

The House Committee on Regulated Industries offers the following substitute to HB 972:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to
2 professional counselors, social workers, and marriage and family therapists, so as to change
3 certain licensing provisions; to revise definitions; to provide for an additional member to the
4 Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and
5 Family Therapists; to change the licensing requirements and exceptions; to change the
6 eligibility for licensing requirements; to remove the ability of the board to issue a license
7 without examination; to change the requirements for licensure in professional counseling;
8 to eliminate certain continuing education requirements; to provide for related matters; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to professional
13 counselors, social workers, and marriage and family therapists, is amended by revising
14 Article 1, relating to licensing provisions, as follows:

H. B. 972 (SUB)

15 "ARTICLE 1

16 43-10A-1.

17 This article shall be known and may be cited as the 'Professional Counselors, Social
18 Workers, and Marriage and Family Therapists Licensing Law.'

19 43-10A-2.

20 It is declared to be the purpose of the General Assembly that the activities of certain
21 persons who utilize certain titles relating to or who practice professional counseling, social
22 work, and marriage and family therapy be regulated to ensure the protection of the health,
23 safety, and welfare of the people of this state.

24 43-10A-3.

25 As used in this article, the term:

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

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

32 (3) 'Board' means the Georgia Composite Board of Professional Counselors, Social
33 Workers, and Marriage and Family Therapists established by this article.

34 (4) 'Commission on Accreditation for Marriage and Family Therapy Education' means
35 the national accrediting agency for marriage and family therapy education as recognized
36 by the Council for Higher Education Accreditation.

37 ~~(3.1)~~(5) 'Commission on Rehabilitation Counselor Certification' means the national
 38 certifying agency for rehabilitation counselors as recognized by the National Commission
 39 for Certifying Agencies.

40 (6) 'Council on Social Work Education' means the national accrediting agency for social
 41 work education as recognized by the United States Department of Education and the
 42 Council on Postsecondary Accreditation.

43 ~~(4)~~(7) 'Counseling' means those techniques used to help persons learn how to solve
 44 problems and make decisions related to personal growth, vocation, family, social, and
 45 other interpersonal concerns.

46 ~~(4.1)~~(8) 'Diagnose' means the use, administration, or application of any criteria contained
 47 within standard classification or diagnostic systems for mental disorders and that are
 48 related to the scope of practice as provided pursuant to this article. ~~Diagnose~~ Such term
 49 shall not mean the diagnosis of any neuropsychological functioning or conditions.

50 ~~(5)~~(9) 'Direction' means the ongoing administrative overseeing by an employer or
 51 superior of a specialty practitioner's work. ~~The~~ by a person;

52 (A) Responsible providing direction shall be responsible for assuring the quality of the
 53 services rendered by that practitioner; ~~and shall ensure~~

54 (B) Responsible for ensuring that qualified supervision or intervention occurs in
 55 situations which require expertise beyond that of the practitioner; ~~and~~ and

56 (C) Who is ~~Direction may be provided by any person~~ acceptable to the standards
 57 committee for that specialty in which the practitioner is working.

58 ~~(6)~~(10) 'Division director' means the director of the professional licensing boards
 59 division. The division director shall serve as secretary to the board.

60 ~~(7)~~(11) 'Fee' means money or anything of value, including but not limited to a salary,
 61 offered or received as compensation in return for rendering services in any specialty.

62 ~~(8)~~(12) 'Marriage and family therapy' means that specialty which ~~evaluates~~;

63 (A) Evaluates, diagnoses, and treats emotional and mental problems and conditions,
64 whether cognitive, affective, or behavioral; resolves intrapersonal and interpersonal
65 conflicts; and changes perception, attitudes, and behavior; all within the context of
66 marital and family systems. ~~Marriage and family therapy includes;~~

67 (B) Includes, without being limited to, individual, group, couple, sexual, family, and
68 divorce therapy. ~~Marriage and family therapy involves; and~~

69 (C) Involves an applied understanding of the dynamics of marital and family systems,
70 including individual psychodynamics; the use of assessment instruments that evaluate
71 marital and family functioning; designing and recommending a course of treatment;
72 and the use of psychotherapy and counseling.

73 ~~(9)~~(13) 'Practice a specialty' or 'practice' means to offer to render for a fee or to render
74 for a fee any service involving the application of principles, methods, or procedures of
75 professional counseling, social work, or marriage and family therapy.

76 ~~(10)~~(14) 'Professional counseling' means that specialty which utilizes counseling
77 techniques based on principles, methods, and procedures of counseling that assist people
78 in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal
79 concerns; utilizes counseling and psychotherapy to evaluate, diagnose, treat, and
80 recommend a course of treatment for emotional and mental problems and conditions,
81 whether cognitive, behavioral, or affective, provided that the counselor shall have training
82 and experience working with people with mental illness, developmental disability, or
83 substance abuse; administers and interprets educational and vocational assessment
84 instruments and other tests which the professional counselor is qualified to employ by
85 virtue of education, training, and experience; utilizes information, community resources,
86 and goal setting for personal, social, or vocational development; utilizes individual and
87 group techniques for facilitating problem solving, decision making, and behavior change;
88 utilizes functional assessment and vocational planning and guidance for persons
89 requesting assistance in adjustment to a disability or disabling condition; utilizes referral

90 for persons who request counseling services; performs service planning; and utilizes and
91 interprets counseling research.

92 ~~(11)~~(15) 'Psychotherapeutic techniques' means those specific techniques involving the
93 in-depth exploration and treatment of interpersonal and intrapersonal dynamics but shall
94 not include the performance of those activities exclusively reserved to any other business
95 or profession by any other chapter of this title.

96 ~~(12)~~(16) 'Recognized educational institution' means any educational institution which
97 grants a bachelor's, master's, specialist, or doctoral degree and which is recognized by an
98 accrediting body acceptable to the board.

