House Bill 773
By: Representatives Turner of the 21st, Jones of the 25th, and Pirkle of the 155th

A BILL TO BE ENTITLED
AN ACT
To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for reciprocal licensing of professions, occupations, and trades for individuals licensed outside of the State of Georgia; to provide for definitions; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new Code section to read as follows:

"43-1-35.
(a) As used in this Code section, the term:
(1) 'License' means a document, permit, certificate of registration, or other authorization that is required for an individual to engage in a profession, occupation, or trade.
(2) 'Regulating entity' means a board, agency, or other entity that issues a license on behalf of a state, country, or province or other such subdivision within a country.
(3) 'Relocating military spouse' means a spouse of a service member accompanying such service member to an official permanent change of station to a military installation located in this state.
(4) 'Service member' means an active duty member of the United States armed forces, including the National Guard.
(5) 'State' means a state of the United States or the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
(b) Notwithstanding any other law, a license shall be issued in the discipline applied for and for the same scope of practice as determined by the respective regulating entity to an..."
individual who is a resident of this state or who is a relocating military spouse, if such individual:

(1) Is currently licensed in at least one other state, country, or province or other such subdivision thereof in the discipline applied for and for the same scope of practice as determined by the regulating entity and the license is in good standing in all states, countries, and provinces or other such subdivisions thereof in which the person holds a license in such discipline;

(2) Has been licensed in such discipline for at least one year;

(3) Was licensed by a regulating entity outside of this state when there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and such regulating entity verifies that the individual met those requirements in order to be licensed by such regulating entity;

(4) Previously passed an examination required for the license, if required by the regulating entity outside of this state;

(5) Has not had a license revoked;

(6) Has not voluntarily surrendered a license or certificate issued by a regulating entity outside of this state while under investigation for unprofessional conduct;

(7) Has not had disciplinary action relating to unprofessional conduct imposed by any regulating entity. If another jurisdiction has taken disciplinary action against the person, the regulating entity in this state shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the regulating entity in this state may not issue or deny a license until the matter is resolved;

(8) Does not have a complaint, allegation, or investigation pending before a regulating entity outside of this state that relates to unprofessional conduct. If an applicant has a complaint, allegation, or investigation pending, the regulating entity in this state shall suspend the application process and may not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved;

(9) Does not have a disqualifying criminal history as determined by the regulating entity in this state; and

(10) Pays all applicable fees.

(c) Nothing in this Code section shall prevent a regulating entity in this state from entering into a licensing compact or reciprocity agreement with another state, country, or province or other such subdivision thereof.

(d) A regulating entity that administers an examination on the law of this state as part of its license application requirement may require an applicant to take and pass an examination specific to the laws of the State of Georgia prior to issuing a license pursuant
to this Code section. This subsection shall not be applicable to relocating military spouses as such individuals shall not be required to pass such an examination.

(e) An individual who is licensed in this state pursuant to this Code section shall be subject to the laws regulating such individual's practice in this state and shall be subject to the jurisdiction of the regulating entity in this state.

(f) This Code section shall not apply to:

(1) Criteria for a license that is issued pursuant to a license of eligibility that is established by an interstate compact; or

(2) The ability of a regulating entity in this state to require an applicant to submit fingerprints to allow for a federal and state criminal records information check.

(g) A license issued pursuant to this Code section shall be valid only in this state and shall not make the licensed individual eligible to be part of an interstate compact. A regulating entity in this state may determine eligibility for an applicant to be licensed pursuant to this Code section if the applicant is not part of an interstate compact.’

SECTION 2.

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