

Senate Bill 119

By: Senators Walker of the 22nd and Hill of the 4th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, the
2 "Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing
3 Law," so as to provide for the licensing of mental health therapists and associate mental
4 health therapists; to change the provisions relating to the short title, legislative purpose, and
5 definitions; to change the provisions relating to the Georgia Composite Board of Professional
6 Counselors, Social Workers, and Marriage and Family Therapists, and standards committees
7 thereof; to change the provisions prohibiting the unlicensed practice of specialties and the
8 use of certain titles and change the exceptions to such prohibitions; to change the
9 requirements for licensure and establish such requirements for mental health therapists and
10 associate mental health therapists; to change the provisions regarding the use of certain titles
11 by various business entities; to change the provisions regarding legislative construction; to
12 repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 10A of Title 43 of the Official Code of Georgia Annotated, the "Professional
16 Counselors, Social Workers, and Marriage and Family Therapists Licensing Law," is
17 amended by striking Code Section 43-10A-1, relating to the short title, and inserting in its
18 place the following:

19 "43-10A-1.

20 This chapter shall be known and may be cited as the 'Professional Counselors, Social
21 Workers, Mental Health Therapists, and Marriage and Family Therapists Licensing Law.'

22 **SECTION 2.**

23 Said chapter is further amended by striking Code Section 43-10A-2, relating to legislative
24 purpose, and inserting in its place the following:

1 "43-10A-2.

2 It is declared to be the purpose of the General Assembly that the activities of certain
3 persons who utilize certain titles relating to or who practice mental health therapy,
4 professional counseling, social work, and marriage and family therapy be regulated to
5 ensure the protection of the health, safety, and welfare of the people of this state."

6 **SECTION 3.**

7 Said chapter is further amended by striking Code Section 43-10A-3, relating to definitions,
8 and inserting in its place the following:

9 "43-10A-3.

10 As used in this chapter, the term:

11 (1) 'Advertise' means, but is not limited to, the issuing of or causing to be distributed any
12 card, sign, or other device or the causing or permitting any sign or marking on or in any
13 building or structure, or in any newspaper, magazine, or directory, or on radio or
14 television.

15 (2) 'Allied profession' means the practice of medicine, psychiatric nursing, psychology,
16 or pastoral counseling.

17 (3) 'Board' means the Georgia Composite Board of Professional Counselors, Social
18 Workers, Mental Health Therapists, and Marriage and Family Therapists established by
19 this chapter.

20 (3.1) 'Commission on Rehabilitation Counselor Certification' means the national
21 certifying agency for rehabilitation counselors as recognized by the National Commission
22 for Certifying Agencies.

23 (4) 'Counseling' means those techniques used to help persons learn how to solve
24 problems and make decisions related to personal growth, vocation, family, social, and
25 other interpersonal concerns.

26 (5) 'Direction' means the ongoing administrative overseeing by an employer or superior
27 of a specialty practitioner's work. The person providing direction shall be responsible
28 for assuring the quality of the services rendered by that practitioner and shall ensure that
29 qualified supervision or intervention occurs in situations which require expertise beyond
30 that of the practitioner. Direction may be provided by any person acceptable to the
31 standards committee for that specialty in which the practitioner is working.

32 (6) 'Division director' means the director of the professional licensing boards division.
33 The division director shall serve as secretary to the board.

34 (7) 'Fee' means money or anything of value, including but not limited to a salary, offered
35 or received as compensation in return for rendering services in any specialty.

1 (8) 'Marriage and family therapy' means that specialty which evaluates and treats
2 emotional and mental problems and conditions, whether cognitive, affective, or
3 behavioral, resolves intrapersonal and interpersonal conflicts, and changes perception,
4 attitudes, and behavior; all within the context of marital and family systems. Marriage
5 and family therapy includes, without being limited to, individual, group, couple, sexual,
6 family, and divorce therapy. Marriage and family therapy involves an applied
7 understanding of the dynamics of marital and family systems, including individual
8 psychodynamics, the use of assessment instruments that evaluate marital and family
9 functioning, and the use of psychotherapy and counseling.