99 ~~(13)~~(17) 'Social work' means that specialty which helps individuals, marriages, families,
100 couples, groups, or communities to enhance or restore their capacity for functioning: by
101 assisting in the obtaining or improving of tangible social and health services; by
102 providing psychosocial evaluations, in-depth analyses and diagnoses of the nature and
103 status of emotional, cognitive, mental, behavioral, and interpersonal problems or
104 conditions; and by counseling and psychotherapeutic techniques, casework, social work
105 advocacy, psychotherapy, and treatment in a variety of settings which include but are not
106 limited to mental and physical health facilities, child and family service agencies, or
107 private practice.

108 ~~(14)~~(18) 'Specialty' means social work, marriage and family therapy, or professional
109 counseling, or any combination thereof.

110 ~~(15)~~(19) 'Supervision' means the direct clinical review, for the purpose of training or
111 teaching, by a supervisor of a specialty practitioner's interaction with a client. It may
112 include, without being limited to, the review of case presentations, audio tapes, video
113 tapes, and direct observation in order to promote the development of the practitioner's
114 clinical skills.

115 ~~(16)~~(20) 'Supervisor' means a person who meets the requirements established by the
 116 standards committee for that specialty which is being supervised and who is either
 117 licensed under this article or is a psychiatrist or a psychologist.

118 ~~(17) 'The Commission on Accreditation for Marriage and Family Therapy Education'~~
 119 ~~means the national accrediting agency for marriage and family therapy education as~~
 120 ~~recognized by the Council for Higher Education Accreditation:~~

121 ~~(18) 'The Council on Social Work Education' means the national accrediting agency for~~
 122 ~~social work education as recognized by the United States Department of Education and~~
 123 ~~the Council on Postsecondary Accreditation:~~

124 43-10A-4.

125 (a) There is created the Georgia Composite Board of Professional Counselors, Social
 126 Workers, and Marriage and Family Therapists. The board shall consist of ten members
 127 who have been residents of this state for at least 12 months prior to taking office. The ten
 128 members shall be constituted as follows:

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

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

135 (3) Three members licensed as marriage and family therapists, ~~two of whom shall be~~
 136 ~~designated at the time of their appointment to serve an initial term ending December 31,~~
 137 ~~1987, and one of whom shall be designated to serve an initial term ending December 31,~~
 138 ~~1988; and~~

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

141 (b) All members of the board shall be appointed by the Governor, subject to confirmation
142 by the Senate. ~~Those members first appointed to the board under this article shall serve for~~
143 ~~initial terms of office beginning September 1, 1985.~~ Those members of the board who are
144 required to be licensed ~~and who are first appointed to the board~~ shall be persons who are
145 practicing in the designated specialty at the time of appointment ~~and who must be licensed~~
146 ~~therein as required within 12 months following their appointment.~~

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

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

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

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

161 43-10A-5.

162 (a) The members of the board shall take an oath to perform faithfully the duties of their
163 office. Within 30 days after taking the oath of office, the first board appointed under this
164 article shall meet for an organizational meeting on call by the division director. At such
165 meeting and at an organizational meeting in January every odd-numbered year thereafter,

166 the board shall elect from its members a chairperson and vice chairperson to serve for terms
167 of two years.

168 (b) The quorum for the transaction of business of the board shall be as provided in
169 subsection ~~(b)~~ (h) of Code Section ~~43-1-12~~ 43-1-2.

170 (c) Unless specifically delegated to a standards committee pursuant to Code
171 Section 43-10A-6, the board shall have the following powers and duties:

172 (1) To adopt, amend, and repeal such rules and regulations not inconsistent with this
173 article necessary for the proper administration and enforcement of this article;

174 (2) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure
175 to practice a specialty in this state;

176 (3) To deny, suspend, revoke, or otherwise sanction licenses to practice a specialty in this
177 state;

178 (4) To initiate investigations for the purpose of discovering violations of this article;

179 (5) To conduct hearings upon charges calling for the discipline of a licensee or on
180 violations of this article;

181 (6) To issue to specialists licensed under this article certificates under the seal of the
182 board evidencing such licensure and signed, either by hand or facsimile signature, by the
183 chairperson of the board and the division director;

184 (7) To adopt a seal; and

185 (8) To do all other things necessary to administer and enforce this article and all rules
186 and regulations adopted by the board pursuant to this article.

187 (d) The board shall adopt a code of ethics to govern the behavior of persons licensed under
188 this article, including but not limited to the prohibiting of practice in those areas in which
189 the specialty practitioner has not obtained university level graduate training or substantially
190 equivalent supervised experience.

191 (e) Each member of the board shall be reimbursed as provided in subsection (f) of Code
192 Section 43-1-2.

193 (f) After a person has applied for licensure, no member of the board may supervise or
194 direct such applicant for a fee nor shall any member vote on any applicant previously
195 supervised or directed by that member.

196 (g) The board shall hold at least two regular meetings each year. Additional meetings may
197 be held upon the call of the chairperson of the board or at the written request of any four
198 members of the board.

199 (h) The board shall administer the Professional Counselors Licensure Compact contained
200 in Article 2 of this chapter.

201 (i) The board is authorized to conduct national background checks by the submission of
202 fingerprints to the Federal Bureau of Investigation through the Georgia Crime Information
203 Center; provided, however, that reports from such background checks shall not be shared
204 with entities outside of this state.

205 43-10A-6.

206 (a) Those members of the board from the professional counseling specialty, the social
207 work specialty, and the marriage and family therapy specialty shall constitute a separate
208 standards committee for their respective specialty. Each standards committee by majority
209 vote shall approve or disapprove the granting of all licenses in that specialty, approve the
210 examination required of applicants for licensure in that committee's specialty and provide
211 for the grading of that examination, and provide for other matters relating to licensure in
212 that specialty.

