

**NOTICE OF INTENT TO ADOPT CHAPTER OF THE GEORGIA STATE BOARD OF
DENTISTRY
CHAPTER 150-25 DEFAULT ON OBLIGATIONS. AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Dentistry (hereinafter "Board") proposes a new Chapter to Georgia Board of Dentistry Rules: Chapter 150-25 DEFAULT ON OBLIGATIONS (hereinafter "proposed chapter").

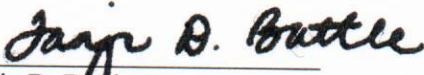
This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Peachtree Street NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Dentistry's web page at <http://gbd.georgia.gov/>.

A public hearing is scheduled to begin at 11:00 AM on September 11, 2015 at the Department of Community Health at 2 Peachtree Street NW, Atlanta, Georgia, 30303 to provide the public an opportunity to comment upon and provide input into the proposed chapter. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to September 4, 2015. Written comments should be addressed to Executive Director of the Georgia State Board of Dentistry at 2 Peachtree Street NW, Atlanta, Georgia 30303 FAX: 678-717-6435. You may email your comments to tbattle@dch.ga.gov.

The proposed rule will be considered for adoption by the Georgia State Board of Dentistry at its meeting scheduled to begin at 11:05 AM on September 11, 2015 at the Department of Community Health at 2 Peachtree Street NW, Atlanta, Georgia, 30303. According to the Department of Law, State of Georgia, the Georgia State Board of Dentistry has the authority to adopt the proposed rule pursuant to authority contained in O.C.G.A §§ 43-1-19, 43-1-29, 43-11-1, 43-11-7, 43-11-47, 50-13-3.

At its meeting on July 10, 2015, the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of these amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry. For further information, contact the Board office at 404-651-8000. This notice is given in compliance with O.C.G.A. §50-13-4.

This 10th day of August, 2015.



Tanja D. Battle
Executive Director
Georgia Board of Dentistry

Posted: August 10, 2015

**SYNOPSIS OF PROPOSED CHAPTER OF THE GEORGIA STATE BOARD OF DENTISTRY
CHAPTER 150-25 DEFAULT ON OBLIGATIONS.**

Purpose: The purpose of this chapter is to set forth the procedure for suspension of licensure for non-payment or default or breach of a loan, repayment, or service obligation.

Main Features: The main feature of this chapter is to provide notice and opportunity for hearing prior to suspension of licensure for non-payment or default or breach of a loan, repayment, or service obligation.

**PROPOSED CHAPTER OF THE GEORGIA STATE BOARD OF DENTISTRY
CHAPTER 150-25 DEFAULT ON OBLIGATIONS.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

CHAPTER 150-25: DEFAULT ON OBLIGATIONS.

150-25-.01 Federal Student Loan Default.

- (1) A person holding a current license issued by the Georgia Board of Dentistry ("Board") may have his/her license indefinitely suspended if s/he is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.
- (2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:
- (a) The Board's intended action to suspend the license;
- (b) The licensee's right to request an appearance before the Board;
- (c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and
- (d) The address and telephone number of the Board.
- (3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board, and the license shall be suspended.
- (4) If a request to appear is timely received by the Board, the suspension of the license shall be stayed pending the licensee's appearance before the Board.
- (5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:
- (a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;
- (b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;
- (c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.
- (6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.
- (7) If the license is suspended, the licensee shall not practice during the period of suspension.
- (8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment

program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:

(a) Request in writing to the Board that the suspension be lifted;

(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;

1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.

(c) Demonstrate to the satisfaction of the Board that the license has been timely renewed, where applicable, and, other than the suspension provided by this rule, is otherwise in good standing; and

(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.

(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license. However, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.

(10) If the licensee fails to timely renew his/her license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.

Authority: O.C.G.A. §§43-1-19, 43-1-29, 43-11-1, 43-11-7, 43-11-47, 50-13-3