10 (8.1) 'Mental health therapist' means a person licensed to practice mental health therapy
11 under this chapter.

12 (8.2) 'Mental health therapy' means the performance of that specialty which evaluates
13 and treats persons with behavioral, affective, cognitive, and interpersonal problems or
14 conditions, or seeks to prevent such problems or conditions, or seeks to enhance behavior
15 and mental health. The means by which these are accomplished include, but are not
16 limited to, applying empirically derived and validated psychological principles and
17 procedures, using assessment instruments which the mental health therapist is qualified
18 to employ by virtue of education and training, conducting interviews, utilizing individual
19 or group techniques while engaging in psychotherapy, and utilization and interpretation
20 of psychological research.

21 (9) 'Practice a specialty' or 'practice' means to offer to render for a fee or to render for a
22 fee any service involving the application of principles, methods, or procedures of
23 professional counseling, social work, mental health therapy, or marriage and family
24 therapy.

25 (10) 'Professional counseling' means that specialty which utilizes counseling techniques
26 based on principles, methods, and procedures of counseling that assist people in
27 identifying and resolving personal, social, vocational, intrapersonal and interpersonal
28 concerns; utilizes counseling and psychotherapy to evaluate and treat emotional and
29 mental problems and conditions, whether cognitive, behavioral, or affective; administers
30 and interprets educational and vocational assessment instruments and other tests which
31 the professional counselor is qualified to employ by virtue of education, training, and
32 experience; utilizes information and community resources for personal, social, or
33 vocational development; utilizes individual and group techniques for facilitating problem
34 solving, decision making, and behavior change; utilizes functional assessment and
35 vocational planning and guidance for persons requesting assistance in adjustment to a
36 disability or disabling condition; utilizes referral for persons who request counseling
37 services; and utilizes and interprets counseling research.

1 (11) 'Psychotherapeutic techniques' means those specific techniques involving the
2 in-depth exploration and treatment of interpersonal and intrapersonal dynamics but shall
3 not include the performance of those activities exclusively reserved to any other business
4 or profession by any other chapter of this title.

5 (12) 'Recognized educational institution' means any educational institution which grants
6 a bachelor's, master's, specialist, or doctoral degree and which is recognized by an
7 accrediting body acceptable to the board.

8 (13) 'Social work' means that specialty which helps individuals, marriages, families,
9 couples, groups, or communities to enhance or restore their capacity for functioning: by
10 assisting in the obtaining or improving of tangible social and health services; by
11 providing psychosocial evaluations, in-depth analyses and determinations of the nature
12 and status of emotional, cognitive, mental, behavioral, and interpersonal problems or
13 conditions; and by counseling and psychotherapeutic techniques, casework, social work
14 advocacy, psychotherapy, and treatment in a variety of settings which include but are not
15 limited to mental and physical health facilities, child and family service agencies, or
16 private practice.

17 (14) 'Specialty' means social work, marriage and family therapy, mental health therapy,
18 or professional counseling, or any combination thereof.

19 (15) 'Supervision' means the direct clinical review, for the purpose of training or
20 teaching, by a supervisor of a specialty practitioner's interaction with a client. It may
21 include, without being limited to, the review of case presentations, audio tapes, video
22 tapes, and direct observation in order to promote the development of the practitioner's
23 clinical skills.

24 (16) 'Supervisor' means a person who meets the requirements established by the
25 standards committee for that specialty which is being supervised and who is either
26 licensed under this chapter or is a psychiatrist or a psychologist.

27 (17) 'The Commission on Accreditation for Marriage and Family Therapy Education'
28 means the national accrediting agency for marriage and family therapy education as
29 recognized by the United States Department of Education.

