

The Senate Health and Human Services Committee offered the following substitute to HB 641:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to
2 cosmetologists, so as to change certain provisions relating to application for certificate of
3 registration to practice cosmetology; to change the provisions relating to qualifications for
4 registration of cosmetologists, estheticians, and nail technicians; to change the qualifications
5 for teachers and instructors of cosmetologists, estheticians, and nail technicians; to change
6 certain provisions relating to reciprocity; to authorize the State Board of Cosmetology to
7 waive certain education requirements under said chapter in cases of hardship, disability, or
8 illness or under such other circumstances as the board deems appropriate with respect to
9 applicants who were enrolled in a board approved school or had completed a board approved
10 study course as of June 30, 2000; to amend Chapter 10A of Title 43 of the Official Code of
11 Georgia Annotated, the "Professional Counselors, Social Workers, and Marriage and Family
12 Therapists Licensing Law," so as to provide for the licensing of mental health therapists and
13 associate mental health therapists; to change the provisions relating to the short title,
14 legislative purpose, and definitions; to change the provisions relating to the Georgia
15 Composite Board of Professional Counselors, Social Workers, and Marriage and Family
16 Therapists, and standards committees thereof; to change the provisions prohibiting the
17 unlicensed practice of specialties and the use of certain titles and change the exceptions to
18 such prohibitions; to change the requirements for licensure and establish such requirements
19 for mental health therapists and associate mental health therapists; to change the provisions
20 regarding the use of certain titles by various business entities; to change the provisions
21 regarding legislative construction; to provide for effective dates; to repeal conflicting laws;
22 and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

24 Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists,
25 is amended by striking in its entirety Code Section 43-10-9, relating to application for
26

1 certificate of registration, and inserting in lieu thereof a new Code Section 43-10-9 to read
2 as follows:

3 "43-10-9.

4 (a) Any person desiring to obtain a certificate of registration to enable him or her to engage
5 in the occupation of cosmetology shall make application through the division director to
6 the board and shall present proof that he or she has obtained a high school diploma, a
7 general educational ~~diploma~~ development (GED) diploma, ~~its substantial equivalent, or~~
8 ~~passed a nationally recognized test~~ or a postsecondary education or college degree. If, after
9 review of the application, it is determined that the applicant is at least 17 years of age; ~~and~~
10 has met the minimum educational requirements; is of good moral character; has completed
11 a 1,500 credit hour study course with ~~a minimum of~~ at least nine months at a board
12 approved school or has served as an apprentice in a beauty shop or beauty salon for a
13 period of at least ~~3,300~~ 3,000 credit hours; has practiced or studied the occupation of
14 cosmetology; is possessed of the requisite skill in such occupation to perform properly all
15 the duties of the occupation, including his or her ability in the preparation of tools, in
16 performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the
17 duties and services incident thereto; ~~shall pay~~ has paid to the division director an
18 examination fee in such amount as shall be set by the board by regulation; and ~~shall present~~
19 has presented himself or herself at the next meeting of the board held for examination of
20 applicants at which such person is scheduled for examination and ~~shall pass the~~ has passed
21 both a written and a practical examination, a certificate of registration shall be issued to
22 him or her entitling him or her to practice the occupation of master cosmetologist.
23 Notwithstanding any other provisions of this subsection, the board shall be authorized to
24 waive any education requirements under this subsection in cases of hardship, disability, or
25 illness or under such other circumstances as the board deems appropriate with respect to
26 any applicant who was enrolled in a board approved school or had completed a board
27 approved study course as of June 30, 2000.

28 (b) Should an applicant under this Code section fail to pass ~~such an~~ the written or the
29 practical examination, the board shall furnish ~~him or her~~ the applicant a statement in
30 writing, stating wherein the applicant was deficient. Nothing in this chapter shall be
31 construed to prevent applicants from making subsequent applications to qualify under this
32 Code section, provided they again pay the required examination fee.

