrower in default of the following:~~

169 ~~(1) The borrower in default has 20 days from the date of mailing to enter into a~~
 170 ~~satisfactory repayment status. If the borrower in default fails to enter into a satisfactory~~
 171 ~~repayment status or does not respond within that time, the agency will send notice to the~~
 172 ~~appropriate licensing entities and request that the licenses be suspended or the licensure~~
 173 ~~applications be denied;~~

174 ~~(2) The borrower in default may request an administrative hearing and judicial review~~
 175 ~~of that hearing under subsection (g) of this Code section. A request for a hearing must~~
 176 ~~be made in writing and must be received by the agency within 20 days of service of~~
 177 ~~notice; and~~

178 ~~(3) If the borrower in default requests a hearing within 20 days of service, the agency~~
 179 ~~shall stay all action pending the hearing and any appeals.~~

180 ~~(g) All borrowers in default subject to the sanctions imposed in this Code section shall~~
 181 ~~have the right to a hearing before an administrative law judge of the Office of State~~
 182 ~~Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A borrower in~~
 183 ~~default who requests a hearing within the time prescribed in subsection (f) of this Code~~
 184 ~~section shall have the right to a hearing. The hearing shall be conducted as provided in~~
 185 ~~Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only~~
 186 ~~issues at the hearing will be whether:~~

187 ~~(1) There is an outstanding guaranteed educational loan;~~

188 ~~(2) The licensee or applicant is the borrower named in the loan;~~

189 ~~(3) The borrower is or is not in default;~~

190 ~~(4) The borrower has entered into a satisfactory repayment status;~~

191 ~~(5) The loan obligation is not enforceable; and~~

192 ~~(6) The loan has been restructured or the loan has been discharged under hardship~~
 193 ~~provisions under the federal Bankruptcy Code.~~

194 ~~With respect to the issues listed in this subsection, evidence relating to the ability and~~
 195 ~~willingness of a borrower to repay the loan shall be considered in making the decision~~
 196 ~~either to suspend a license or deny the issuance or renewal of a license under this Code~~
 197 ~~section. The administrative law judge shall be authorized to enter into an agreement or~~
 198 ~~enter an order requiring periodic payments, and, in each event, the administrative law judge~~
 199 ~~shall be authorized to issue a release for the borrower to obtain each license or licenses.~~

200 ~~(h) The decision at the hearing shall be subject to appeal and judicial review pursuant to~~
 201 ~~Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g)~~
 202 ~~of this Code section. Notwithstanding any hearing requirements for suspension and denials~~
 203 ~~within each licensing entity, the hearing and appeal procedures outlined in this Code~~
 204 ~~section shall be the only hearing required to suspend a license or deny the issuance or~~
 205 ~~renewal of a license under this Code section.~~

206 ~~(i) The agency shall prescribe release forms for its use. When the borrower is determined~~
 207 ~~to be in satisfactory repayment status or is determined to be not in satisfactory repayment~~
 208 ~~status but has been determined in a hearing pursuant to subsection (g) of this Code section~~
 209 ~~to be unable to comply with the terms of the loan agreement or to be not willfully out of~~
 210 ~~compliance with such loan agreement, the agency shall mail to the borrower in default and~~
 211 ~~the appropriate licensing entity a notice of release stating such determination. The receipt~~
 212 ~~of a notice of release shall serve to notify the borrower in default and the licensing entity~~
 213 ~~that, for the purpose of this Code section, he or she is in satisfactory repayment status, and~~
 214 ~~the licensing entity shall promptly thereafter issue or reinstate the license, unless the~~
 215 ~~agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance~~
 216 ~~of a notice of release that the borrower in default is once again not in satisfactory~~
 217 ~~repayment status.~~

218 ~~(j) The agency may enter into interagency agreements with state agencies that have~~
 219 ~~responsibility for the administration of licensing entities as necessary to implement this~~
 220 ~~Code section. Those agreements shall provide for the receipt by other state agencies and~~
 221 ~~boards of federal funds to cover that portion of costs allowable under federal law and~~
 222 ~~regulation and incurred by state agencies and boards in implementing this Code section.~~

223 ~~(k) Any licensing entity receiving an inquiry as to the license status of an applicant who~~
 224 ~~has had an application for issuance or renewal of a license denied under this Code section~~
 225 ~~shall respond only that the license was suspended or the licensure application was denied~~
 226 ~~pursuant to this Code section.~~

227 ~~(l) The agency shall, and the licensing entities as appropriate may, adopt regulations~~
 228 ~~necessary to implement this Code section."~~

229

SECTION 7.

