

House Bill 811

By: Representative Cooper of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the licensure and regulation of medical imaging and radiation
3 therapy professionals; to provide for definitions; to create the Georgia Medical Imaging and
4 Radiation Therapy Board; to provide for its membership, meetings, and duties; to provide
5 for licensure requirements; to provide for scope of practice for each medical imaging and
6 radiation therapy modality; to provide for permits to limit the scope of practice; to provide
7 for permit requirements; to provide for grandfather provisions; to provide for temporary
8 licenses; to provide for renewals and reinstatements; to provide for fees; to provide for
9 sanctions; to provide for penalties; to provide for related matters; to repeal conflicting laws;
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended by adding a new chapter to read as follows:

H. B. 811

15 "CHAPTER 24B16 43-24B-1.17 As used in this chapter, the term:18 (1) 'Authorized user' means a physician, dentist, or podiatrist who meets the requirements
19 established pursuant to Chapter 13 of Title 31, the 'Georgia Radiation Control Act.'20 (2) 'Board' means the Georgia Medical Imaging and Radiation Therapy Board.21 (3) 'Bone densitometry' means the determination of bone mass by means of radiation
22 absorption by a skeleton or part of a skeleton.23 (4) 'Business entity' means a corporation, partnership, association, limited liability
24 company, or limited liability partnership.25 (5) 'Certification organization' means a national organization that specializes in the
26 certification and registration of medical imaging or radiation therapy personnel and is
27 accredited by the National Commission for Certifying Agencies, the American National
28 Standards Institute, or another accreditation organization recognized by the board.29 (6) 'Computed tomography' means the process of producing sectional and
30 three-dimensional images using external ionizing radiation for diagnostic or therapeutic
31 purposes.32 (7) 'Fluoroscopy' means the exposure of a patient to X-rays in a fluoroscopy mode,
33 including positioning the patient and fluoroscopy equipment and the selection of
34 exposure factors.35 (8) 'Ionizing radiation' means radiation that may consist of alpha particles, beta particles,
36 gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, or other
37 particles capable of producing ions. Such term shall not include nonionizing radiation,
38 such as high frequency sound waves, magnetic fields, microwaves, radio frequency
39 signals, or visible, infrared, or ultraviolet light.

40 (9) 'License' means any license issued by the board to use radioactive substances or
41 equipment emitting ionizing radiation for medical imaging or radiation therapy
42 procedures on humans for diagnostic or therapeutic purposes in accordance with this
43 chapter and rules and regulations adopted by the board.

44 (10) 'Licensed practitioner' means a person licensed to practice medicine, dentistry,
45 podiatry, chiropractic, or osteopathy in this state with education and specialist training
46 in the medical or dental use of ionizing radiation who is deemed competent to
47 independently perform or supervise medical imaging or radiation therapy procedures by
48 their respective state licensure boards.

49 (11) 'Licensee' means a person who is licensed under this chapter to perform medical
50 imaging or radiation therapy procedures and to operate medical imaging or radiation
51 therapy equipment.

52 (12) 'Limited X-ray machine operator' means a person who is licensed under this chapter
53 to perform, under the supervision of a radiographer or licensed practitioner, diagnostic
54 radiography or bone densitometry procedures using equipment that emits external
55 ionizing radiation resulting in diagnostic radiographic images of selected, specific parts
56 of human anatomy or bone density measurements.

57 (13) 'Medical imaging' means a procedure, device, or article that uses ionizing radiation
58 to produce images of the internal structures of the human body for diagnostic or
59 therapeutic purposes.

60 (14) 'Mobile imaging' means any arrangement in which medical imaging services are
61 transported to various sites. Such term shall not include movement within a hospital or
62 movement to a site where the equipment will be located permanently.

63 (15) 'Modality' means technologies used in the diagnosis or treatment of disease or other
64 medical conditions in humans, including:

65 (A) Nuclear medicine and its specializations;

66 (B) Radiation therapy and its specializations; and

67 (C) Radiography and its specializations.

68 (16) 'Nuclear medicine technology' means the performance, under the supervision of an
69 authorized user named on a radioactive material license, of a variety of:

70 (A) Nuclear medicine and molecular imaging procedures using sealed and unsealed
71 radiation sources, ionizing radiation, preparation of radiopharmaceuticals, and use of
72 adjunctive medicines including contrast media and pharmaceuticals associated with
73 nuclear medicine procedures; and

74 (B) Therapeutic procedures using unsealed radioactive sources.