33 (c) An approved applicant for examination under this Code section may be issued a work
34 permit authorizing said applicant to practice such occupation until the release of the results
35 of the written and the practical examination for which the applicant is scheduled. If the
36 applicant fails to appear for the examination or fails any portion of the examination, the

1 work permit shall be revoked unless the applicant provides just cause to the board as to
2 why the applicant was unable to appear for the examination.

3 (d) Should an applicant have a current cosmetology license in force from another state or
4 country, or territory of the United States, or the District of Columbia, where similar
5 reciprocity is extended to this state and licensure requirements are substantially equal to
6 those in this state, and have paid to the division director a fee in such amount as shall be
7 set by the board by regulation, the applicant may be issued, without examination, a
8 certificate of registration at the appropriate level, entitling ~~him or her~~ the applicant to
9 practice the occupation of cosmetology or the teaching of cosmetology at that level, unless
10 the board, in its discretion, sees fit to require a written or a practical examination subject
11 to the terms and provisions of this chapter. Notwithstanding any other provisions of this
12 subsection, the board shall be authorized to waive any education or experience
13 requirements applicable to any person who holds a current license or certificate to practice
14 cosmetology outside of this state and who desires to obtain a license or certificate at a level
15 authorized under this Code section to practice at such level in this state in cases of
16 hardship, disability, or illness or under such other circumstances as the board deems
17 appropriate.

18 (e) Any person desiring to obtain a certificate of registration at the esthetician level under
19 the terms of this chapter shall make application through the division director to the board
20 and shall present proof that he or she has ~~completed the twelfth grade of school instruction~~
21 obtained a high school diploma, a general educational development (GED) diploma, or its
22 substantial equivalent a postsecondary education or college degree. If, after review of the
23 application, it is determined that the applicant is at least 17 years of age; ~~and~~ has met the
24 minimum educational requirements; is of good moral character; has completed a 1,000
25 credit hour study course ~~within a nine-month period~~ of at least nine months at a board
26 approved school or has served as an apprentice in a beauty shop or beauty salon for a
27 period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined
28 in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform
29 properly these services; ~~shall pay~~ has paid to the division director an examination fee in
30 such amount as shall be set by the board by regulation; and ~~shall present~~ has presented
31 himself or herself at the next meeting of the board for examination of applicants at which
32 such person is scheduled for examination and ~~shall pass the~~ has passed a written and a
33 practical examination, a certificate of registration shall be issued to ~~him or her~~ the applicant
34 entitling ~~him or her~~ the applicant to practice the occupation of cosmetology at the
35 esthetician level. Notwithstanding any other provisions of this subsection, the board shall
36 be authorized to waive any education requirements under this subsection in cases of

1 hardship, disability, or illness or under such other circumstances as the board deems
2 appropriate with respect to any applicant who was enrolled in a board approved school or
3 had completed a board approved study course as of June 30, 2000.

4 (f) Any person desiring to obtain a certificate of registration at the nail technician level
5 under the terms of this chapter shall make application through the division director to the
6 board and shall present proof that he or she has ~~completed the twelfth grade of school~~
7 instruction obtained a high school diploma, a general educational development (GED)
8 diploma, or its substantial equivalent a postsecondary education or college degree. If, after
9 review of the application, it is determined that the applicant is at least 17 years of age; and
10 has met the minimum educational requirements; is of good moral character; has
11 completed a 525 credit hour study course with a minimum of at least four months at a
12 board approved school or has served as an apprentice in a beauty shop or beauty salon for
13 a period of at least 1,050 credit hours; has practiced or studied nail care; is possessed of
14 the requisite skill to perform properly these services; has paid , ~~and the applicant pays to~~
15 ~~the division director an examination fee in such amount as shall be set by the board by~~
16 ~~regulation;~~ and has presented , ~~presents~~ himself or herself at the next meeting of the board
17 held for examination of applicants at which such person is scheduled for examination, ~~and~~
18 ~~passes the~~ and has passed both a written and a practical examination, ~~then~~ a certificate of
19 registration shall be issued to ~~him or her~~ the applicant entitling ~~him or her~~ the applicant to
20 practice the occupation of cosmetology at the nail technician level. Notwithstanding any
21 other provisions of this subsection, the board shall be authorized to waive any education
22 requirements under this subsection in cases of hardship, disability, or illness or under such
23 other circumstances as the board deems appropriate with respect to any applicant who was
24 enrolled in a board approved school or had completed a board approved study course as of
25 June 30, 2000.

