

House Bill 60 (AS PASSED HOUSE AND SENATE)

By: Representatives Jacobs of the 80th, Willard of the 49th, Wilkinson of the 52nd, Lindsey of the 54th, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to
2 licensing requirements and exceptions, so as to provide that no person exempt from the
3 licensing requirements of such Code section shall hold himself or herself out as being
4 licensed to practice professional counseling, social work, or marriage and family therapy or
5 use any term or other indicia implying that he or she is licensed to practice professional
6 counseling, social work, or marriage and family therapy or any combination thereof; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing
11 requirements and exceptions, is amended by revising subsection (b) as follows:

12 "(b) The prohibition of subsection (a) of this Code section shall not apply to the following
13 persons; provided, however, that no such person shall hold himself or herself out as being
14 licensed to practice professional counseling, social work, or marriage and family therapy
15 or any combination thereof or use the words 'licensed' or 'licensure' or any other words,
16 letters, titles, images, or figures stating or implying that he or she is licensed to practice any
17 such specialty, and no organization shall present itself as authorized to license individuals
18 to practice any such specialty:

19 (1) Persons licensed to practice medicine or psychology under Chapter 34 or 39,
20 respectively, of this title;

21 (2) Persons engaged in the practice of a specialty as an employee of any agency or
22 department of the federal government or any licensed hospital or long-term care facility,
23 but only when engaged in that practice as an employee of such agency, department,
24 hospital, or facility;

25 (3)(A) Persons who, prior to July 1, 2000, engaged in the practice of a specialty as an
26 employee of any community service board or similar entity created by general law to
27 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, or any
28 agency or department of the state or any of its political subdivisions, but only when
29 engaged in that practice as an employee of such an agency or department.

30 (B) Persons who engage in the practice of social work as employees of any community
31 service board or similar entity created by general law to provide services to persons
32 with disabilities, as defined in Chapter 2 of Title 37, or any agency or department of the
33 state or any of its political subdivisions, but only when engaged in that practice as
34 employees of such community service board or similar entity, agency, or department,
35 and persons or entities which contract to provide social work services with any
36 community service board or similar entity or any agency or department of the state or
37 any of its political subdivisions, but such contracting persons and entities shall only be
38 exempt under this subparagraph when engaged in providing social work services
39 pursuant to those contracts and shall only be exempt until January 1, 1996.

40 (C) Persons who engage in the practice of professional counseling as employees of
41 privately owned correctional facilities, the Department of Corrections, Department of
42 Human Resources, any county board of health, or any community service board or
43 similar entity created by general law to provide services to persons with disabilities, as
44 defined in Chapter 2 of Title 37, but only when engaged in that practice as employees
45 of such privately owned correctional facility, department, board, or entity and persons
46 or entities which contract to provide professional counseling services with such
47 department or board of health, but such contracting persons and entities shall only be
48 exempt under this subparagraph when engaged in providing professional counseling
49 services pursuant to those contracts and shall only be exempt until January 1, 1996;

50 (4) Students of a recognized educational institution who are preparing to become
51 practitioners of a specialty, but only if the services they render as such practitioners are
52 under supervision and direction and their student status is clearly designated by the title
53 'trainee' or 'intern';

54 (5) Persons who have obtained a master's degree from a program accredited by the
55 Council on Social Work Education and who are practicing social work under direction
56 and supervision while preparing to take the master's social work licensing examination,
57 but only for a period of up to one year following the granting of such degree;

58 (6) Persons who have obtained one of the graduate degrees required for licensure as a
59 professional counselor or marriage and family therapist and who are practicing such
60 specialty under supervision and direction in order to obtain the experience required for
61 licensure;

- 62 (7) Elementary, middle, or secondary school counselors and school social workers
63 certificated as such by the Department of Education, Professional Standards Commission,
64 or its successor agency but only when practicing within the scope of such certification
65 and only when designated by the title 'school counselor,' 'school social worker,' or a title
66 designated by the school system in which they are employed for persons practicing within
67 such certification;
- 68 (8) Persons registered as rehabilitation suppliers by the Georgia Board of Workers'
69 Compensation, including those registered as of July 1, 1992, but only when practicing
70 rehabilitation counseling as a rehabilitation supplier for workers' compensation claimants
71 and only so long as they do not use any titles other than titles describing the certifications
72 or licenses they are required to hold under Code Section 34-9-200.1;
- 73 (9) Active members of the clergy but only when the practice of their specialty is in the
74 course of their service as clergy;
- 75 (10) Members of religious ministries responsible to their established ecclesiastical
76 authority who possess a master's degree or its equivalent in theological studies;
- 77 (11) Persons engaged in the practice of a specialty in accordance with Biblical doctrine
78 in public or nonprofit agencies or entities or in private practice;
- 79 (12) Persons engaged in the practice of a specialty as an employee of the Division of
80 Family and Children Services of the Department of Human Resources but only when
81 engaged in such practice as an employee of that division;
- 82 (13) Persons who have obtained a master's degree from a program accredited by the
83 Council on Social Work Education and who are engaged in the practice of community
84 organization, policy, planning, research, or administration may use the title 'social worker'
85 and may only engage in such practice;
- 86 (14) Persons who have obtained a bachelor's degree in social work from a program
87 accredited by the Council on Social Work Education may use the title 'social worker' and
88 may practice social work, but they may not practice autonomously and may only practice
89 under direction and supervision, and, notwithstanding the definitions in paragraphs (5)
90 and (15) of Code Section 43-10A-3, such supervision shall be provided by a social
91 worker who, as a minimum, has been awarded a bachelor's or a master's degree in social
92 work from a program accredited by the Council on Social Work Education and who has
93 completed at least two years of post-degree practice in the field of social work;
- 94 (15) Addiction counselors who have met the certification requirements of the Georgia
95 Addiction Counselors' Association or any other similar private association of addiction
96 counselors which association includes among its certification requirements the following:
97 (A) Attainment of a high school diploma or a general educational development (GED)
98 equivalency diploma;

