

**Chapter 125-4-9**

**RULES  
OF  
BOARD OF CORRECTIONS**

**CHAPTER 125-4-9  
FAMILY VIOLENCE INTERVENTION PROGRAM**

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**125-4-9-.01. Legal Authority.**

These rules are adopted and published in accordance with the Official Code of Georgia Annotated O.C.G.A. §19-13-10, et seq.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.02. Title and Purpose.**

These rules are known as the Rules for Family Violence Intervention Programs. The purpose of the rules is to provide for the administration and certification of Family Violence Intervention Programs by the Department of Corrections and to provide for the enforcement of certification and program requirements and for the inspection and investigation of such programs and staff, by the Department of Corrections.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.03. Definitions.**

Unless the context requires otherwise, the terms used in these rules mean the following:

(a) "**Participant**" means a person who commits an act of "family violence" as that term is defined below.

(b) "**Certification fee**" means the fee that is assessed by the Department for consideration of an application for program certification.

(c) "**Class**" means a group of two or more batterers who are simultaneously participating in an FVIP.

(d) "**Commission**" means the State Commission on Family Violence.

(e) "**Community Task Force on Family Violence**" or "CTF" means a community based family violence task force that is supported by and working in collaboration with the Commission that is responsible for coordinating the community's response to family violence.

(f) "**Department**" means the Georgia Department of Corrections.

(g) "**DHR**" means the Georgia Department of Human Resources

(h) "**Facilitator**" means a batterers intervention group leader.

(i) "**Family violence**" means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Commission of the offense of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

(j) "**Family Violence Intervention Program**" or "FVIP" means any program which is certified pursuant to these rules.

(k) "**Family**" or "**household member**" means past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

(l) **"Lateness"** means arriving to a class after the class has started at its scheduled time.

(m) **"Monitor"** means an agent of the Department trained and authorized to conduct monitoring of the administrative and/or programmatic components of FVIP's.

(n) **"Office of Certification and Monitoring"** means the office, within the Department, which is responsible for the certification and monitoring of FVIPs.

(o) **"Person"** means any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(p) **"Provider"** means a person that provides an FVIP.

(q) **"SOP"** means a standard operating procedure of the Department.

(r) **"Trainee"** means a person in the process of becoming certified as a facilitator as required by these regulations.

(s) **"Trainer"** means a person providing Commission-approved training that may be credited toward the training and continuing education requirements for program facilitators.

(t) **"Victim"** means the family or household member against whom the batterer has committed, or is committing, acts of family violence.

(u) **"Victim liaison"** means a person who is a victim advocate, who has received domestic violence victim safety training, paid and subcontracted by the FVIP, and who works in a domestic violence organization that primarily serves battered women and their children.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

#### **125-4-9-.04. General Certification Requirements for Family Violence Intervention Programs.**

(a) **Certification Required.** No program may accept a

participant who is referred to the program by a court or the State Board of Pardons and Paroles pursuant to O.C.G.A. §19-13-16 without first being certified by the Department as set forth herein.

(1) **Application for Certification.** Each program must submit to the Department completed application forms and all requested documentation, including proof of general liability insurance of at least one million dollars. Programs seeking certification which have two or more branch or satellite offices located within a single judicial circuit are required to submit only one application form. Programs seeking certification which have one or more branch or satellite offices in separate judicial circuits must submit a completed application form for each judicial circuit in which a program is located. In the event that submitted information changes, programs must update the information and notify the Department of the changes. Failure to update information may result in a delay, denial, or revocation of certification. All applications for program certification must be signed by the program owner, or an authorized agent of the program provider. Applications must be truthful, accurate, and complete.

(2) **Certification Fee.** A \$150.00 fee will be required for each application for program certification in each judicial district.

(3) **Program Participant Fee.** Each FVIP will be assessed a \$20.00 fee for each participant who participates in an FVIP. FVIPs may pass this cost on to the participant. Program participant fees must be submitted to the Department by the tenth day of each month. If a participant reenrolls in an FVIP after either completing the program or being terminated from the program, the FVIP shall be assessed another \$20.00 program participation fee for that participant.

(4) **Conflicts of Interest.** No person shall own, direct, facilitate in, be employed by, or be an agent of any FVIP if such status poses an actual, potential, or apparent conflict of interest. Nor shall any person own, direct, facilitate in, be employed by, or be an agent of any FVIP where there exists any type of relationship that would place the owner, director, facilitator, employee or agent in a position to exert undue influence, exploit, or take undue advantage of any participant.