26 (g) Nothing in this Code section shall be construed as preventing a person from obtaining
27 a certificate of registration for the occupation of cosmetology; at the master level, the
28 esthetician level, or the nail technician level if such person obtains his or her credit hour
29 study at a State Board of Education approved school or a technical institute under the
30 jurisdiction of the Department of Technical and Adult Education or the Department of
31 Education rather than at a board approved school.

32 (h) A person licensed to practice barbering under Chapter 7 of this title shall be eligible
33 to take the master cosmetologist examination provided for in this Code section if that
34 person completes a board approved 250 hour prescribed course in an approved
35 cosmetology school, submits a completed application, and pays the proper fees established
36 by the board."

1 (i) Holds holds a current cosmetology license at the esthetician or master level and
 2 is a high school graduate, has a general education development (GED) diploma, or
 3 has a postsecondary education or college degree; a diploma or certificate of at least
 4 1,000 credit hours from a board approved school or a program approved by the
 5 Department of Technical and Adult Education or Department of Education, is a high
 6 school graduate, has 18 months' work experience in a beauty salon, and has nine
 7 months' instructor training in a registered school of esthetics, school of cosmetology,
 8 or a technical school under the jurisdiction of the Department of Technical and Adult
 9 Education or Department of Education.

10 (ii) Has 1,000 hours of board approved instructor training in esthetics of at least nine
 11 months;

12 (iii) Has one year of work experience at the esthetician or master level; and

13 (iv) Has passed both a written and a practical examination to become an instructor
 14 in esthetics.

15 (B) A person holding a current cosmetology license at the esthetician or master level
 16 who is a high school graduate, has a general education development (GED) diploma,
 17 or has a postsecondary education or college degree; who has completed the required
 18 board approved hours of continuing education; and has board approved work
 19 experience as an instructor or in education may, at the board's discretion, be permitted
 20 to take the written and the practical examination to become an instructor at the
 21 esthetician level.

22 (4)(A) A person desiring to teach at the nail technician level shall satisfy the board that
 23 he or she:

24 (i) Holds holds a current cosmetology license at the nail technician or master level
 25 and is a high school graduate, has a general education development (GED) diploma,
 26 or has a postsecondary education or college degree; a diploma or certificate of at least
 27 525 credit hours from a board approved school or a program approved by the
 28 Department of Technical and Adult Education or Department of Education, is a high
 29 school graduate or has passed a nationally recognized test, has 18 months' work
 30 experience in a beauty salon, and has six months' instructor training in a registered
 31 school of nail care, school of cosmetology, or a technical school under the jurisdiction
 32 of the Department of Technical and Adult Education or Department of Education.

33 (ii) Has 525 hours of board approved instructor training in nail care of at least four
 34 months;

35 (iii) Has one year of work experience at the nail technician or master level; and

1 ~~(iv) Has passed both a written and a practical examination to become an instructor~~
2 ~~in nail care.~~

3 ~~(B) A person holding a current cosmetology license at the nail technician or master~~
4 ~~level who is a high school graduate, has a general education development (GED)~~
5 ~~diploma, or has a postsecondary education or college degree; who has completed the~~
6 ~~required board approved hours of continuing education; and has board approved work~~
7 ~~experience as an instructor or in education may, at the board's discretion, be permitted~~
8 ~~to take the written and the practical examination to become an instructor at the nail~~
9 ~~technician level.~~