230 Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for
 231 suspension, revocation, or refusal to grant licenses to pharmacists, is amended by revising
 232 subsection (k) as follows:

233 "(k) The board shall not have the power to suspend any license issued under Article 3 of
 234 this chapter ~~when~~ because such holder is a borrower in default who is not in satisfactory
 235 repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia Higher
 236 Education Loan Program as determined by the Georgia Higher Education Assistance
 237 Corporation or who has been certified by any entity of the federal government for
 238 nonpayment or default or breach of a repayment or service obligation under any federal
 239 educational loan, loan repayment, or service conditional scholarship program. The board
 240 shall also not have the power to deny the application for issuance or renewal of a license
 241 under Article 3 of this chapter ~~when~~ because such applicant is a borrower in default ~~who~~

242 ~~is not in satisfactory repayment status as provided in Code Section 20-3-295 under the~~
 243 ~~Georgia Higher Education Loan Program as determined by the Georgia Higher Education~~
 244 ~~Assistance Corporation or has been certified by any entity of the federal government for~~
 245 ~~nonpayment or default or breach of a repayment or service obligation under any federal~~
 246 ~~educational loan, loan repayment, or service conditional scholarship program. The~~
 247 ~~hearings and appeals procedures provided for in Code Section 20-3-295 shall be the only~~
 248 ~~such procedures required to suspend or deny any license issued under Article 3 of this~~
 249 ~~chapter."~~

250

SECTION 8.

251 Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to
 252 licensing insurance agents, agencies, subagents, counselors, and adjusters, is amended in
 253 Code Section 33-23-21, relating to grounds for refusal, suspension, or revocation of licenses
 254 to sell insurance, by revising paragraphs (21) through (23) as follows:

255 ~~"(21) Is a borrower in default who is not in satisfactory repayment status as defined by~~
 256 ~~Code Section 20-3-295; for violations of this paragraph only, any hearing and appeal~~
 257 ~~procedures conducted pursuant to Code Section 20-3-295 shall be the only such~~
 258 ~~procedures required to suspend, deny, or revoke any license under this title;~~

259 ~~(22)~~ In relation to the licensee's ability to transact the business of insurance, has had a
 260 license, permit, authorization, registration, or privilege refused, revoked, suspended,
 261 limited, or restricted by any federal, state, county, municipality, territory, military, or
 262 other legal authority authorized to issue licenses, permits, authorizations, registrations,
 263 or privileges to conduct business within its respective jurisdiction; otherwise has failed
 264 to comply with the legal requirements related to the license, permit, authorization,
 265 registration, or privilege; or has had other disciplinary action taken against him or her by
 266 any such lawful authority; or

267 ~~(23)~~(22) Has failed to report to the department within 60 days of the action taken, any
 268 refusal, revocation, suspension, limitation, or restriction of any license, permit,
 269 authorization, registration, or privilege of any lawful authority referenced in paragraphs
 270 (18) or ~~(22)~~(21) of this Code section."

271

SECTION 9.

272 Said article is further amended by adding a new Code section to read as follows:

273 "33-23-21.1.

274 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
 275 for or holder of a license because he or she is a borrower in default under the Georgia
 276 Higher Education Loan Program as determined by the Georgia Higher Education

277 Assistance Corporation or has been certified by any entity of the federal government for
 278 nonpayment or default or breach of a repayment or service obligation under any federal
 279 educational loan, loan repayment, or service conditional scholarship program."