**(5) Victim Safety Requirements.**

(A) **Victim Contact.** An FVIP may initiate contact with victims of family violence only through a paid, subcontracted victim liaison unless FVIP staff have a legal duty to warn the victim of immediate danger. All FVIP contact with victims shall be in accordance with Department SOP.

(B) FVIPs must participate in Community Task Forces on Family Violence and be a part of the coordinated community response to domestic violence.

(C) **Program Termination or Completion Notifications.** FVIPs shall notify all referral sources, including the courts, the Department's Probation Division (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison) within four (4) working days of a participant's completion of an FVIP, or within two (2) days of a participant's termination from an FVIP. Notification of completion should only include information related to attendance, payment of fees, and participation. FVIPs shall immediately contact the victim, the victim liaison, law enforcement, referring courts, the Department's Probation Division (if applicable), and the State Board of Pardons and Paroles (if applicable) if a participant is terminated due to violence or threats of violence towards himself or the victim.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.05. Initial Program Certification.**

(a) **Initial Certification.** Upon receipt of all required application materials the Commission will undertake a review of the application materials for purposes of determining whether the program meets all certification requirements. If the Commission determines that the program meets all program certification requirements and the standards for course content and qualifications of instructors, the Commission shall certify the program.

(b) **Revocation of Certification.** Once certified, the failure of an FVIP to begin holding classes within six months of certification and to continuously operate in

compliance with these rules and regulations (with no more than a three month break in instruction) will result in revocation of certification.

(c) **Denial of Initial Certification.** Initial certification will be denied if:

(1) The program provider fails to agree in writing to submit reports and fees as required in these regulations and to allow the examination and audit of the books, records, and financial statements of the program or its authorized agent; or

(2) The owner of a program fails to agree in writing to pay to the state the fees established by Rule 125-4-9-.04(a) (2) and Rule 125-4-9-.04(a) (3); or

(3) The program fails to meet program certification requirements, including but not limited to, standards for course content and qualifications of instructors.

(d) **Notice of Denial of Initial Certification.** The Department will advise the applicant who is denied program certification, in writing, of the reasons for its decision to deny program certification. The applicant will then have twenty days from the date of the Department's denial of certification to submit additional documentation or otherwise complete the application as may be required by the Department. If the applicant again fails to demonstrate compliance with all certification requirements the Department shall deny certification.

(e) **Ongoing Certification.** Once initially certified, an FVIP will remain certified for a period of two years so long as the FVIP's certification is not suspended or revoked by the Department. The Department may require any program applicant or FVIP to submit additional information or verification that is reasonably related to making a determination regarding initial certification or continued compliance with program requirements.

(f) **Non-transferability of Certification.** Certification of an FVIP is not transferable. If there is a change in FVIP ownership, applications for new (initial) certifications must be submitted to the Department by the proposed program provider at least 60 days prior to the effective date of any change in program ownership. All new program providers must

meet all certification requirements. New program providers must return the old program certificate to the Department prior to receiving a new certificate.  
Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.06. Requirements for Family Violence Intervention Program Curriculum.**

(a) **General Model.** While certified programs may use various curricula in running programs, all certified programs will use an educational model of group intervention that adheres to the following principles regarding family violence:

(1) **Power and Control.** Program topics must follow a model that identifies and challenges family violence as an overall system of physical and emotional abuse where the participant chooses to use tactics of power and control over a victim.

(2) **Beliefs and Social Context.** Program topics shall consistently identify and challenge personal beliefs the participant holds and social contexts that support those beliefs that motivate the use of power and control tactics over the victim.

(3) **Effects.** Program topics shall consistently identify and hold the participant accountable for the physical and emotional effects on victims of the participant's violence and abuse.

(b) **Appropriate Intervention Practices.** Appropriate intervention practices are identified in Department SOP. Every program must, at a minimum, incorporate the following intervention practices:

(1) holding the participant accountable for past, present and future acts of family violence;

(2) appropriately identifying and challenging tactics of power and control;

(3) appropriately identifying and challenging myths and belief systems that support family violence; and

(4) identifying the effects a participant's abusive actions have on others, including children.