10 ~~Such person shall also pass an examination at the appropriate level of instruction~~
11 ~~satisfactory to the board and, upon passage thereof, shall receive a license to teach~~
12 ~~cosmetology at the appropriate level. Any person who has actively engaged in the~~
13 ~~practice of esthetics or nail care for five years prior to July 1, 1985, shall be able to stand~~
14 ~~for examination to be licensed to teach at the appropriate level without meeting the credit~~
15 ~~hour and instructor training requirements, provided that such person holds a current~~
16 ~~license at the esthetician, nail technician, or master level, is a high school graduate or its~~
17 ~~equivalent, submits proper application and proof satisfactory to the board, and has paid~~
18 ~~or pays the required fees prior to November 1, 1985.~~

19 ~~(2)(5)~~ Any teacher or instructor shall renew his or her license to teach cosmetology
20 biennially in odd years by remitting with his or her application a renewal fee in such
21 amount as shall be set by the board by regulation; provided, however, any teacher or
22 instructor who fails to renew his or her certificate of registration to practice as a
23 cosmetologist, esthetician, or nail technician on or before the date established by the
24 board by regulation shall automatically have his or her license to teach or instruct
25 revoked. A person failing to renew his or her ~~teacher's~~ instructor's license within two
26 years after expiration shall be required to qualify under this chapter for both a written and
27 a practical ~~an~~ examination for ~~a teacher's~~ an instructor's license.

28 ~~(3)(6)~~ Nothing in this Code section shall be construed as preventing a person from
29 obtaining a certificate of registration as teacher or instructor who is certified by the
30 Department of Education to teach cosmetology in the state public schools. The
31 certification is limited to those persons who hold a current cosmetology license at the
32 master level and also hold a diploma or certificate of ~~1,650~~ 1,500 credit hours from a
33 board approved school and have completed the three-year teachers training program
34 required by the Department of Education. Such persons shall also pass ~~an~~ both a written
35 and a practical examination satisfactory to the board and, upon passage thereof, shall
36 receive a license to teach cosmetology."

SECTION 3.

Said chapter is further amended by striking in its entirety Code Section 43-10-14, relating to study by persons 17 years of age and older, and inserting in lieu thereof a new Code Section 43-10-14 to read as follows:

"43-10-14.

(a) Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a license of a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of cosmetology under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least 18 months and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate or an esthetician certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of esthetics who has been a licensed cosmetologist for a period of at least 18 months, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 17 years of age from learning the occupation of nail care or manicuring under a cosmetologist holding a master cosmetologist certificate or a nail technician certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of nail care who has been a licensed cosmetologist for a period of at least 18 months, is qualified to teach said practices, and has registered under this chapter. Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, esthetics, or nail care or manicuring at the time of registration notwithstanding that the person under whom the apprentice was learning such occupation does not meet the 36 months' experience otherwise required by this Code section. Every shop owner shall have the responsibility for registering apprentices with the division director. The shop owner shall file a statement in writing, showing the apprentice's name and the address of the shop. The board shall have the authority to require the shop owner to furnish to the board the number of hours completed by the apprentice. The shop owner shall remit to the division director a fee in such amount as shall be set by the board by regulation for the registration of the apprentice. The apprentice shall receive a certificate of registration showing the capacity in which he or she is permitted to practice cosmetology. The certificate of registration shall be effective for a

1 period of two years and may be renewed at the end of such period upon the filing of an
 2 application on forms furnished by the division director and the payment of a renewal fee
 3 in such amount as shall be set by the board by regulation. A certificate of registration
 4 authorizing a person to learn the occupation of cosmetology under a cosmetologist shall
 5 not be renewed more than one time; and, upon the expiration of the last certificate of
 6 registration issued, such person shall not be permitted to practice in any capacity.

7 (b) Notwithstanding any other provisions of this subsection, the board shall be authorized
 8 to waive any education requirements under this subsection in cases of hardship, disability,
 9 or illness or under such other circumstances as the board deems appropriate with respect
 10 to any applicant who was enrolled in a board approved school or had completed a board
 11 approved study course as of June 30, 2000."