213 (b) No decision of a standards committee shall become effective until approved by the
214 board. The board may initiate or otherwise act regarding any matter in which a standards
215 committee is authorized to act. No decision of the board regarding a particular specialty
216 shall become effective without the approval of at least two of the members of the standards
217 committee for that specialty.

218 (c) Meetings of a standards committee shall be reimbursed on the same basis as board
219 meetings.

220 43-10A-7.

221 (a) Except as otherwise provided in this article, a person who is not licensed under this
222 article shall not practice professional counseling, social work, or marriage and family
223 therapy, nor advertise the performance of such practice, nor use the title 'professional
224 counselor,' 'associate professional counselor,' 'social worker,' 'marriage and family
225 therapist,' or 'associate marriage and family therapist,' nor use any words, letters, titles, or
226 figures indicating or implying that the person is a professional counselor, associate
227 professional counselor, social worker, marriage and family therapist, or associate marriage
228 and family therapist or is licensed under this article.

229 (b) The prohibition of subsection (a) of this Code section shall not apply to the following
230 persons; provided, however, that no such person shall hold ~~himself or herself~~ themselves
231 out as being licensed to practice professional counseling, social work, or marriage and
232 family therapy or any combination thereof or use the words 'licensed' or 'licensure' or any
233 other words, letters, titles, images, or figures stating or implying that ~~he or she is~~ they are
234 licensed to practice any such specialty, and no organization shall present itself as
235 authorized to license individuals to practice any such specialty:

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

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

242 (3)(A) Persons who, prior to July 1, 2000, engaged in the practice of a specialty as an
243 employee of any community service board or similar entity created by general law to

244 provide services to persons with disabilities, as defined in Chapter 2 of Title 37, or any
245 agency or department of the state or any of its political subdivisions, but only when
246 engaged in that practice as an employee of such an agency or department.

247 (B) Persons who, prior to January 1, 2022, engaged ~~engage~~ in the practice of social
248 work as employees of any community service board or similar entity created by general
249 law to provide services to persons with disabilities, as defined in Chapter 2 of Title 37,
250 or any agency or department of the state or any of its political subdivisions, but only
251 when engaged in that practice as employees of such community service board or similar
252 entity, agency, or department, and persons or entities which contract to provide social
253 work services with any community service board or similar entity or any agency or
254 department of the state or any of its political subdivisions, but such contracting persons
255 and entities shall only be exempt under this subparagraph when engaged in providing
256 social work services pursuant to those contracts ~~and shall only be exempt until~~
257 ~~January 1, 1996.~~

258 (C) Persons who, prior to January 1, 2022, engaged ~~engage~~ in the practice of
259 professional counseling as employees of privately owned correctional facilities, the
260 Department of Corrections, Department of Community Health, Department of Public
261 Health, Department of Behavioral Health and Developmental Disabilities, Department
262 of Human Services, any county board of health, or any community service board or
263 similar entity created by general law to provide services to persons with disabilities, as
264 defined in Chapter 2 of Title 37, but only when engaged in that practice as employees
265 of such privately owned correctional facility, department, board, or entity and persons
266 or entities which contract to provide professional counseling services with such
267 department or county board of health, but such contracting persons and entities shall
268 only be exempt under this subparagraph when engaged in providing professional
269 counseling services pursuant to those contracts ~~and shall only be exempt until~~
270 ~~January 1, 1996;~~

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

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

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

283 (7) Persons who are undergoing an internship or practicum under supervision or under
284 the direction of a person certified as a rehabilitation counselor by the Commission on
285 Rehabilitation Counselor Certification;

286 ~~(7)~~(8) Elementary, middle, or secondary school counselors and school social workers
287 certificated as such by the Department of Education, Professional Standards Commission,
288 or its successor agency but only when practicing within the scope of such certification
289 and only when designated by the title 'school counselor,' 'school social worker,' or a title
290 designated by the school system in which they are employed for persons practicing within
291 such certification;

292 ~~(8) Persons registered as rehabilitation suppliers by the State Board of Workers'~~
293 ~~Compensation, including those registered as of July 1, 1992, but only when practicing~~
294 ~~rehabilitation counseling as a rehabilitation supplier for workers' compensation claimants~~
295 ~~and only so long as they do not use any titles other than titles describing the certifications~~
296 ~~or licenses they are required to hold under Code Section 34-9-200.1;~~

- 297 (9) Active members of the clergy but only when the practice of their specialty is in the
298 course of their service as clergy;
- 299 (10) Members of religious ministries responsible to their established ecclesiastical
300 authority who possess a master's degree or its equivalent in theological studies;
- 301 (11) Persons engaged in the practice of a specialty in accordance with Biblical doctrine
302 in public or nonprofit agencies or entities or in private practice;
- 303 (12) Persons engaged in the practice of a specialty as an employee of the Division of
304 Family and Children Services of the Department of Human Services but only when
305 engaged in such practice as an employee of that division;
- 306 (13) Persons who have obtained a master's degree from a program accredited by the
307 Council on Social Work Education and who are engaged in the practice of community
308 organization, policy, planning, research, or administration may use the title 'social worker'
309 and may only engage in such practice;
- 310 (14) Persons who have obtained a bachelor's degree in social work from a program
311 accredited by the Council on Social Work Education may use the title 'social worker' and
312 may practice social work, but they may not practice autonomously and may only practice
313 under direction and supervision, and, notwithstanding the definitions in paragraphs ~~(5)~~
314 ~~and (15)~~ (9) and (19) of Code Section 43-10A-3, such supervision shall be provided by
315 a social worker who, as a minimum, has been awarded a bachelor's or a master's degree
316 in social work from a program accredited by the Council on Social Work Education and
317 who has completed at least two years of post-degree practice in the field of social work;
- 318 (15) Addiction counselors who have met the certification requirements of the Georgia
319 Addiction Counselors Association or any other similar private association of addiction
320 counselors which includes among its certification requirements the following:
- 321 (A) Attainment of a high school diploma or a general educational development (GED)
322 equivalency diploma;