(c) **Prohibited Intervention Practices.** Prohibited

intervention practices are detailed in Department SOP. The following is a list of intervention practices that are specifically prohibited from inclusion in FVIP's:

- (1) any intervention approach that blames or suggests there is any behavior on the part of the victim that causes, provokes, or excuses abuse;
- (2) any intervention approach that does not state clearly that participants bear sole responsibility for their choices;
- (3) any couples, marriage, or family therapy or treatment;
- (4) individual therapy or treatment by the program.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. 1, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.07. Program Structure Requirements.** Each program shall be structured as follows:

- (a) **Orientation and Intake/Screening Interview** - Programs will conduct an initial orientation and an intake/screening interview. Intake/screening interviews will be conducted according to Department SOP. Programs may charge separate fees for the orientation and the intake/screening interview. Neither the orientation nor the intake/screening interview count toward the 24 class requirement.
- (b) **Contract Execution** - Each participant will be required to sign a contract before being permitted entry into the program.
- (c) **Classes** -
  - (1) Programs must require each participant to attend a minimum of at least twenty-four (24) once a week group classes within 27 weeks.
  - (2) Classes must be at least ninety (90) minutes in length. Administrative duties, including taking attendance and collecting fees, are prohibited during the 90 minutes of instruction time.
  - (3) Four absences must result in automatic termination from the program unless a leave of absence has been approved by the referral source and program in

consultation with the victim liaison in advance of the fourth absence. Lateness is considered an absence.

(4) Classes must have a minimum of 3 and a maximum of 16 participants present.

(5) Programs must provide at least one (1) facilitator for up to eight (8) participants and two (2) facilitators for nine (9) to sixteen (16) participants.

(6) All participants in a class must be of the same gender.

(d) **Class Fees and Sliding Fee Scale:** FVIPs will charge a fee of between \$5 to \$50 per class. FVIPs must have a written indigent fee reduction plan for participants declared indigent by the court.

(e) **Prohibited Program Activities** - FVIPs are prohibited from the following:

(1) permitting victims to attend or participate in any FVIP classes;

(2) requiring victims to participate in any FVIP activities in any manner;

(3) issuing graduation certificates to participants who have completed the FVIP;

(4) using assessment tools, including anger and violence evaluations, for court or probation purposes which attempt to predict future use of violence; and

(5) permitting participants to violate FVIP rules, procedures and the participant's contract without escalating consequences up to and including termination from the FVIP.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. 1, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11). Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.08. Facilitator Requirements and Restrictions on Program Personnel.** Listed below are the minimum requirements for facilitators and restrictions on FVIP personnel. FVIPs will maintain documentation that all FVIP personnel meet these requirements.

(a) **Program Hiring Limitations.** FVIPs are restricted

in hiring as follows:

(1) FVIPs shall not be owned or operated by any person or employ any facilitator, supervisor, or director who is under the supervision of the Department. FVIPs also shall not subcontract with any person who is under the supervision of the Department nor allow any person who is working for an independent employer to perform any type of work for the FVIP.

(2) FVIPs shall screen all potential facilitators, supervisors, owners, and directors through referral and employment checks. FVIPs will require that all proposed employees provide the details of any of the following criminal background information:

(A) Conviction, guilty plea, nolo contendere plea, for a felony or misdemeanor.

(B) Adjudication of guilt withheld for a felony or misdemeanor.

(C) Current charges of a violation of law.

(D) Reports to the Department of Family and Children's Services for child abuse or neglect

(E) Protective order issued against them, or bond conditions resulting from an arrest.

(F) A finding of family violence was made in divorce, custody or visitation proceedings.

(3) The Department reserves the right of prior approval in such cases when there is a finding of any instance of A-F (above) for any facilitator, supervisor, owner, or director.

(4) The Department shall conduct a comprehensive criminal history background check on each FVIP employee facilitator, supervisor, owner, and director upon initial certification and at the time of hiring additional staff. Current FVIP employees must have the GCIC documentation present in their personnel file.

(b) **Facilitator Educational and Training Requirements.**

(1) **Educational Requirements.** FVIP facilitators must have either a bachelor's degree or at least two years

of work with batterers, victims, or victim liaisons.

(2) **Training Requirements.** FVIP facilitators must have undergone the following training requirements. Training requirements are provided in more detail in Department SOP.

(A) 84 hours of direct face-to-face contact facilitating or co-facilitating or participation as a trainee in male batterers groups using a power and control model.

(B) 40 hours of participation in community education and advocacy,

(C) 40 hours of Commission-approved training;

(D) Completion of 4 hours of documented experiential education with other members of the coordinated community response to domestic violence

(3) **Facilitator trainees.** If an apprenticeship or trainee period is necessary to fulfill any of the pre-requisite credentials for facilitator requirements a trainee must work under the direction and supervision of a facilitator that is providing curriculum in compliance with these regulations. Facilitator trainees must have completed forty (40) hours of Commission approved training before co-facilitating a group.