12 SECTION 4.

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

17 "43-10A-1.

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

20 SECTION 5.

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

23 "43-10A-2.

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

28 SECTION 6.

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

31 "43-10A-3.

32 As used in this chapter, the term:

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

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

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

10 (3.1) 'Commission on Rehabilitation Counselor Certification' means the national
11 certifying agency for rehabilitation counselors as recognized by the National Commission
12 for Certifying Agencies.

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

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

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

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

26 (8) 'Marriage and family therapy' means that specialty which evaluates and treats
27 emotional and mental problems and conditions, whether cognitive, affective, or
28 behavioral, resolves intrapersonal and interpersonal conflicts, and changes perception,
29 attitudes, and behavior; all within the context of marital and family systems. Marriage
30 and family therapy includes, without being limited to, individual, group, couple, sexual,
31 family, and divorce therapy. Marriage and family therapy involves an applied
32 understanding of the dynamics of marital and family systems, including individual
33 psychodynamics, the use of assessment instruments that evaluate marital and family
34 functioning, and the use of psychotherapy and counseling.

35 (8.1) 'Mental health therapist' means a person licensed to practice mental health therapy
36 under this chapter.

1 (8.2) 'Mental health therapy' means the performance of that specialty which evaluates
2 and treats persons with behavioral, affective, cognitive, and interpersonal problems or
3 conditions, or seeks to prevent such problems or conditions, or seeks to enhance behavior
4 and mental health. The means by which these are accomplished include, but are not
5 limited to, applying empirically derived and validated psychological principles and
6 procedures, using assessment instruments under the supervision of a licensed
7 psychologist, which the mental health therapist is qualified to employ by virtue of
8 education and training, conducting interviews, utilizing individual or group techniques
9 while engaging in psychotherapy, and utilization and interpretation of psychological
10 research.

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

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

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

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

35 (13) 'Social work' means that specialty which helps individuals, marriages, families,
36 couples, groups, or communities to enhance or restore their capacity for functioning: by

1 assisting in the obtaining or improving of tangible social and health services; by
 2 providing psychosocial evaluations, in-depth analyses and determinations of the nature
 3 and status of emotional, cognitive, mental, behavioral, and interpersonal problems or
 4 conditions; and by counseling and psychotherapeutic techniques, casework, social work
 5 advocacy, psychotherapy, and treatment in a variety of settings which include but are not
 6 limited to mental and physical health facilities, child and family service agencies, or
 7 private practice.

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

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

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

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

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

24 SECTION 7.

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

28 "43-10A-4.

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

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

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

4 (3) Three members licensed as marriage and family therapists, two of whom shall be
5 designated at the time of their appointment to serve an initial term ending December 31,
6 1987, and one of whom shall be designated to serve an initial term ending December 31,
7 1988; and

8 (3.1) Three members licensed as mental health therapists, two of whom shall be
9 designated at the time of their appointment to serve an initial term ending December 31
10 of the calendar year immediately following the calendar year in which this paragraph
11 becomes effective, and one of whom shall be designated to serve an initial term ending
12 December 31 of the second calendar year following the calendar year in which this
13 paragraph becomes effective.

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

16 (b) All members of the board shall be appointed by the Governor, subject to confirmation
17 by the Senate. Those members first appointed to the board under this chapter shall serve
18 for initial terms of office beginning September 1, 1985, except that those first appointed
19 as mental health therapists shall serve for initial terms of office beginning on the sixtieth
20 day following the date this subsection becomes effective. Those members of the board
21 required to be licensed and who are first appointed to the board shall be persons who are
22 practicing in the designated specialty at the time of appointment and who must be licensed
23 therein as required within 12 months following their appointment.