99 (B) Completion of at least 4,000 hours of full-time paid experience under direction
100 provided by a person acceptable to the association in the practice of chemical
101 dependency and abuse counseling;

102 (C) Completion of at least 180 hours of education in the field of addiction and
103 addiction counseling or treatment; and

104 (D) Completion of at least 220 hours of supervision provided by a supervisor who
105 meets the qualifications established by the association and which teaches chemical
106 dependency and abuse counseling.

107 Services which may be provided under this paragraph shall be limited to those practices
108 sanctioned by the certifying association and shall in any event be limited to the provision
109 of chemical dependency treatment in the following settings: screening; intake;
110 orientation; assessment for addiction diseases; treatment planning; individual, family, and
111 group addiction counseling; case management; crisis intervention; client education;
112 referral, reporting, and record keeping; and consultation with other professionals in
113 regard to client treatment and services. Persons exempt under this paragraph shall not use
114 any title indicating or implying that they are licensed under this chapter;

115 (15.1) Persons who are training to be addiction counselors but only when such persons
116 are:

117 (A) Employed by an agency or facility that is licensed to provide addiction counseling;

118 (B) Supervised and directed by a supervisor who meets the qualifications established
119 by the Georgia Addiction Counselor's Association or any other similar private
120 association of addiction counselors which includes among its certification requirements
121 the criteria specified in paragraph (15) of this subsection;

122 (C) Graduated from high school or have a general educational development (GED)
123 equivalency diploma; and

124 (D) Actively seeking certification in accordance with the requirements of paragraph
125 (15) of this subsection.

126 No person shall qualify for the exception provided under this paragraph for a period in
127 excess of three years. Services which may be provided under this paragraph shall be
128 limited to those practices sanctioned by the certifying association and shall in any event
129 be limited to the provision of chemical dependency treatment in the following settings:
130 screening; intake; orientation; assessment for addiction diseases; treatment planning;
131 individual, family, and group addiction counseling; case management; crises intervention;
132 client education; referral, reporting, and record keeping; and consultation with other
133 professionals in regard to client treatment and services. Persons exempt under this
134 paragraph shall not use any title indicating or implying that they are licensed under this
135 chapter.;

136 (16) Any person engaged in the practice of professional counseling as an employee or
137 student peer counselor of the University System of Georgia or its educational units, the
138 Technical College System of Georgia or its educational units, or of a public or private
139 college or university within this state, but only when engaged in that practice as such an
140 employee or student peer counselor and excepting the use of psychotherapeutic
141 techniques to evaluate and treat emotional and mental illness, disorder, or dysfunction;
142 (17) Persons who engage in the practice of professional counseling, excluding the use
143 of psychotherapy, as employees of organizations which maintain, now or in the future,
144 accreditation from the Commission on Accreditation of Rehabilitation Facilities or the
145 national Accreditation Council for Agencies Serving the Blind and Visually
146 Handicapped, but only when those persons are providing those services as employees of
147 those organizations pursuant to contracts between such organizations and the state or a
148 department, agency, county, municipality, or political subdivision of the state;
149 (18) Persons engaged in the practice of a specialty as an employee of the Department of
150 Labor, but only when engaged in such practice as an employee of such department; and
151 (19) Persons currently licensed to practice a specialty in another jurisdiction and who are
152 practicing such specialty within a defined disaster area in order to alleviate the impact on
153 persons affected by a disaster as defined in paragraph (1) of Code Section 38-3-91 or a
154 state of emergency as defined in paragraph (7) of Code Section 38-3-3, but only when
155 such specialty services are provided without cost to the recipients, and only for a
156 maximum of 30 consecutive days following a disaster or a state of emergency."

157 **SECTION 2.**

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