(4) **Continuing Education Requirements for Facilitators.** FVIP facilitators shall be required to fulfill the following continuing education requirements:

(A) 8 hours annually of GCFV-approved training; and,

(B) 4 hours annually of experiential education with other members of the coordinated community response to domestic violence.

(5) **Personal Accountability:** For purposes of maintaining personal accountability, facilitators shall:

(A) Sign a violence-free lifestyle statement;

(B) Submit to referral and employment checks conducted by programs and criminal background checks to be

performed by the Department;

(C) Report any actual, potential, or apparent conflicts of interest to the program; and,

(D) Report any arrests, TPO's, or violations of the nonviolent lifestyle agreement to the program.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. 1, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.09. Program Requirements Toward Batterers.**

(a) FVIPs shall require that participants sign a contract to:

(1) Immediately stop all violence and abuse towards the victim and others;

(2) Remove all weapons from home;

(3) Respect any effort by the victim to leave the relationship;

(4) Attend 24 90-minute group classes at the rate of one class per week, on time, participating adequately, paying all required fees, completing all assignments, and adhering to the contract;

(5) Complete the FVIP where the participant originally enrolled unless approval to change FVIPs is obtained from the court or other referral source and the original program director;

(6) Be drug and alcohol free during all FVIP classes.

(7) Authorize the release of all information and acknowledge that FVIPs do not limit confidentiality and may release information to victims, victim liaisons, referring courts, law enforcement, Department staff and monitors, the Department's Probation Division, the Board of Pardons and Paroles.

Participants also acknowledge the FVIP's duty to warn policy, mandatory reporting requirements, victim contact policies, and programmatic responses to continued violence or breaking the contract.

(b) **Criteria for terminating participant from an FVIP.**

- (1) Participant is unwilling to sign the contract;
- (2) Failure to abide by the rules and regulations of the FVIP, including participation, attendance, fee payment or any other violations of the contract, including, but not limited to:
  - (A) Continued use of violence or abuse towards the victim, any current family member or partner, FVIP staff, or FVIP participants;
  - (B) Demonstrated unwillingness to change, by refusal to hear and act on feedback, blaming victims or external circumstances, or justifying abuse;
  - (C) Attending class under the influence of alcohol or drugs;
  - (D) Refusal to remove weapons from the home;
  - (E) Four (4) absences from the program without a leave of absence request approved by the provider and referral source in consultation with the victim liaison in advance of the fourth absence.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.1, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

#### **125-4-9-.10. Requirements of Commission-Approved Training**

(a) **Approval of Training.** The Commission must approve all training used to fulfill FVIP facilitators' requirements for initial and ongoing training. To be considered for approval, the following items shall be sent to the Commission:

- (1) A completed and signed application form with all requested attachments;
- (2) A detailed agenda and objectives for the training;
- (3) A statement of the qualifications of the potential trainers;
- (4) An evaluation for the training, which will be given to participants.

(b) **Agreement.** All trainer applicants must agree to allow Department staff or monitors, and/or victim liaisons to observe and monitor training.

(c) **Approval:** The Department will approve training at its discretion based upon training content and approval criteria detailed in Department SOP.

(d) **Withdrawn Approval:** Approval by GCFV can be withdrawn at any time if the training encourages or teaches any concept in violation of the state minimum standards for FVIPs.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

#### **125-4-9-.11. FVIP Monitoring.**

(a) FVIPs must allow scheduled and unscheduled monitoring visits by Department staff and monitors or Community Family Violence Task Force monitors. Monitoring may consist of both administrative review and group observation.

(b) FVIPs must maintain adequate documentation to ensure compliance with these minimum standards.

(c) Records of Personnel and Contract Workers. FVIP's are required to maintain personnel records for each FVIP employee and/or contract worker (excluding the subcontracted victim liaison). Each such personnel file shall contain the employee's and/or contract worker's name, address, home phone number, social security number, date of birth, a recent clear photograph, and emergency contact information. Each personnel file shall also contain documentation of any civil or criminal proceedings involving family violence. FVIP's must also maintain signed job descriptions; signed drug-free work-place policy statements, signed sexual harassment policy statements, and documented employment, reference, and GCIC checks. In addition, facilitators' records must include a current and complete resume or official transcript and other detailed documentation that specifies where and when the facilitator has met the educational, experiential and training requirements required by these regulations, and a signed violence-free lifestyle statement.

(d) FVIPs must respond to corrective action plans issued by the Department within the Department's required time frame in order to come into full compliance.