280 **SECTION 10.**

281 Said article is further amended in Code Section 33-23-22, relating to notice of suspension or
 282 revocation of license, hearing, and appeals, by revising as follows:

283 "33-23-22.

284 (a) Any license, other than a probationary license or inactive license as described in
 285 subsection ~~(b)~~ (a) of Code Section 33-23-19, may be suspended or revoked as provided by
 286 Code Section 33-23-21 and subsection (b) of Code Section 33-23-19, and the
 287 Commissioner shall give notice of such action to the applicant for or holder of the license
 288 and any insurer or agent whom the applicant or licensee represents or who desires that the
 289 applicant or licensee be licensed. The procedure for conduct of hearings set forth in
 290 Chapter 2 of this title shall be followed in all cases except those cases pursuant to
 291 paragraph (20) ~~or (21)~~ of Code Section 33-23-21 which shall only require the hearings
 292 provided for in ~~either~~ said paragraph.

293 (b) Appeal from any order or decision of the Commissioner made pursuant to this chapter
 294 shall be taken as provided in Chapter 2 of this title."

295 **SECTION 11.**

296 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 297 is amended in Code Section 43-1-19, relating to grounds for refusing to grant or revoking
 298 licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions,
 299 judicial review, reinstatement, investigations, complaints, surrender, and probationary license
 300 regarding professional licensing boards, by adding "or" at the end of paragraph (10) of
 301 subsection (a), by replacing "; or" at the end of paragraph (11) of subsection (a) with a
 302 period, and by repealing paragraph (12) of subsection (a).

303 **SECTION 12.**

304 Said title is further amended by revising Code Section 43-1-29, relating to suspension of
 305 license for nonpayment of student loans, procedure, and reinstatement regarding professional
 306 licensing boards, as follows:

307 "43-1-29.

308 A professional licensing board shall not suspend the license of a person licensed by that
 309 board ~~who~~ because he or she is a borrower in default under the Georgia Higher Education
 310 Loan Program as determined by the Georgia Higher Education Assistance Corporation or

311 ~~because he or she~~ has been certified by a federal agency and reported to the board any
 312 entity of the federal government for nonpayment or default or breach of a repayment or
 313 service obligation under any federal educational loan, loan repayment, or service
 314 conditional scholarship program. ~~Prior to the suspension, the licensee shall be entitled to~~
 315 ~~notice of the board's intended action and opportunity to appear before the board according~~
 316 ~~to procedures set forth by the division director in rules and regulations. A suspension of~~
 317 ~~a license under this Code section is not a contested case under Chapter 13 of Title 50, the~~
 318 ~~'Georgia Administrative Procedure Act.'~~ A license suspended under this Code section shall
 319 not be reinstated or reissued until the person provides the licensing board a written release
 320 issued by the reporting agency stating that the person is making payments on the loan or
 321 satisfying the service requirements in accordance with an agreement approved by the
 322 reporting agency. If the person has continued to meet all other requirements for licensure
 323 during the period of suspension, reinstatement of the license shall be automatic upon
 324 receipt of the notice and payment of any reinstatement fee which the board may impose."

325 **SECTION 13.**

326 Said title is further amended in Code Section 43-3-27, relating to notification of conviction,
 327 time limit, and suspension of licenses regarding accountants, by revising subsection (b) as
 328 follows:

329 "(b) The board may not suspend the license of an individual ~~who~~ because he or she is a
 330 borrower in default under the Georgia Higher Education Loan Program as determined by
 331 the Georgia Higher Education Assistance Corporation or has been certified by a federal
 332 ~~agency and reported to the board~~ any entity of the federal government for nonpayment or
 333 default or breach of a repayment or service obligation under any federal educational loan,
 334 loan repayment, or service conditional scholarship program. ~~Prior to the suspension, the~~
 335 ~~licensee shall be entitled to notice of the board's intended action and opportunity to appear~~
 336 ~~before the board. A suspension of a license under this Code section is not a contested case~~
 337 ~~under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ A license
 338 suspended under this Code section shall not be reinstated or reissued until the individual
 339 provides the board a written release issued by the reporting agency stating that the
 340 individual is making payments on the loan or satisfying the service requirements in
 341 accordance with an agreement approved by the reporting agency. If the individual has
 342 continued to meet all other requirements for licensure during the period of suspension,
 343 reinstatement of the license shall be automatic upon receipt of the notice and payment of
 344 any reinstatement fee which the board may impose."