30 (18) 'The Council on Social Work Education' means the national accrediting agency for
31 social work education as recognized by the United States Department of Education and
32 the Council on Postsecondary Accreditation."

33 SECTION 4.

34 Said chapter is further amended by striking Code Section 43-10A-4, creating the Georgia
35 Composite Board of Professional Counselors, Social Workers, and Marriage and Family
36 Therapists, and inserting in its place the following:

1 "43-10A-4.

2 (a) There is created the Georgia Composite Board of Professional Counselors, Social
3 Workers, Mental Health Therapists, and Marriage and Family Therapists. The board shall
4 consist of ~~ten~~ 13 members who have been residents of this state for at least 12 months prior
5 to taking office. The ~~ten~~ 13 members shall be constituted as follows:

6 (1) Three members licensed in professional counseling, two of whom shall be designated
7 at the time of their appointment to serve an initial term ending December 31, 1988, and
8 one of whom shall be designated to serve an initial term ending December 31, 1987;

9 (2) Three members licensed as social workers, one of whom shall be designated at the
10 time of appointment to serve an initial term ending December 31, 1988, the other two of
11 whom shall be designated to serve an initial term ending December 31, 1987;

12 (3) Three members licensed as marriage and family therapists, two of whom shall be
13 designated at the time of their appointment to serve an initial term ending December 31,
14 1987, and one of whom shall be designated to serve an initial term ending December 31,
15 1988; and

16 (3.1) Three members licensed as mental health therapists, two of whom shall be
17 designated at the time of their appointment to serve an initial term ending December 31,
18 2002, and one of whom shall be designated to serve an initial term ending December 31,
19 2003; and

20 (4) One member who shall represent the public at large and have no professional
21 connection with any specialty to serve an initial term ending December 31, 1988.

22 (b) All members of the board shall be appointed by the Governor, subject to confirmation
23 by the Senate. Those members first appointed to the board under this chapter shall serve
24 for initial terms of office beginning September 1, 1985, except that those first appointed
25 as mental health therapists shall serve for initial terms of office beginning July 1, 2001.
26 Those members of the board required to be licensed and who are first appointed to the
27 board shall be persons who are practicing in the designated specialty at the time of
28 appointment and who must be licensed therein as required within 12 months following their
29 appointment.

30 (c) After the initial terms specified in subsection (a) of this Code section, members of the
31 board shall take office on the first day of January immediately following the expired term
32 of that office and shall serve for a term of three years and until the appointment and
33 qualification of their respective successors. No member shall serve on the board more than
34 two consecutive terms.

35 (d) Members of the board may be removed by the Governor, after notice and opportunity
36 for hearing, for incompetence, neglect of duty, unprofessional conduct, or conviction of
37 any felony.

1 (e) Vacancies occurring on the board, other than those caused by expiration of a term of
 2 office, shall be filled in the same manner as the original appointment to the position
 3 vacated for the remainder of the unexpired term and until a successor is appointed and
 4 qualified.

5 (f) Any person appointed to the board when the Senate is not in regular session may serve
 6 on the board without Senate confirmation until the Senate acts upon that appointment."

7 **SECTION 5.**

8 Said chapter is further amended by striking subsection (a) of Code Section 43-10A-6, relating
 9 to standards committees, and inserting in its place the following:

10 "(a) Those members of the board from the professional counseling specialty, the social
 11 work specialty, the mental health therapy specialty, and the marriage and family therapy
 12 specialty shall constitute a separate standards committee for their respective specialty.
 13 Each standards committee by majority vote shall approve or disapprove the granting of all
 14 licenses in that specialty, approve the examination required of applicants for licensure in
 15 that committee's specialty and provide for the grading of that examination, and provide for
 16 other matters relating to licensure in that specialty."