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

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

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

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

339 ~~(15.1)~~(16) Persons who are training to be addiction counselors but only when such
340 persons are:

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

342 (B) Supervised and directed by a supervisor who meets the qualifications established
343 by the Georgia Addiction Counselors Association or any other similar private
344 association of addiction counselors which includes among its certification requirements
345 the criteria specified in paragraph (15) of this subsection;

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

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

350 No person shall qualify for the exception provided under this paragraph for a period in
351 excess of three years. Services which may be provided under this paragraph shall be
352 limited to those practices sanctioned by the certifying association and shall in any event
353 be limited to the provision of chemical dependency treatment in the following settings:
354 screening; intake; orientation; assessment for addiction diseases; treatment planning;
355 individual, family, and group addiction counseling; case management; ~~crises~~ crisis
356 intervention; client education; referral, reporting, and record keeping; and consultation
357 with other professionals in regard to client treatment and services. Persons exempt under
358 this paragraph shall not use any title indicating or implying that they are licensed under
359 this article; and

360 ~~(16) Any person engaged in the practice of professional counseling as an employee or~~
361 ~~student peer counselor of the University System of Georgia or its educational units, the~~
362 ~~Technical College System of Georgia or its educational units, or of a public or private~~
363 ~~college or university within this state, but only when engaged in that practice as such an~~
364 ~~employee or student peer counselor and excepting the use of psychotherapeutic~~
365 ~~techniques to evaluate and treat emotional and mental illness, disorder, or dysfunction;~~
366 ~~(17) Persons who engage in the practice of professional counseling, excluding the use~~
367 ~~of psychotherapy, as employees of organizations which maintain, now or in the future,~~
368 ~~accreditation from the Commission on Accreditation of Rehabilitation Facilities or the~~
369 ~~national Accreditation Council for Agencies Serving People with Blindness or Visual~~
370 ~~Impairment, but only when those persons are providing those services as employees of~~
371 ~~those organizations pursuant to contracts between such organizations and the state or a~~
372 ~~department, agency, county, municipality, or political subdivision of the state;~~

373 ~~(18) Persons engaged in the practice of a specialty as an employee of the Department of~~
374 ~~Labor, but only when engaged in such practice as an employee of such department; and~~

375 ~~(19)~~(17) Persons currently licensed to practice a specialty in another jurisdiction and who
376 are practicing such specialty within a defined disaster area in order to alleviate the impact

377 on persons affected by a disaster as defined in ~~paragraph (1)~~ of Code Section 38-3-91 or
378 a state of emergency as defined in ~~paragraph (7)~~ of Code Section 38-3-3, but only when
379 such specialty services are provided without cost to the recipients, and only for a
380 maximum of 30 consecutive days following a disaster or a state of emergency.

381 (c) Unless exempt under ~~paragraph (1), (2), (4), (5), (6), (11), (13), (14), (15), (16), or (17)~~
382 ~~of~~ subsection (b) of this Code section, a person who is not licensed under this article shall
383 not practice a specialty for any corporation, partnership, association, or other business
384 entity which uses in its corporate, partnership, association, or business name any words,
385 letters, titles, or figures indicating or implying that such entity or any of its employees,
386 officers, or agents are practicing a specialty.

387 ~~(d) Notwithstanding any other provision of law to the contrary, a person who is exempt~~
388 ~~from licensure pursuant to paragraph (9) of subsection (b) of this Code section may be~~
389 ~~authorized by the board to serve as a supervisor as defined in paragraph (16) of Code~~
390 ~~Section 43-10A-3 without being licensed if such person meets all the requirements to be~~
391 ~~licensed and to serve as a supervisor in the specialty for which such person would serve as~~
392 ~~a supervisor and has filed the necessary documentation with and been approved by the~~
393 ~~standards committee of that specialty as required by the rules of the board.~~

394 ~~(e)~~(d) Nothing in this article shall be construed to prohibit the licensed practice of nursing
395 or the performance of duties which constitute a standard procedure of the practice of
396 medicine by any person acting under the direct supervision of a licensed medical doctor,
397 provided that such supervised persons are qualified by virtue of their education, training,
398 or experience to perform such duties and that such persons shall not use any titles
399 indicating or implying that they are licensed under this article.

400 43-10A-8.

401 No person shall be eligible for licensure under this article unless such person furnishes
402 satisfactory evidence to the board of all of the following:

H. B. 972 (SUB)

- 403 (1) Having met the education, training, and experience requirements of Code
404 Section 43-10A-11, 43-10A-12, or 43-10A-13 regarding that specialty for which a license
405 is sought;
- 406 (2) Having successfully passed the examination established for that specialty under Code
407 Section 43-10A-9, except that persons meeting the requirements of
408 subparagraph (a)(2)(A) of Code Section 43-10A-13 shall not be required to pass such
409 examination;
- 410 (3) Having paid any required license fee;
- 411 (4) ~~Having furnished at least two personal references from supervisors, teachers, or any~~
412 ~~combination thereof~~ All persons licensed under this article who were licensed after April
413 26, 2006, are required to have completed a graduate level course or equivalent related to
414 diagnosing and shall complete such curriculum in order to renew the license or apply for
415 licensure; and
- 416 (5) Having satisfactory results from a fingerprint record check report conducted by the
417 Georgia Crime Information Center and the Federal Bureau of Investigation, as
418 determined by the board. Application for the issuance of a license under this Code
419 section shall constitute express consent and authorization for the board to perform a
420 criminal background check. Each applicant who submits an application to the board for
421 licensure agrees to provide the board with any and all information necessary to run a
422 criminal background check, including, but not limited to, classifiable sets of fingerprints.
423 Any such applicant shall be responsible for all fees associated with the performance of
424 such background check.