345

SECTION 14.

346 Said title is further amended in Code Section 43-20A-16, relating to cause for disciplinary
 347 actions and disciplinary order a final order regarding licensed immigration assistance
 348 providers, by adding "or" at the end of paragraph (11) of subsection (a), by replacing "; or"
 349 with a period at the end of paragraph (12) of subsection (a), and by revising paragraph (13)
 350 of subsection (a) as follows:

351 ~~"(13)(a.1) The Secretary of State shall not order the discipline, denial, suspension, or~~
 352 ~~revocation of a license issued pursuant to this chapter because a person has~~ Has been found
 353 ~~by the Secretary of State pursuant to notice by the Georgia Higher Education Assistance~~
 354 ~~Corporation that the applicant for or holder of such license is to be~~ a borrower in default
 355 who is not in satisfactory repayment status as defined in Code Section 20-3-295.
 356 ~~Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals~~
 357 ~~procedures provided in Code Section 20-3-295, where applicable, shall be the only such~~
 358 ~~procedures required under this subsection."~~

359

SECTION 15.

360 Said title is further amended by revising Code Section 43-20A-17, relating to suspension of
 361 license for licensed immigration assistance providers for nonpayment, default, or breach of
 362 repayment or service obligation under certain educational loan or scholarship programs and
 363 terms of reinstatement, as follows:

364 "43-20A-17.

365 The Secretary of State shall not suspend a license issued pursuant to this chapter ~~if reported~~
 366 ~~to the Secretary of State for~~ because of nonpayment or default or breach of a repayment or
 367 service obligation under any federal educational loan, loan repayment, or service
 368 conditional scholarship program. ~~Prior to a suspension, the licensee shall be entitled to~~
 369 ~~notice of the Secretary of State's intended action and opportunity to appear before the~~
 370 ~~Secretary of State according to procedures set forth by the Secretary of State. A suspension~~
 371 ~~of a license pursuant to this Code section shall not be a contested case under Chapter 13~~
 372 ~~of Title 50. A license suspended pursuant to this Code section shall not be reinstated or~~
 373 ~~reissued until the person arranges for a written release to be issued by the reporting agency~~
 374 ~~directly to the Secretary of State stating that the person is making payments on the loan or~~
 375 ~~satisfying the service requirements in accordance with an agreement approved by the~~
 376 ~~reporting agency. If such person has continued to meet all other requirements for licensure~~
 377 ~~during the period of suspension, reinstatement of the license shall be automatic upon~~
 378 ~~receipt of the notice and payment of any reinstatement fee which the Secretary of State may~~
 379 ~~impose."~~

380

SECTION 16.

381 Said title is further amended in Code Section 43-34-8, relating to authority to refuse license,
 382 certificate, or permit or issue discipline for health professionals regulated by the Georgia
 383 Composite Medical Board, suspension, restoration, investigations, hearings on fitness,
 384 immunity, and publication of final disciplinary actions, by adding "or" at the end of
 385 paragraph (22) of subsection (a) and by revising paragraphs (23) and (24) of subsection (a)
 386 and subsection (b.1) as follows:

387 ~~"(23) Failed to enter into satisfactory repayment status and is a borrower in default as~~
 388 ~~defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee,~~
 389 ~~certificate holder, or permit holder to supply the notice of release to the board from the~~
 390 ~~Georgia Higher Education Assistance Corporation indicating that the licensee, certificate~~
 391 ~~holder, permit holder, or applicant has entered into satisfactory repayment status so that~~
 392 ~~a license, certificate, or permit may be issued or granted if all other conditions for~~
 393 ~~issuance of a license, certificate, or permit are met; or~~

394 (24) Except for practice settings identified in paragraph (7) of subsection (g) of Code
 395 Section 43-34-25 and arrangements approved by the board prior to July 1, 2009, as set
 396 forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is
 397 employed by one the physician:

- 398 (A) Delegates medical acts to;
- 399 (B) Enters a protocol or job description with; or
- 400 (C) Is responsible for supervising."