17 **SECTION 6.**

18 Said chapter is further amended by striking subsection (a) of Code Section 43-10A-7,
 19 prohibiting unlicensed practice of specialties, and inserting in its place the following:

20 "(a) Except as otherwise provided in this chapter, a person who is not licensed under this
 21 chapter shall not practice professional counseling, social work, mental health therapy, or
 22 marriage and family therapy, nor advertise the performance of such practice, nor use the
 23 title 'professional counselor,' 'associate professional counselor,' 'social worker,' 'mental
 24 health therapist,' 'marriage and family therapist,' or 'associate marriage and family
 25 therapist,' nor use any words, letters, titles, or figures indicating or implying that the person
 26 is a professional counselor, associate professional counselor, social worker, mental health
 27 therapist, marriage and family therapist, or associate marriage and family therapist or is
 28 licensed under this chapter."

29 **SECTION 7.**

30 Said chapter is further amended by striking from said Code Section 43-10A-7 paragraphs (6),
 31 (16), and (17) of subsection (b) thereof and inserting in their place the following:

32 "(6) Persons who have obtained one of the graduate degrees required for licensure as a
 33 professional counselor, mental health therapist, or marriage and family therapist and who

1 are practicing such specialty under supervision and direction in order to obtain the
2 experience required for licensure;"

3 "(16) Any person engaged in the practice of professional counseling or mental health
4 therapy as an employee or student peer counselor of the University System of Georgia
5 or its educational units, the Department of Technical and Adult Education or its
6 educational units, or of a public or private college or university within this state, but only
7 when engaged in that practice as such an employee or student peer counselor and
8 excepting the use of psychotherapeutic techniques to evaluate and treat emotional and
9 mental illness, disorder, or dysfunction;

10 (17) Persons who engage in the practice of mental health therapy or professional
11 counseling, excluding the use of psychotherapy, as employees of organizations which
12 maintain, now or in the future, accreditation from the Commission on Accreditation of
13 Rehabilitation Facilities or the national Accreditation Council for Agencies Serving the
14 Blind and Visually Handicapped, but only when those persons are providing those
15 services as employees of those organizations pursuant to contracts between such
16 organizations and the state or a department, agency, county, municipality, or political
17 subdivision of the state; and".

18 **SECTION 8.**

19 Said chapter is further amended by striking Code Section 43-10A-8, relating to eligibility for
20 licensure, and inserting in its place the following:

21 "43-10A-8.

22 No person shall be eligible for licensure under this chapter unless such person furnishes
23 satisfactory evidence to the board of all of the following:

24 (1) Having met the education, training, and experience requirements of Code Section
25 43-10A-11, 43-10A-12, ~~or~~ 43-10A-13, or 43-10A-13.1 regarding that specialty for which
26 a license is sought;

27 (2) Having successfully passed the examination established for that specialty under Code
28 Section 43-10A-9, except that persons meeting the requirements of subparagraph
29 (a)(2)(A) of Code Section 43-10A-13 or subsection (b) of Code Section 43-10A-13.1
30 shall not be required to pass such examination;

31 (3) Having paid any required license fee; and

32 (4) Having furnished at least two personal references from supervisors, teachers, or any
33 combination thereof."

1 or agents are practicing a specialty regulated under this chapter, unless each person
2 practicing a specialty in that entity, except those persons exempt under paragraph (1), (4),
3 (5), (6), (11), (13), or (14) of subsection (b) of Code Section 43-10A-7, is licensed under
4 this chapter."

5 **SECTION 11.**

6 Said chapter is further amended by striking Code Section 43-10A-22, restricting scope of
7 chapter, and inserting in its place the following:

8 "43-10A-22.

9 Nothing in this chapter shall be construed to authorize persons licensed under this chapter
10 to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as
11 regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything
12 in this chapter be construed to limit or regulate the practice of those licensed under said
13 Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this chapter be construed
14 to authorize persons licensed under this chapter to perform psychological testing or to refer
15 to themselves as psychologists."

16 **SECTION 12.**

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