(e) Upon request of the Commission or the Community Family Violence Task Force monitors, classes shall be recorded for the purpose of monitoring FVIP compliance with certification standards.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

**125-4-9-.12. Enforcement of FVIP Requirements.**

The Department shall have the authority to deny, suspend, and revoke certification of an FVIP for noncompliance with FVIP requirements. Additionally, the Department shall have the authority to assess an administrative fine against any FVIP for noncompliance with FVIP requirements.

(a) Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine. The Department may base the denial, suspension, revocation of certification, or assessment of an administrative fine upon any of the following applicable grounds:

(1) Knowingly making any verbal or written false or misleading statement of material fact or omitting to state a material fact in connection with an application for certification or recertification or in connection with an inspection or investigation;

(2) failing or refusing to provide Department representatives with meaningful access to the program or FVIP premises, facilitators and staff, participants or records (including refusing to allow Department representatives to obtain copies of documents reasonably necessary to making a compliance determination);

(3) the applicant for certification or recertification having an overall poor record of compliance, including but not limited to, denial of certification within the previous 12 months, certification revocation at any time in the past in this or any other state, or suspension within the previous two years;

(4) changing ownership of a FVIP or program in order to avoid or avert the denial, revocation, or suspension of certification;

(5) altering or falsifying any FVIP or program

records;

(6) failure or refusal by an FVIP or program to remit to the Department the required program certification fees and program participant fees as outlined in these rules; and

(7) failing or refusing to comply with any of these rules, FVIP requirements or violating any law relating to the operation of an FVIP.

(b) Choice of revocation or suspension of certification, or the assessment of an administrative fine. The Department, in its discretion, may choose whether to impose suspension or revocation of certification, or the assessment of an administrative fine against an FVIP. In considering which to impose, the Department may consider the FVIP's history of compliance, the seriousness of the violations, whether the FVIP voluntarily reported problems giving rise to any violation, and whether the FVIP exhibited good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the Department.

(c) **Administrative fines.** The Department has the authority to assess an administrative fine, not to exceed \$1,000.00 per violation, against any person, firm, or corporation that the Department determines to have violated any provision of the Title 19, Chapter 13, Article 1A of the Official Code Georgia Code or any order, rule, or regulation promulgated thereunder. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other program requirement has been violated previously by the same program owner, director, or facilitator, and whether procedures designated to prevent the violation were in place and were followed.

(d) **Effectuation of suspension or revocation.** If suspension or revocation of certification is imposed in accordance with the provisions of Sec. 50-13-18 of the Georgia Administrative Procedures Act, the FVIP must return said certification to the Department. The certification must be returned within ten days of the FVIP's receipt of the notification of the Department's final decision regarding suspension or revocation. The suspension or revocation becomes effective on the date indicated by the Department's order, but no time will be credited to the period of suspension or

revocation until the affected certificate(s) have been received by the Department. Upon termination of any period of suspension, and upon a showing that the program has achieved full compliance with program requirements in addition to meeting any reinstatement requirements, the Department shall reissue the certification. However, nothing in these rules shall be construed to prevent the Department from denying program certification prior to any hearing on such action.

(e) **Reapplying for certification after revocation.** A program that has had its certification revoked may not reapply for certification for 18 months from the date of the revocation. The date of a revocation is the date of receipt of the revocation letter or the date a revocation appeal is denied, whichever is later. Reapplying for certification shall be subject to the same procedures as if the program were applying for certification for the first time. However, the Department may consider a program's past violations of these rules in deciding whether to approve or deny recertification.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11). Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

#### **125-4-9-.13. Applicability of Administrative Procedures Act.**

All enforcement actions resulting from the enforcement Chapter shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia, the "Georgia Administrative Procedures Act."

The Department shall notify the FVIP or program applicant of any intended enforcement action. Any such notice shall set forth the proposed action or actions and the factual and legal basis or bases therefor. An FVIP or program desiring a hearing in response to an enforcement action against it must make a request in writing and must submit the request to the Department no later than ten (10) calendar days from the date of receipt of any notice of intent by the Department to take an enforcement action.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par.I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11). Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))

#### **125-4-9-.14. Severability.**

In the event that any rule, sentence, clause or phrase

of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared, or adjudicated invalid or unconstitutional were not originally a part of these rules.

Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b); Ga.L. 1956, pp.161; Ga.L. 1969, p. 598;1978, pp. 1647;1983, p. 3, 507 (O.C.G.A. 42-2-11), Ga.L. 1996, p.1081, (O.C.G.A. 42-5-55(b))