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

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

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

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

3 SECTION 8.

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

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

13 SECTION 9.

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

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

25 SECTION 10.

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

28 "(6) Persons who have obtained one of the graduate degrees required for licensure as a
29 professional counselor, mental health therapist, or marriage and family therapist and who
30 are practicing such specialty under supervision and direction in order to obtain the
31 experience required for licensure;"

32 "(16) Any person engaged in the practice of professional counseling or mental health
33 therapy as an employee or student peer counselor of the University System of Georgia

1 or its educational units, the Department of Technical and Adult Education or its
 2 educational units, or of a public or private college or university within this state, but only
 3 when engaged in that practice as such an employee or student peer counselor and
 4 excepting the use of psychotherapeutic techniques to evaluate and treat emotional and
 5 mental illness, disorder, or dysfunction;

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

14 **SECTION 11.**

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

17 “43-10A-8.

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

20 (1) Having met the education, training, and experience requirements of Code Section
 21 43-10A-11, 43-10A-12, ~~or 43-10A-13~~, or 43-10A-13.1 regarding that specialty for which
 22 a license is sought;

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

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

28 (4) Having furnished at least two personal references from supervisors, teachers, or any
 29 combination thereof.”

30 **SECTION 12.**

31 Said chapter is further amended by adding after Code Section 43-10A-13 a new Code section
 32 to read as follows:

33 “43-10A-13.1.

1 (a) The education, experience, and training requirements for licensure as a mental health
2 therapist are as follows:

3 (1) For licensure, a master's degree in psychology from a recognized educational
4 institution which includes a supervised internship or practicum as part of the degree
5 program, and four years of post-master's directed experience under supervision in a
6 setting acceptable to the board. Up to one year of such experience may have been in an
7 approved supervised internship or practicum as part of the degree program; and

8 (2) For associate licensure, a master's degree in psychology from a recognized
9 educational institution which includes a supervised internship or practicum as part of the
10 degree program and registration with the board of an acceptable contract for obtaining
11 the post-master's experience under the direction and supervision required for licensure.

12 (b) Within the 24 month period immediately following the date this Code section becomes
13 effective, the board may grant a mental health therapist license to any person licensed
14 under this chapter in professional counseling or marriage and family therapy without such
15 person's passing any licensing examination provided that person:

16 (1) Has earned a master's degree in psychology from a recognized educational
17 institution;

18 (2) Has earned a minimum of 600 hours per year over four years of directed experience
19 with no more than one year earned in a practicum or internship; and

20 (3) Has earned 30 hours of supervision per year over four years of directed experience
21 with no more than 30 hours earned during a practicum or internship.

22 (c) Persons having an associate license as a mental health therapist may only use the title
23 'associate mental health therapist' and may practice mental health therapy only under
24 direction and supervision and only for a period not to exceed five years while obtaining the
25 post-master's experience required for being licensed as a mental health therapist."

26 SECTION 13.

27 Said chapter is further amended by striking subsection (a) of Code Section 43-10A-21,
28 restricting use of terms in business names, and inserting in its place the following:

29 "(a) No corporation, partnership, association, or other business entity may use in its
30 corporate, partnership, association, or business name any term or title restricted under
31 subsection (a) of Code Section 43-10A-7 or the term 'professional counseling,' 'social
32 work,' 'mental health therapist,' or 'marriage and family therapy,' or any words, letters,
33 titles, or figures indicating or implying that such entity or any of its employees, officers,
34 or agents are practicing a specialty regulated under this chapter, unless each person
35 practicing a specialty in that entity, except those persons exempt under paragraph (1), (4),

1 (5), (6), (11), (13), or (14) of subsection (b) of Code Section 43-10A-7, is licensed under
2 this chapter."

3 **SECTION 14.**

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

6 "43-10A-22.

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

14 **SECTION 15.**

15 Sections 4 through 14 of this Act shall become effective only if funds are specifically
16 appropriated for purposes of this Act in an appropriations Act making specific reference to
17 this Act and shall become effective when funds so appropriated become available for
18 expenditure. The remaining provisions of this Act shall become effective July 1, 2001.

19 **SECTION 16.**

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