

House Bill 752 (COMMITTEE SUBSTITUTE)

By: Representatives Belton of the 112th, Bonner of the 72nd, Bennett of the 94th, Glanton of the 75th, and Carson of the 46th

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 for national background checks by the submission of fingerprints
3 to the Federal Bureau of Investigation through the Georgia Crime Information Center for
4 licensing to practice as a physical therapist, physical therapist assistant, or psychologist; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
9 is amended by revising paragraph (13) of Code Section 43-33-10, relating to general powers
10 and duties of board, as follows:

11 "(13) Conduct ~~criminal history records checks as determined by the board~~ national
12 background checks by the submission of fingerprints to the Federal Bureau of
13 Investigation through the Georgia Crime Information Center ~~and Federal Bureau of~~
14 ~~Investigation for purposes of issuing licenses~~; provided, however, that reports from such
15 ~~record~~ background checks shall not be shared with entities outside of this state."

16 **SECTION 2.**

17 Said title is further amended by revising paragraph (4) of Code Section 43-33-12, relating
18 to requirements for license to practice physical therapy, as follows:

19 "(4) Has ~~successfully passed a criminal history records check as determined by the board~~
20 satisfactory results from a fingerprint record check report conducted by the Georgia
21 Crime Information Center and the Federal Bureau of Investigation, as determined by the
22 board. Application for the issuance of a license under this Code section shall constitute
23 express consent and authorization for the board or its representative to perform a criminal
24 background check. Each applicant who submits an application to the board for licensure
25 agrees to provide the board with any and all information necessary to run a criminal

26 background check, including, but not limited to, classifiable sets of fingerprints. Such
 27 applicant shall be responsible for all fees associated with the performance of such
 28 background check."

29 **SECTION 3.**

30 Said title is further amended by revising Code Section 43-33-13, relating to requirements for
 31 license to practice as physical therapist assistant, as follows:

32 "43-33-13.

33 A license to practice as a physical therapist assistant shall be issued to any person who:

34 (1) Is a graduate of an educational program that prepares physical therapist assistants and
 35 which is accredited by a recognized accrediting agency and approved by the board or, in
 36 the case of an applicant who has graduated from an educational program which prepares
 37 physical therapist assistants conducted in a foreign country, has submitted, in a manner
 38 prescribed by the board, credentials approved by the board and who has further
 39 demonstrated the ability to speak, write, and understand the English language and has
 40 satisfactorily completed a three-month board approved traineeship under the supervision
 41 of a physical therapist licensed under this article;

42 (2) Has satisfactorily passed an examination prepared or approved by the board; ~~and~~

43 (3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18
 44 or subsection (b) or (c) of Code Section 43-1-19; and

45 (4) Has satisfactory results from a fingerprint record check report conducted by the
 46 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 47 determined by the board. Application for the issuance of a license under this Code
 48 section shall constitute express consent and authorization for the board or its
 49 representative to perform a criminal background check. Each applicant who submits an
 50 application to the board for licensure agrees to provide the board with any and all
 51 information necessary to run a criminal background check, including, but not limited to,
 52 classifiable sets of fingerprints. Such applicant shall be responsible for all fees associated
 53 with the performance of such background check."

54 **SECTION 4.**

55 Said title is further amended by revising Code Section 43-39-6, relating to authority of board
 56 to establish code of conduct and of ethics, administer oaths, summon witnesses, and take
 57 testimony, issuance of licenses, and enforcement of chapter, as follows:

58 "43-39-6.

59 The board shall have authority to establish a code of conduct and of ethics, to administer
 60 oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The

61 board shall issue licenses to practice psychology to all persons who shall present
62 satisfactory evidence of attainments and qualifications under this article and the rules and
63 regulations of the board. Such licenses shall be attested by the division director under the
64 board's adopted seal, and it shall give absolute authority to the person to whom it is issued
65 to practice psychology in this state. It shall be the duty of the division director, under the
66 direction of the board, to aid the prosecuting attorneys in the enforcement of this article and
67 the prosecution of all persons charged with the violation of its provisions. The board shall
68 have authority to administer and participate in the 'Psychology Interjurisdictional Compact
69 (Psypact)' set out in Article 2 of this chapter and to recognize and permit the authority to
70 practice interjurisdictional telepsychology and temporary practice in Georgia as established
71 by such compact. The board shall have authority to conduct national background checks
72 by the submission of fingerprints to the Federal Bureau of Investigation through the
73 Georgia Crime Information Center; provided, however, that reports from such record
74 background checks shall not be shared with entities outside of this state."

75 **SECTION 5.**

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