425 43-10A-9.

426 The board shall provide for the conduct of examinations for licensure in each specialty at
427 least twice a year. Examinations may be written, oral, experiential, or any combination
428 thereof and shall deal with such theoretical and applied fields as prescribed by the board.

429 The examinee's name shall not be disclosed to any person grading the examination until
430 that grading is complete.

431 43-10A-10.

432 The board may issue a license without examination to any applicant licensed in a specialty
433 under the laws of another jurisdiction having requirements for licensure in that specialty
434 which are substantially equal to the licensure requirements for that specialty in this state.

435 43-10A-11.

436 (a) The education, experience, and training requirements for licensure in professional
437 counseling are as follows:

438 (1) For licensure as an associate professional counselor:

439 (A) A minimum of an earned master's degree or higher from a regionally accredited
440 program in clinical counseling or counseling psychology that consists of at least 60
441 semester hours or 80 quarter hours with an approved supervised internship or practicum
442 that is primarily counseling in content as a part of the degree program; and

443 (B) Registration with the board of an acceptable contract for obtaining the post-degree
444 experience under direction and supervision that is required for licensure as a
445 professional counselor.

446 (2) For licensure as a professional counselor:

447 (A) A minimum of an earned master's degree or higher from a regionally accredited
448 program in clinical counseling or counseling psychology that consists of at least 60
449 semester hours or 80 quarter hours with an approved supervised internship or practicum
450 that is primarily counseling in content as a part of the degree program; and

451 (B) Two years of post-degree experience under direction and supervision in a work
452 setting acceptable to the board.

453 ~~(1) For licensure as an associate professional counselor, a master's degree from a~~
454 ~~recognized educational institution in a program that is primarily counseling in content or~~
455 ~~in a program of applied psychology, which degree includes a supervised internship or~~
456 ~~practicum as part of the degree program and registration with the board of an acceptable~~
457 ~~contract for obtaining the post-master's experience under direction and supervision~~
458 ~~required for licensure as a professional counselor; and~~

459 ~~(2) For licensure as a professional counselor:~~

460 ~~(A) A doctoral degree from a recognized educational institution in a program that is~~
461 ~~primarily counseling in content and requires at least one year of supervised internship~~
462 ~~in a work setting acceptable to the board; or~~

463 ~~(B) A specialist degree from a recognized educational institution in a program that is~~
464 ~~primarily counseling in content with supervised internship or practicum and two years~~
465 ~~of post-master's directed experience under supervision in a setting acceptable to the~~
466 ~~board; or~~

467 ~~(C)(i) A master's degree in rehabilitation counseling or in a program that is primarily~~
468 ~~counseling in content from a recognized educational institution;~~

469 ~~(ii) An internship or practicum supervised either by a supervisor, as defined in~~
470 ~~paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation Counselor~~
471 ~~certified as such by the Commission on Rehabilitation Counselor Certification;~~

472 ~~(iii) The Certified Rehabilitation Counselor designation from the Commission on~~
473 ~~Rehabilitation Counselor Certification; and~~

474 ~~(iv) Three years of post-master's directed experience providing rehabilitation services~~
475 ~~in a rehabilitation setting under supervision provided either by a supervisor, as~~
476 ~~defined in paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation~~
477 ~~Counselor certified as such by the Commission on Rehabilitation Counselor~~
478 ~~Certification. Up to one year of such experience may have been in an approved~~
479 ~~practicum or internship placement as part of the degree program; or~~

480 ~~(D) A master's degree from a recognized educational institution in a program that is~~
481 ~~primarily counseling in content with supervised internship or practicum and four years~~
482 ~~of post-master's directed experience under supervision in a setting acceptable to the~~
483 ~~board. Up to one year of such experience may have been in an approved practicum~~
484 ~~placement as part of the degree program; or~~

485 ~~(E) A master's degree from a recognized educational institution in a program of applied~~
486 ~~psychology with supervised internship or practicum and four years of post-master's~~
487 ~~directed experience under supervision in a setting acceptable to the board. Up to one~~
488 ~~year of such experience may have been in an approved practicum placement as part of~~
489 ~~the degree program. Supervision of the practicum or internship and the post-master's~~
490 ~~directed experience shall be provided by a supervisor, as defined in paragraph (16) of~~
491 ~~Code Section 43-10A-3, except that such supervision may be provided all or in part by~~
492 ~~a psychologist or, before January 1, 2004, by a person with a master's degree from a~~
493 ~~recognized educational institution in a program of applied psychology.~~

494 (b) For purposes of subsection (a) of this Code section, work settings acceptable to the
495 board may include, but are not limited to, educational, rehabilitation, career development,
496 mental health, or community, ~~or industrial~~ organizations.

497 (c) Only a person licensed as an associate professional counselor ~~Associate professional~~
498 ~~counselors may only use the title 'associate professional counselor' and may or 'licensed~~
499 ~~associate professional counselor.'~~ Associate professional counselors shall practice
500 professional counseling only under direction and supervision and only for a period not to
501 exceed five years while obtaining the post-master's post-degree experience required for
502 licensure as a professional counselor.

503 43-10A-12.