75 (17) 'Person' means a natural person.

76 (18) 'Radiation therapist' means a person who is licensed under this chapter to
77 administer, under the supervision of a licensed practitioner, ionizing radiation to humans
78 for therapeutic purposes.

79 (19) 'Radiation therapy' means the use of ionizing radiation on humans for therapeutic
80 purposes.

81 (20) 'Radiographer' means a person who is licensed under this chapter to perform, under
82 the supervision of a licensed practitioner, a comprehensive set of diagnostic or
83 interventional radiographic procedures using external ionizing radiation to produce bone
84 density measurements or radiographic, fluoroscopic, or digital images.

85 (21) 'Temporary license' means a license issued by the board authorizing a person to
86 perform medical imaging or radiation therapy while an application for a new or renewal
87 license is pending before the board and when the issuance may be justified by special
88 circumstances as determined by the board.

89 43-24B-2.

90 (a) The Georgia Medical Imaging and Radiation Therapy Board is hereby created. The
91 board shall consist of seven members appointed by the Governor with confirmation by the

92 Senate and shall serve at the pleasure of the Governor. The initial board shall be appointed
93 no later than September 30, 2021. The members of the board shall include:

- 94 (1) One limited X-ray machine operator;
95 (2) One licensed nuclear medicine technologist;
96 (3) One licensed practitioner who is a radiologist deemed board eligible or certified by
97 the American Board of Radiology and who supervises medical imaging or radiation
98 therapy professionals;
99 (4) One licensed practitioner who is not a radiologist and supervises medical imaging or
100 radiation therapy professionals;
101 (5) One licensed radiation therapist;
102 (6) One licensed radiographer; and
103 (7) One person representing the public who is not licensed to perform medical imaging
104 or radiation therapy procedures under this chapter, not a practitioner of a health
105 profession, and not affiliated with any group or profession that provides or regulates
106 health care or that in any way hinders the representation of the interest of the public.

107 Except for the members appointed pursuant to paragraphs (3), (4), and (7) of this
108 subsection, the Governor may consider recommendations from a list of names submitted
109 by the Georgia Society of Radiologic Technologists.

110 (b) In addition to the requirements in subsection (a) of this Code section, each member
111 appointed to the board:

- 112 (1) Shall be a resident of this state and shall have been a resident of this state for at least
113 one year prior to his or her appointment;
114 (2) Shall be at least 21 years of age; and
115 (3) Except for the members appointed pursuant to paragraphs (3), (4), and (7) of
116 subsection (a) of this Code section, shall have at least three years of experience
117 performing medical imaging or radiation therapy in the modality for which they are
118 appointed.

119 (c) At least one board member shall be a full-time educator in an educational program in
120 medical imaging or radiation therapy.

121 (d) The terms of office shall be three years, except the terms of the initial members
122 appointed to the board shall be as follows: Three members shall be appointed for a term of
123 one year, two members shall be appointed for a term of two years, and two members shall
124 be appointed for a term of three years. When a vacancy upon the board occurs, the
125 Governor shall appoint a successor to fill the unexpired term pursuant to this Code section.
126 No member shall be eligible for appointment to serve more than two consecutive terms.
127 Members of the board shall serve until the expiration of the terms for which they have been
128 appointed and until their respective successors are appointed and qualified. The Governor
129 may remove any member of the board for dishonorable conduct, incompetency, or neglect
130 of duty. No member of the board shall be held civilly liable for any act performed in good
131 faith in performance of the member's duties as prescribed by law.

132 (e) A person who performs medical imaging or radiation therapy procedures and is
133 appointed to the initial board shall not be required to hold a license issued by the board
134 until 12 months after the first issuance of a license by the board.

135 (f) Members of the board shall be reimbursed as provided for in subsection (f) of Code
136 Section 43-1-2.

137 (g) The board shall meet at least annually in person, at a time and place of its choosing.
138 The first meeting of the board shall be for organizational purposes only, in order to elect
139 a chairperson and vice chairperson and set forth their responsibilities and procedural rules.
140 The board may meet periodically by telephone or other electronic communication method
141 to conduct the business of the board as authorized by the laws of this state. A majority of
142 the voting members of the board shall constitute a quorum. No action may be taken by the
143 board except by affirmative vote of the majority of those present and voting.

