



March 3, 2022

NOTICE OF PROPOSED RULEMAKING
Chapter 511-2-9
“Syringe Services Programs”

The Department of Public Health proposes new rules to be located in Chapter 511-2-9, “Syringe Services Programs,” pursuant to its authority under Georgia Code Sections 31-2A-6 and 16-13-32(c)(3).

The purpose of the proposed rulemaking is to change the criteria for program applications to remove criminal history as a basis for application denial.

The proposed rules have been posted to the Department’s website at <https://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

Melanie Simon
General Counsel
Georgia Department of Public Health
2 Peachtree Street, N.W., 15th Floor
Atlanta, Georgia 20202
melanie.simon@dph.ga.gov

Written comments must be submitted on or before April 8, 2022. Due to the COVID-19 pandemic, there will not be a physical in-person meeting; however, oral comments may be presented online or via phone at a public meeting scheduled for 10:00 a.m. on April 6, 2022. To join the public meeting:

- To join by computer:
 - <https://gapublichealth.webex.com/gapublichealth/j.php?MTID=m594ddae9e6dc447e823773e3890017bd>
 - Meeting Number: 2535 672 0240
 - Password: F8f38dnK3AW
- To join by phone:
 - 1-415-655-0001 United States Toll
 - Access Code: 2535 672 0240

The Commissioner of Public Health will consider the proposed rules for adoption on or about April 11, 2022, to become effective on or about May 11, 2022.

Melanie Simon

Melanie Simon
General Counsel
Georgia Department of Public Health

**RULES OF
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-2
DISEASE SURVEILLANCE AND CONTROL**

**511-2-9
SYRINGE SERVICES PROGRAMS**

TABLE OF CONTENTS

511-2-9-.08	Granting and Suspension or Revocation of Registration
--------------------	--

Rule 511-2-9-.08 Granting and Suspension or Revocation of Registration

(1) The Department shall grant an application for registration only upon a satisfactory showing that both the Program and its Administrator are willing and able to operate in compliance with the Program's Policies and Procedures Manual and all provisions of these rules.

(2) The Department may deny an application for registration or suspend or revoke a registration, after notice and an opportunity for a hearing, upon a finding that the Applicant, Program, or Administrator has:

(a) Failed to meet all requirements for Program registration;

(b) Violated any federal or state law or rule related to Syringe Services Programs, without regard to whether such violation is criminally punishable;

~~(c) Committed or been convicted of any felony or any crime involving moral turpitude in the courts of this state or any other state or territory or in the courts of the United States; as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty, or a plea of guilty or nolo contendere, regardless of whether an appeal has been sought;~~

~~(c)~~ (dc) Knowingly made misleading, deceptive, untrue, or fraudulent representations related to the operation of a Syringe Services Program or on any document connected therewith, or made a false or deceptive statement to the Department; or

~~(e)~~ (ed) Engaged in any practice harmful to the public which materially affects the ability of the Applicant, Program, or Administrator to operate a Syringe Services Program or threatens the public health, safety, or welfare.

(3) In its sole discretion, the Department may allow a Program an opportunity to correct alleged deficiencies prior to initiating the suspension or revocation of a registration, in accordance with the following procedures:

(a) The Department shall provide written notice to the Administrator, via email and first class U.S. mail to the Administrator's address on file with the Department, of the Program's alleged deficiencies. Notice shall be complete upon mailing.

(b) Within thirty calendar days of the notice, the Program shall develop and submit to the Department a written corrective action plan to address the deficiencies. The corrective action plan shall include:

(c) Steps required to correct the deficiencies; and

(d) A deadline of no more than ninety calendar days for completion.

(e) If the Department, in its sole discretion, approves the corrective action plan, the Program shall implement the plan. The Department may conduct a Site inspection at any time during the implementation period. If the Department determines, in its sole discretion, that the deficiencies have been corrected, no further action shall be taken.

(f) If the Program fails to submit a sufficient corrective action plan, fails to correct the deficiencies as specified in the corrective action plan, or if the Department determines for any reason that a corrective action program is no longer appropriate, the Department may take action to suspend or revoke the Program's registration.

(4) Procedures for the denial of an application or suspension or revocation of a Program registration.

(a) The Department shall provide written notice to the Program's Administrator, via email and certified mail to the Administrator's address on file with the Department, of the denial of the Program's application or the suspension or revocation of the Program's registration and the grounds therefor. Notice shall be complete upon mailing.

(b) The denial, suspension, or revocation shall become effective twenty days after notice is complete, unless the Program submits a timely request for a hearing; provided, however, that a Program registration may be suspended immediately, prior to a hearing, upon a written finding set forth in the notice that the public health, safety, or welfare imperatively require emergency action. All hearing requests must be delivered to and received by the Director of the Syringe Services Program no later than thirty days after notice is complete.

(c) The Department shall refer a timely request for a hearing to the Office of State Administrative Hearings within thirty days after receipt, unless the Department and the Program agree otherwise. After thirty days from the Department's receipt of the hearing request, the Program may petition the Office of State Administrative Hearings for an order permitting the request to be filed directly with the Office of State Administrative Hearings.

(d) At least one year shall pass from the date of denial of an application before the Department will consider a new application for registration. At least two years shall pass from the date of revocation of a registration before the Department will consider a new application for registration; provided, however, that a Program whose registration was revoked for failure to renew may submit a new application prior to the expiration of the two-year waiting period.

Authority: O.C.G.A. §§ 16-13-32, 31-5-2, 50-13-13, 50-13-41.