504 (a) The education, experience, and training requirements for licensure in social work are
505 as follows:

- 506 (1) For licensure as a master's social worker, a master's degree in social work from a
507 program accredited by the Council on Social Work Education; and
- 508 (2) For licensure as a clinical social worker:
- 509 (A) A master's degree in social work from a program accredited by the Council on
510 Social Work Education; and
- 511 (B) As defined by the board, three years' full-time supervised experience in the practice
512 of social work following granting of the master's degree. Of the three years of
513 supervised experience, only the first two must be under direction. A doctoral degree
514 in a specialty, an allied profession, or child and family development may substitute for
515 one year of such experience. At least one year of experience shall have occurred within
516 two years immediately preceding application for licensure as a clinical social worker
517 or the applicant shall have met the continuing education requirement established by the
518 board for clinical social work during the year immediately preceding application.
- 519 (b) Licensed master's social workers may render or offer to render to individuals,
520 marriages, couples, families, groups, organizations, governmental units, or the general
521 public service which is guided by knowledge of social resources, social systems, and
522 human behavior. They may provide evaluation, prevention, and intervention services
523 which include but are not restricted to community organization, counseling, and supportive
524 services such as administration, direction, supervision of bachelor's level social workers,
525 consultation, research, or education. The first two years of their practice after licensure as
526 a master's social worker shall be under direction and supervision. Thereafter, they may
527 engage in private practice, except that those social workers whose practice includes
528 counseling or psychotherapeutic techniques may only engage in such practice under the
529 supervision of a duly qualified supervisor and only for such period of time as is prescribed
530 for qualification to take the clinical social work licensing examination.
- 531 (c) Licensed clinical social workers may practice all authorized services of licensed
532 master's social workers and may: provide supervision and direction; provide psychosocial

533 evaluation through data collection and analyses to diagnose the nature of an individual's
534 mental, cognitive, emotional, behavioral, and interpersonal problems or conditions; provide
535 counseling and psychotherapy to individuals, marriages, couples, families, and groups;
536 interpret the psychosocial dynamics of a situation and recommend and implement a course
537 of action to individuals, marriages, couples, families, or groups in such settings as private
538 practice, family service and counseling agencies, health care facilities, and schools; and
539 provide direct evaluation, casework, social work advocacy, education, training, prevention,
540 and intervention services in situations threatened or affected by social, intrapersonal, or
541 interpersonal stress or health impairment.

542 43-10A-13.

543 (a) The education, experience, and training requirements for licensure in marriage and
544 family therapy are as follows:

545 (1) For licensure as an associate marriage and family therapist, a master's degree in a
546 program in marriage and family therapy or a program including a master's degree and
547 additional post-master's degree coursework, both of which programs shall include three
548 courses in marriage and family studies, three courses in marriage and family therapy,
549 three courses in human development, one course in marriage and family therapy ethics,
550 and one course in research, or from any program accredited by the Commission on
551 Accreditation for Marriage and Family Therapy Education, which degree shall have been
552 granted by a recognized educational institution; completion of a one-year practicum in
553 marriage and family therapy under supervision before or after the granting of the master's
554 degree, which practicum shall include 500 hours of direct clinical experience in marriage
555 and family therapy and 100 hours of supervision of such experience; and registration with
556 the board of an acceptable contract for obtaining the post-master's experience under
557 direction and supervision required for licensure as a marriage and family therapist; and
558 (2) For licensure as a marriage and family therapist:

559 (A) Licensure as an associate marriage and family therapist and two years of full-time
560 post-master's experience or its equivalent in the practice of marriage and family therapy
561 under direction and supervision as an associate marriage and family therapist, which
562 shall include a minimum of 2,000 hours of direct clinical experience and 100 hours of
563 supervision of such experience and which shall be completed within a period of not less
564 than two years and not more than five years;

565 (B) A master's degree from a program in any specialty, any allied profession, applied
566 child and family development, applied sociology, or from any program accredited by
567 the Commission on Accreditation for Marriage and Family Therapy Education, which
568 degree shall have been granted by a recognized educational institution and shall
569 include, as part of the degree program or as additional post-master's degree coursework,
570 at least two courses in marriage and family studies, two courses in marriage and family
571 therapy, and, after July 1, 2000, one course in marriage and family therapy ethics; and
572 three years' full-time post-master's experience or its equivalent under direction and
573 supervision in the practice of any specialty, which shall include a minimum of 2,500
574 hours of direct clinical experience, one year of which may have been in an approved
575 practicum before or after the granting of the master's degree which shall include a
576 minimum of 500 hours of direct clinical experience, and two years of which shall have
577 been in the practice of marriage and family therapy which shall include a minimum of
578 2,000 hours of direct clinical experience, and 200 hours of supervision of such
579 experience all of which shall be completed within a period of not less than three years
580 and not more than five years; or

581 (C) A doctorate degree from a program in any specialty, any allied profession, applied
582 child and family development, applied sociology, or from any program accredited by
583 the Commission on Accreditation for Marriage and Family Therapy Education, which
584 degree shall have been granted by a recognized educational institution and shall
585 include, as part of a master's or doctoral degree program or as additional postgraduate

586 degree coursework, at least two courses in marriage and family studies, two courses in
587 marriage and family therapy, and, after July 1, 2000, one course in marriage and family
588 therapy ethics; two years' full-time post-master's experience under direction in the
589 practice of marriage and family therapy which shall include a minimum of 1,500 hours
590 of direct clinical experience, one year of which may have been in an approved
591 internship program before or after the granting of the doctoral degree, which shall
592 include a minimum of 500 hours of direct clinical experience, and one year of which
593 shall have been full-time post-master's experience, which shall include a minimum of
594 1,000 hours of direct clinical experience; and 100 hours of supervision of such
595 experience in the practice of marriage and family therapy, 50 hours of which may have
596 been obtained while a student or intern in an accredited doctoral program.

597 (b) Persons intending to apply for licensure as a marriage and family therapist and who
598 have completed one of the graduate degrees required for such licensure may register a
599 contract with the board for obtaining the required post-master's experience under direction
600 and supervision.