401 "(b.1) The board shall not suspend the license, certificate, or permit of a person licensed
 402 by the board ~~who~~ because he or she is a borrower in default who is not in satisfactory
 403 repayment status under the Georgia Higher Education Loan Program as determined by the
 404 Georgia Higher Education Assistance Corporation or who has been certified by a federal
 405 agency and reported to the board any entity of the federal government for nonpayment or
 406 default or breach of a repayment or service obligation under any federal education loan,
 407 loan repayment, or service conditional scholarship program. ~~Prior to the suspension, the~~
 408 ~~licensee, certificate holder, or permit holder shall be entitled to notice of the board's~~
 409 ~~intended action and opportunity to appear before the board according to procedures set~~
 410 ~~forth in the board's rules and regulations. A suspension of a license, certificate, or permit~~
 411 ~~under this subsection is not a contested case under Chapter 13 of Title 50, 'Georgia~~
 412 ~~Administrative Procedure Act.'~~ A license, certificate, or permit suspended under this Code
 413 section shall not be reinstated or reissued until the person provides the board a written
 414 release issued by the reporting agency stating that the person is making payments on the
 415 loan or satisfying the service requirements in accordance with an agreement approved by
 416 the reporting agency. If the person has continued to meet all other requirements for

417 ~~issuance of a license, certificate, or permit during the period of suspension, reinstatement~~
 418 ~~of the license, certificate, or permit shall be automatic upon receipt of the notice and~~
 419 ~~payment of any reinstatement fee which the board may impose."~~

420

SECTION 17.

421 Said title is further amended in Code Section 43-39A-14, relating to required conduct of
 422 applicants for real estate appraiser licenses, grounds for refusal of classification, imposition
 423 of sanctions, and suspension or revocation of classification, by revising subsection (k) as
 424 follows:

425 "(k) Where an applicant or licensee has been found to be a borrower in default who is not
 426 in satisfactory repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia
 427 Higher Education Loan Program as determined by the Georgia Higher Education
 428 Assistance Corporation or who has been certified by any entity of the federal government
 429 for nonpayment or default or breach of a repayment or service obligation under any federal
 430 educational loan, loan repayment, or service conditional scholarship program, such finding
 431 shall not be ~~sufficient~~ grounds for refusal of a license or suspension of a license. For
 432 ~~purposes of this subsection, the hearing and appeal procedures provided for in Code~~
 433 ~~Section 20-3-295 shall be the only such procedures required under this article."~~

434

SECTION 18.

435 Said title is further amended in Code Section 43-40-15, relating to grant of licenses to real
 436 estate brokers and salespersons, grounds for suspension or revocation of license, other
 437 sanctions, surrender or lapse, and conviction, by revising subsection (l) as follows:

438 "(l) Where an applicant or licensee has been found to be a borrower in default who is not
 439 in satisfactory repayment status ~~as provided in Code Section 20-3-295~~ under the Georgia
 440 Higher Education Loan Program as determined by the Georgia Higher Education
 441 Assistance Corporation or who has been certified by any entity of the federal government
 442 for nonpayment or default or breach of a repayment or service obligation under any federal
 443 educational loan, loan repayment, or service conditional scholarship program, such ~~status~~
 444 finding shall not be ~~sufficient~~ grounds for refusal of a license or suspension of a license.
 445 ~~In such cases, the hearing and appeal procedures provided for in Code Section 20-3-295~~
 446 ~~shall be the only such procedures required under this chapter."~~

447

SECTION 19.

448 All laws and parts of laws in conflict with this Act are repealed.