144 (h) Any member of the board who fails to attend at least one meeting in an 18 month
145 period shall forfeit such member's seat unless the chairperson, upon written request from

146 the member, finds that the member should be excused from a meeting because of illness
147 or the death of a family member.

148 (i) The board shall have the following powers, duties, and responsibilities:

149 (1) To administer and enforce this chapter and assist the division director in carrying out
150 the provisions of this chapter;

151 (2) To establish license types and permits to be issued by the board;

152 (3) To establish the scope of practice for each type of license or permit issued by the
153 board;

154 (4) To establish and revise requirements for obtaining licensure or the renewal of
155 licensure, including continuing education requirements. The board may, in its discretion,
156 revise the licensing requirements of this chapter for remote areas of this state that do not
157 have enough qualified licensees to perform medical imaging or radiation therapy
158 procedures;

159 (5) To make rules, not inconsistent with this chapter, that are reasonably necessary for
160 the conduct of its duties and proceedings;

161 (6) To establish fees and fines necessary to administer this chapter;

162 (7) To accept results of qualifying examinations, administer examinations, or contract
163 with qualified testing providers to conduct or supervise examinations;

164 (8) To adopt rules and regulations relating to professional conduct commensurate with
165 this chapter;

166 (9) To deny, suspend, or revoke licenses or to otherwise sanction licensees; and

167 (10) To obtain restraining orders and injunctions prohibiting conduct in violation of this
168 chapter or rules and regulations adopted by the board, conduct investigations, issue
169 subpoenas, conduct hearings, appoint hearing officers, examine witnesses, and administer
170 oaths concerning practices that are alleged to violate this chapter or rules and regulations
171 adopted by the board.

172 (j) The board shall, within 90 days of its initial appointment, notify all current practitioners
173 of medical imaging and radiation therapy in the state, as identified by the American
174 Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification
175 Board, or other appropriate certification organizations, of the enactment of this chapter.

176 (k) The division director shall be guided by the recommendations of the board in all
177 matters relating to this chapter.

178 43-24B-3.

179 (a) Except as provided in this Code section, on and after January 1, 2025, only a person
180 licensed under this chapter may perform or offer to perform medical imaging or radiation
181 therapy procedures on humans for diagnostic or therapeutic purposes as defined in this
182 chapter or otherwise indicate or imply that he or she is so licensed.

183 (b) The board shall, by rule and regulation, establish, review, and adopt standards for the
184 education, certification, continuing education, licensure, and scope of practice of a person
185 performing limited X-ray machine operation, nuclear medicine technology, radiation
186 therapy, or radiography.

187 (c) No person or business entity shall knowingly employ a person who does not hold a
188 license or is not exempt under this chapter to perform medical imaging or radiation therapy
189 procedures.

190 (d) Nothing in this chapter relating to medical imaging or radiation therapy shall limit or
191 expand the practice of a licensed practitioner as defined in this chapter.

192 (e) Only persons licensed under this chapter shall use the title 'licensed radiographer,'
193 'licensed radiation therapist,' 'licensed nuclear medicine technologist,' or 'licensed limited
194 X-ray machine operator' or use abbreviations of these titles with his or her name.

195 (f) The provisions of this chapter shall not apply to the following:

196 (1) A licensed practitioner performing medical imaging or radiation therapy procedures;

197 (2) A dental hygienist currently licensed in this state;

- 198 (3) A dental assistant currently licensed in this state;
199 (4) A resident physician or a student enrolled in and attending a school or college of
200 medicine, dentistry, chiropractic, podiatry, medical imaging, or radiation therapy who
201 performs authorized medical imaging or radiation therapy procedures on humans while
202 under the supervision of a licensed practitioner or a person holding a license in nuclear
203 medicine technology, radiation therapy, or radiography;
204 (5) A person who is employed by the United States government to perform medical
205 imaging or radiation therapy procedures associated with that employment; or
206 (6) A person performing medical imaging or radiation therapy procedures on nonhuman
207 subjects or cadavers.

208 43-24B-4.