601 (c) Associate marriage and family therapists may only use the title 'associate marriage and
602 family therapist' and may practice marriage and family therapy only under direction and
603 supervision and only for a period not to exceed five years while obtaining the post-master's
604 experience required for licensure as a marriage and family therapist.

605 43-10A-14.

606 Application, examination, license, license renewal, and penalty fees shall be established
607 by the board pursuant to Code Section 43-1-7.

608 43-10A-15.

609 Expiration, renewal, and penalty dates for licenses issued under this article shall be
610 established pursuant to Code Section 43-1-4. No person whose license has expired shall
611 have such license reinstated without complying with the rules and regulations regarding
612 reinstatement set forth by the board.

613 43-10A-16.

614 (a) The board shall establish continuing education requirements for license renewal. The
615 number of hours of continuing education in each specialty shall not exceed the number of
616 hours available that year in each such specialty in board approved courses within the state.
617 The board may waive these continuing education requirements for not more than
618 12 months, but such waiver shall only be available upon the licensee's satisfactory showing
619 to the board of undue hardship.

620 ~~(b) On or before January 1, 2017, the board shall develop a curriculum of continuing~~
621 ~~education relating to diagnosing by persons licensed under this article working with people~~
622 ~~with mental illness, developmental disabilities, or substance abuse. All persons licensed~~
623 ~~under this article who have not already completed as of January 1, 2017, sufficient training,~~
624 ~~experience, or classes related to diagnosing as part of their licensure requirements as~~
625 ~~required by the board shall complete such curriculum no later than January 1, 2018. As of~~
626 ~~April 26, 2016, persons licensed under this article with at least ten years of experience as~~
627 ~~a professional counselor, clinical social worker, or marriage and family therapist working~~
628 ~~with people with mental illness, developmental disabilities, or substance abuse and in good~~
629 ~~standing with the board shall be exempt from the requirements of this subsection.~~

630 43-10A-17.

631 (a) The board shall have the authority to refuse to grant a license to an applicant therefor
632 or to revoke the license of a person licensed by the board or to discipline a person licensed

633 by the board, upon a finding by a majority of the entire board that the licensee or applicant
634 has:

635 (1) Failed to demonstrate the qualifications or standards for a license contained in this
636 article or rules or regulations promulgated thereunder; it shall be incumbent upon the
637 applicant to demonstrate to the satisfaction of the board that ~~he~~ the applicant meets all the
638 requirements for the issuance of a license, and, if the board is not satisfied as to the
639 applicant's qualifications, it may deny a license without a prior hearing; provided,
640 however, that the applicant shall be allowed to appear before the board if ~~he~~ the applicant
641 so desires;

642 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
643 practice of a specialty or on any document connected therewith; or practiced fraud or
644 deceit or intentionally made any false statement in obtaining a license to practice the
645 specialty; or made a false statement or deceptive registration with the board;

646 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
647 of this state or any other state, territory, or country or in the courts of the United States;
648 as used in this paragraph and paragraph (4) of this subsection, the term 'felony' shall
649 include any offense which, if committed in this state, would be deemed a felony, without
650 regard to its designation elsewhere; and, as used in this paragraph, the term 'conviction'
651 shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an
652 appeal of the conviction has been sought;

653 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
654 involving moral turpitude, where:

655 (A) First offender treatment without adjudication of guilt pursuant to the charge was
656 granted; or

657 (B) An adjudication or sentence was otherwise withheld or not entered on the charge
658 except with respect to a plea of nolo contendere.

659 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
660 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender
661 treatment shall be conclusive evidence of arrest and sentencing for such crime;

662 (5) Had his a license to practice a specialty revoked, suspended, or annulled by any
663 lawful licensing authority other than the board; or ~~had~~ been the subject of other
664 disciplinary action ~~taken against him~~ by any such lawful licensing authority other than
665 the board; or was denied a license by any such lawful licensing authority other than the
666 board, pursuant to disciplinary proceedings; or was refused the renewal of a license by
667 any such lawful licensing authority other than the board, pursuant to disciplinary
668 proceedings;

669 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
670 or practice harmful to the public, which conduct or practice materially affects the fitness
671 of the licensee or applicant to practice the specialty or is of a nature likely to jeopardize
672 the interest of the public, which conduct or practice need not have resulted in actual
673 injury to any person or be directly related to the practice of the specialty but shows that
674 the licensee or applicant has committed any act or omission which is indicative of bad
675 moral character or untrustworthiness; unprofessional conduct shall also include any
676 departure from, or the failure to conform to, the minimal standards of acceptable and
677 prevailing practice of the specialty, as well as the practice of any professional activity
678 which the licensee or applicant is not qualified to perform by virtue of not having
679 acquired the requisite professional education, training, or experience;

680 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
681 encourages any unlicensed person or any licensee whose license has been suspended or
682 revoked by the board to practice unlawfully a specialty or to practice outside the scope
683 of any disciplinary limitation placed upon the licensee by the board;

684 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
685 board, the United States, or any other lawful authority (without regard to whether the

686 violation is criminally punishable), which statute, law, or rule or regulation relates to or
687 in part regulates the practice of the specialty, when the licensee or applicant knows or
688 should know that such action is violative of such statute, law, or rule; or violated a lawful
689 order of the board previously entered by the board in a disciplinary hearing, consent
690 decree, or license reinstatement;

691 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
692 without this state; any such adjudication shall automatically suspend the license of any
693 such person and shall prevent the reissuance or renewal of any license so suspended for
694 as long as the adjudication of incompetence is in effect; or

695 (10) Displayed an inability to practice the specialty with reasonable skill and safety to
696 the public or has become unable to practice the specialty with reasonable skill and safety
697 to the public by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other
698 type of material:

