

House Bill 395

By: Representatives Chandler of the 105th, Cooper of the 43rd, Pruett of the 149th, Dempsey of the 13th, Gardner of the 57th, and others

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 a definition for the term "psychological testing"; to clarify that
3 persons licensed as professional counselors, social workers, and marriage and family
4 therapists are not authorized to conduct psychological testing as defined; to clarify that
5 psychological testing is part of the practice of psychology; to provide that such licensed
6 persons are able to perform certain tests other than psychological testing; to amend Code
7 Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to
8 the general provisions governing and regulating mental health, so as to conform a
9 cross-reference; to provide an effective date; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
14 is amended by revising Code Section 43-10A-22, relating to scope of practice relative to
15 professional counselors, social workers, and marriage and family therapists, as follows:

16 "43-10A-22.

17 Nothing in this chapter shall be construed to authorize persons licensed under this chapter
18 to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as
19 regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything
20 in this chapter be construed to limit or regulate the practice of those licensed under ~~said~~
21 Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this chapter be construed
22 to authorize persons licensed under this chapter to perform psychological testing as defined
23 in Code Section 43-39-1."

24 **SECTION 2.**

25 Said title is further amended by revising Code Section 43-39-1, relating to definitions relative
 26 to psychologists, as follows:

27 "43-39-1.

28 As used in this chapter, the term:

29 (1) 'Board' means the State Board of Examiners of Psychologists.

30 (2) 'Mental abilities' means abilities that are psychological in nature, as opposed to
 31 physical in nature. Mental abilities include but are not limited to intelligence, cognition,
 32 attention, concentration, memory, language, abstraction, creativity, and problem solving.

33 (3) 'Neuropsychological functioning' means the psychological manifestations of brain
 34 functioning. Neuropsychological functioning includes but is not limited to sensory-motor
 35 functioning, attention, concentration, memory, language, abstraction, problem solving,
 36 visual spatial ability, executive functioning, and personality.

37 ~~(2)~~(4) 'Neuropsychology' means the subspecialty of psychology concerned with the
 38 relationship between the brain and behavior, including the diagnosis of brain pathology
 39 through the use of psychological tests and assessment techniques.

40 (5) 'Personality characteristics' means personality states, traits, attitudes, emotional
 41 conditions, self-image, and motivation.

42 (6) 'Psychological testing' means the use of assessment instruments that measure mental
 43 abilities, personality characteristics, or neuropsychological functioning in order to
 44 diagnose, evaluate, classify, render opinions regarding, or treat mental and nervous
 45 disorders and illnesses, including, but not limited to, organic brain disorders and brain
 46 damage.

47 ~~(3)~~(7) 'To practice psychology' means to render or offer to render to individuals, groups,
 48 organizations, or the public for a fee or any remuneration, monetary or otherwise, any
 49 service involving the application of recognized principles, methods, and procedures of
 50 the science and profession of psychology, ~~such as,~~ including, but not limited to,
 51 diagnosing and treating mental and nervous disorders and illnesses, rendering opinions
 52 concerning diagnoses of mental disorders, including, but not limited to, organic brain
 53 disorders and brain damage, engaging in neuropsychology, engaging in psychotherapy,
 54 interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests,
 55 and personality characteristics, including, but not limited to, psychological testing, for
 56 such purposes as psychological classification or evaluation, or for education or vocational
 57 placement, or for such purposes as psychological counseling, guidance, or readjustment.
 58 Nothing in this paragraph shall be construed as permitting the administration or
 59 prescription of drugs or in any way infringing upon the practice of medicine as defined
 60 in the laws of this state."

61 **SECTION 3.**

62 Said title is further amended by revising Code Section 43-39-7, relating to the practice of
 63 psychology without a license, use of psychologist title, and exceptions, by striking the word
 64 "and" at the end of paragraph (7), by replacing the period at the end of paragraph (8) with
 65 "; and", and by adding a new paragraph to read as follows:

66 "(9) Nothing in this chapter shall be construed as prohibiting any person licensed under
 67 Chapter 10A of this title from providing services he or she is authorized to perform under
 68 Chapter 10A of this title, including, but not limited to, administering and interpreting
 69 educational and vocational tests; interest inventories; tests that evaluate marital and
 70 family functioning; mental health symptom screening instruments that evaluate
 71 emotional, mental, behavioral, and interpersonal problems or conditions including
 72 substance use, health, and disability; or other tests that do not constitute psychological
 73 testing."

74 **SECTION 4.**

75 Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions
 76 relative to the general provisions governing and regulating mental health, is amended by
 77 revising paragraph (17) as follows:

78 "(17) 'Psychologist' means any person authorized under the laws of this state to practice
 79 as a licensed psychologist as set forth in paragraph (3) of Code Section 43-39-1 duly
 80 licensed to practice psychology in this state under Chapter 39 of Title 43."

81 **SECTION 5.**

82 This Act shall become effective upon its approval by the Governor or upon its becoming law
 83 without such approval.

84 **SECTION 6.**

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