- 209 (a) The board shall establish scope of practice standards for each medical imaging and
210 radiation therapy modality. The board may review and adopt by rule and regulation scope
211 of practice standards from a certification organization or a professional society or
212 association.
- 213 (b) On and after January 1, 2025, a licensee who performs computed tomography for
214 diagnostic purposes must be certified in computed tomography by the American Registry
215 of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or
216 another certification organization recognized by the board.
- 217 (c) A person licensed to perform radiography may perform fluoroscopy.
- 218 (d) A person licensed as a limited X-ray machine operator shall perform tasks or
219 procedures only within the scope of the applicable permit issued by the board for a specific
220 area of the human anatomy as provided in this chapter and shall not perform procedures
221 involving the administration or utilization of contrast media or perform computed
222 tomography, fluoroscopy, magnetic resonance imaging, mammography, mobile imaging,
223 nuclear medicine, or radiation therapy.

224 (e) A person licensed in nuclear medicine technology may perform computed tomography
225 for attenuation correction or anatomical localization on hybrid imaging equipment.

226 (f) A person licensed in radiation therapy may perform computed tomography for
227 treatment planning purposes.

228 (g) A licensee may use radioactive substances or equipment emitting ionizing radiation on
229 humans for diagnostic or therapeutic purposes only:

230 (1) With a valid prescription from a person authorized by this state to prescribe or order
231 medical imaging or radiation therapy procedures;

232 (2) Under the supervision of a licensed practitioner; and

233 (3) Within the scope of the license as specified in this chapter and under the rules and
234 regulations adopted by the board.

235 (h) A licensee shall only perform medical imaging or radiation therapy procedures in a
236 modality for which they are licensed.

237 (i) A licensee shall not make a diagnostic interpretation of an image, make a diagnosis, or
238 prescribe medication or therapy.

239 43-24B-5.

240 (a)(1) A limited X-ray machine operator license shall be limited in scope through the
241 issuance of permits to perform diagnostic X-rays on specific anatomical areas of the
242 human body as follows:

243 (A) Bone densitometry permit for a person who is certified by the International Society
244 for Clinical Densitometry or the American Registry of Radiologic Technologists to
245 perform bone densitometry testing;

246 (B) Chest permit for radiography of the thorax, heart, and lungs;

247 (C) Extremity permit for radiography of the upper and lower extremities, including the
248 pectoral girdle;

249 (D) Podiatric permit for radiography of the foot, ankle, and lower leg below the knee;

250 (E) Skull/sinus permit for radiography of the skull and facial structures; and

251 (F) Spine permit for radiography of the vertebral column.

252 (2) To be eligible for licensure by the board as a limited X-ray machine operator, an
253 applicant shall submit the application fee and meet the following requirements:

254 (A) Be at least 18 years of age at the time of the application;

255 (B) Have a high school diploma or have passed an approved equivalency test;

256 (C) Have satisfactorily completed a course of study in limited X-ray machine operation
257 or its equivalent as determined by the board; and

258 (D) Pass an examination approved by the board.

259 (b) A person seeking to obtain a license for a medical imaging or radiation therapy
260 modality shall comply with the following requirements:

261 (1) Be at least 18 years of age at the time of application;

262 (2) Have a high school diploma or have passed an approved equivalency test;

263 (3) Have satisfactorily completed a course of study in nuclear medicine technology,
264 radiation therapy, radiography, or an equivalent determined by the board to meet the
265 following requirements:

266 (A) The curriculum for each course of study shall be no less stringent than the
267 standards approved by the Joint Review Committee on Education in Radiologic
268 Technology, the Joint Review Committee on Education in Nuclear Medicine
269 Technology, regional accrediting agencies, or other appropriate educational
270 accreditation agencies recognized by certification organizations; or

271 (B) A person who holds a current certification and registration by a certification
272 organization recognized by the board in a medical imaging or radiation therapy
273 modality shall be deemed to have met the requirement of this paragraph for successful
274 completion of a course of study in the modality; and

275 (4) Pass an examination administered by a certification organization recognized by the
276 board.

277 (c) A person holding a license or permit issued under this chapter shall notify the board
278 in writing within 30 days of any name or address change.

279 (d) Within 30 days, a licensee shall submit written notification to the board if the licensee:

280 (1) Fails to maintain a required certification and registration by a certification
281 organization; or

282 (2) Is subject to any legal or disciplinary action, other than minor traffic infractions, or
283 proceedings for acts or conduct substantially the same as acts or conduct which would
284 constitute grounds for refusal to issue, refusal to renew, suspension of, or revocation of
285 a license or other sanction of an applicant or licensee by any:

286 (A) Licensing jurisdiction whether in the United States or a foreign jurisdiction;

287 (B) Health care institution;

288 (C) Certification organization;

289 (D) Government agency;

290 (E) Law enforcement agency; or

291 (F) Court of law.

292 43-24B-6.

293 A person who has been engaged in the practice of medical imaging and radiation therapy
294 and who does not hold a current certification and registration by a certification organization
295 recognized by the board may continue to practice in the medical imaging or radiation
296 therapy modality in which they are currently employed, if he or she:

297 (1) Registers with the board on or before January 1, 2027;

298 (2) Does not change employment or the scope of his or her current practice;

299 (3) Completes all continuing education requirements for his or her modality biannually
300 as prescribed by the board;

301 (4) Practices only under the supervision of a licensed practitioner; and

302 (5) Meets all licensure requirements of this chapter and the rules and regulations adopted
303 by the board pursuant to this chapter and obtains a license from the board on or before
304 January 1, 2031.

305 43-24B-7.

306 (a) To meet the requirement of examination under this chapter for nuclear medicine
307 technology, radiation therapy, or radiography, the board shall accept current certification
308 and registration by a certification organization recognized by the board in the applicant's
309 or licensee's modality.

310 (b)(1) The board shall accept nuclear medicine certification and registration from the
311 American Registry of Radiologic Technologists, Nuclear Medicine Technology
312 Certification Board, or another certification organization recognized by the board to meet
313 the examination requirement of this Code section.

314 (2) The board shall accept radiation therapy certification and registration from the
315 American Registry of Radiologic Technologists or another certification organization
316 recognized by the board to meet the examination requirement of this Code section.

317 (3) The board shall accept radiography certification and registration from the American
318 Registry of Radiologic Technologists or another certification organization recognized by
319 the board to meet the examination requirement of this Code section.

320 (c) The board shall use a limited X-ray machine operator examination administered by the
321 American Registry of Radiologic Technologists or another organization recognized by the
322 board for persons applying for a limited X-ray machine operator license and permit in bone
323 densitometry, chest, extremity, podiatric, skull/sinus, or spine radiography. The board shall
324 determine by rule and regulation the examination scores that constitute successful
325 completion.

326 (d) The board may accept certification and registration from the American Chiropractic
327 Registry of Radiologic Technologists to meet the requirement of this Code section for

328 successful completion of an examination for a limited X-ray machine operator license and
329 permit in spine radiography.

330 (e) The board may accept certification from the American Society of Podiatric Medical
331 Assistants to meet the requirement of this Code section for successful completion of an
332 examination for a limited X-ray machine operator license and permit in podiatric
333 radiography.

334 43-24B-8.

335 (a) The board shall issue a license to an applicant who meets the requirements for licensure
336 contained in this chapter and the rules and regulations adopted by the board, verified by
337 oath or affirmation, and upon payment of any required fees. The board may issue a license
338 with authorization to perform more than one medical imaging or radiation therapy modality
339 if the person is qualified in each modality.

340 (b)(1) The board may issue a temporary license to any person whose license or license
341 renewal is pending or when issuance is for the purpose of providing medical imaging or
342 radiation therapy services to medically underserved areas as determined by the board.

343 (2) A temporary license shall be issued only if the board finds that doing so will not
344 violate the purpose of this chapter or endanger the public health and safety.

345 (3) A temporary license in a modality may be issued to an applicant who is preparing for
346 a certification examination in such modality, which license shall expire 90 days from
347 issuance. A temporary license may be reissued one time for an additional 90 days if the
348 person completed but did not pass a certification examination.

349 (4) In all other cases, a temporary license shall expire when a determination is made to
350 issue or deny the applicant a regular license.

351 (c) Except for a person licensed as a limited X-ray machine operator, a person licensed
352 under this chapter may apply to the board for a temporary license in an additional medical
353 imaging or radiation therapy modality to complete clinical experience requirements for an

354 applicable training pathway established by a certification organization recognized by the
355 board. Temporary licenses issued for training purposes shall expire three years after
356 issuance.

357 (d) A person licensed under this chapter shall display the official license document or a
358 verified copy in each place of regular employment.

359 43-24B-9.

360 (a) Unless otherwise provided, a license issued under this chapter shall be renewed every
361 two years. A license shall be renewed upon payment of the renewal fee if, at the time of
362 application for renewal, the applicant is not in violation of this chapter and has complied
363 with the rules and regulations adopted by the board, as verified by oath or affirmation.

364 (b) The board shall notify a licensee at least 60 days in advance of the expiration of the
365 license.

366 (c) The licensee is responsible for renewing his or her license before the expiration date.
367 A license that is not renewed before the expiration date shall automatically lapse.

368 (d) The board may provide by rule and regulation for the reinstatement of a lapsed license
369 or permit upon payment of a reinstatement fee. No license or permit that has been expired
370 for more than two years may be reinstated.

371 (e) Where applicable, a licensee shall maintain current certification and registration by the
372 applicable certification organization recognized by the board throughout the licensure
373 period and shall not be required to duplicate the continuing education hours submitted to
374 the certification organization.

375 (f) The board may require a licensee to submit evidence of current certification and
376 registration by the applicable certification organization, which shall be deemed equivalent
377 to the continuing education requirements established by the board as provided in this
378 chapter and the rules and regulations adopted by the board.

379 (g) As a condition of license renewal, a person licensed as a limited X-ray machine
380 operator shall be required to complete continuing education pursuant to the rules and
381 regulations adopted by the board.

382 43-24B-10.

383 The board may, upon application and payment of proper fees, issue a license to a person
384 who has been licensed, registered, or certified to perform medical imaging or radiation
385 therapy procedures in another jurisdiction if such other jurisdiction's standards are
386 substantially equivalent to those provided in this chapter and the rules and regulations
387 adopted by the board.

388 43-24B-11.

389 The board shall by rule and regulation establish and collect all fees necessary for the
390 administration of this chapter. All fees shall be nonrefundable.

391 43-24B-12.

392 (a) The board may deny, suspend, revoke, or refuse to renew a license or may impose
393 probationary conditions on a license if the licensee or applicant for a license, renewal of
394 license, or reinstatement of license has engaged in any of the following conduct:

395 (1) Obtained a license by means of fraud, misrepresentation, or concealment of material
396 facts;

397 (2) Engaged in unprofessional conduct pursuant to rules and regulations adopted by the
398 board;

399 (3) Been convicted of or pleaded guilty or nolo contendere to a crime involving moral
400 turpitude or any crime indicating that the licensee or applicant is unfit or incompetent to
401 perform medical imaging or radiation therapy procedures or that the licensee or applicant
402 has deceived or defrauded the public;

403 (4) Engaged in any act or practice in violation of any provision of this chapter or any rule
404 or regulation adopted by the board or aiding, abetting, or assisting any person in such a
405 violation;

406 (5) Committed an act or acts of malpractice, gross negligence, or incompetence in
407 performing medical imaging or radiation therapy procedures;

408 (6) Performed medical imaging or radiation therapy procedures without a current, valid
409 license;

410 (7) Engaged in conduct that could result in harm or injury to the public;

411 (8) Had a license revoked or suspended or had other disciplinary action taken, whether
412 in this state or another jurisdiction; or

413 (9) Been unfit or incompetent to perform medical imaging or radiation therapy
414 procedures due to deliberate or negligent acts or omissions, regardless of whether actual
415 injury to a patient is established.

416 (b) An application may be made to the board for reinstatement of a revoked license if the
417 revocation has been in effect for at least two years after the date of the board's order
418 revoking the license.

419 43-24B-13.

420 (a) The board may assess a civil penalty not to exceed the amount allowable under state
421 law for the violation of any provision of this chapter or of any rules and regulations
422 adopted by the board. The proceeds of any civil penalties assessed under this Code section
423 shall be paid into the general fund of the state treasury.

424 (b) Before imposing and assessing a civil penalty, the board shall consider the following
425 factors:

426 (1) The nature, gravity, and persistence of the violation;

427 (2) The appropriateness of the imposition of a civil penalty when considered alone or in
428 combination with other punishment;

- 429 (3) Whether the violation was willful and malicious; and
430 (4) Any other factors that would tend to mitigate or aggravate the violations found to
431 exist.
- 432 (c) The board shall establish a schedule of civil penalties for violations of this chapter and
433 the rules and regulations adopted by the board.
- 434 (d) The board may assess the costs of disciplinary actions against a licensee found to be
435 in violation of this chapter or the rules and regulations adopted by the board.
- 436 (e) A person who violates any provision of this chapter or the rules and regulations
437 adopted by the board shall be guilty of a misdemeanor. Each act of such unlawful practice
438 shall constitute a distinct and separate offense."

439

SECTION 2.

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