699 (A) In enforcing this subsection, the board may, if it has a reasonable basis to believe
700 that the licensee is practicing while incapacitated in the performance of ~~his or her~~ such
701 licensee's duties by reason of substance abuse or mental or physical illness, require a
702 licensee or applicant to submit to a mental, physical, or mental and physical
703 examination by an appropriate licensed practitioner designated by the board. The
704 results of such examination shall be admissible in any hearing before the board,
705 notwithstanding any claim of privilege under a contrary rule of law or statute. If a
706 licensee fails to submit to each examination when properly directed to do so by the
707 board, the board may summarily suspend the license of such licensee, if the public
708 health, safety, and welfare imperatively require such action, and thereafter enter a final
709 order upon proper notice, hearing, and proof of such refusal; and

710 (B) For the purpose of this subsection, the board, if it has a reasonable basis to believe
711 that the licensee is incapacitated in the performance of ~~his or her~~ such licensee's duties
712 by reason of substance abuse or mental or physical illness, may require the licensee to

713 produce or give the board permission to obtain any and all records relating to the
714 alleged incapacitating mental or physical condition of a licensee or applicant, including
715 that individual's personal psychiatric, psychological, and mental health records; and
716 such records shall be admissible in any hearing before the board. If a licensee fails to
717 provide such records when properly directed to do so by the board, the board may
718 summarily suspend the license of such licensee, if the public health, safety, and welfare
719 imperatively require such action, and thereafter enter a final order upon proper notice,
720 hearing, and proof of such refusal.

721 (b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
722 with respect to emergency action by a professional licensing board and summary
723 suspension of a license are adopted and incorporated by reference into this Code section.

724 (c) For purposes of this Code section, the board may obtain, through subpoena by the
725 division director, upon reasonable grounds, any and all records relating to the mental or
726 physical condition of a licensee or applicant, and such records shall be admissible in any
727 hearing before the board.

728 (d) When the board finds that any person is unqualified to be granted a license or finds that
729 any person should be disciplined pursuant to subsection (a) of this Code section or the
730 laws, rules, or regulations relating to a specialty, the board may take any one or more of the
731 following actions:

- 732 (1) Refuse to grant or renew a license to an applicant;
- 733 (2) Administer a public or private reprimand, but a private reprimand shall not be
734 disclosed to any person except the licensee;
- 735 (3) Suspend any license for a definite period or for an indefinite period in connection
736 with any condition which may be attached to the restoration of said license;
- 737 (4) Limit or restrict any license as the board deems necessary for the protection of the
738 public;
- 739 (5) Revoke any license;

- 740 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's
741 or licensee's submission to such care, counseling, or treatment as the board may direct;
742 or
- 743 (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation
744 relating to the specialty.
- 745 (e) In addition to and in conjunction with the actions described in subsection (d) of this
746 Code section, the board may make a finding adverse to the licensee or applicant but
747 withhold imposition of judgment and penalty; or it may impose the judgment and penalty
748 but suspend enforcement thereof and place the licensee on probation, which probation may
749 be vacated upon noncompliance with such reasonable terms as the board may impose.
- 750 (f) Initial judicial review of a final decision of the board shall be had solely in the superior
751 court of the county of domicile of the board.
- 752 (g) In its discretion, the board may reinstate a license which has been revoked or issue a
753 license which has been denied or refused, following such procedures as the board may
754 prescribe by rule; and, as a condition thereof, it may impose any disciplinary or corrective
755 method provided in this Code section.
- 756 (h)(1) The division director is vested with the power and authority to make, or cause to
757 be made through employees or agents of the board, such investigations as ~~he or she~~ the
758 division director or the board may deem necessary or proper for the enforcement of the
759 provisions of this article. Any person properly conducting an investigation on behalf of
760 the board shall have access to and may examine any writing, document, or other material
761 relating to the fitness of any licensee or applicant. The division director or ~~his or her~~ the
762 division director's appointed representative may issue subpoenas to compel such access
763 upon a determination that reasonable grounds exist for the belief that a violation of this
764 article may have taken place.
- 765 (2) The results of all investigations initiated by the board shall be reported solely to the
766 board, and the records of such investigations shall be kept for the board by the division

767 director, with the board retaining the right to have access at any time to such records. No
768 part of any such records shall be released, except to the board, for any purpose other than
769 a hearing before the board, nor shall such records be subject to subpoena; provided,
770 however, that the board shall be authorized to release such records to another
771 enforcement agency or lawful licensing authority.

772 (3) If a licensee is the subject of a board inquiry, all records relating to any person who
773 receives services rendered by that licensee in ~~his or her~~ the capacity as licensee shall be
774 admissible at any hearing held to determine whether a violation of this article has taken
775 place, regardless of any statutory privilege; provided, however, that any documentary
776 evidence relating to a person who received those services shall be reviewed in camera and
777 shall not be disclosed to the public.

778 (4) The board shall have the authority to exclude all persons during its deliberations on
779 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee
780 or applicant and the legal counsel of that licensee or applicant.

781 (i) A person, firm, corporation, association, authority, or other entity shall be immune from
782 civil and criminal liability for reporting or investigating the acts or omissions of a licensee
783 or applicant which violate the provisions of this article or for initiating or conducting
784 proceedings against such licensee or applicant, if such report is made or action is taken in
785 good faith, without fraud or malice. Any person who testifies or who makes a
786 recommendation to the board in the nature of peer review, in good faith, without fraud or
787 malice, before the board in any proceeding involving the provisions of subsection (a) of
788 this Code section shall be immune from civil and criminal liability for so testifying.

789 (j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity nor
790 the denial of a request for reinstatement of a revoked license nor the refusal to issue a
791 previously denied license shall be considered to be a contested case within the meaning of
792 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing

793 within the meaning of said chapter shall not be required, but the applicant or licensee shall
794 be allowed to appear before the board if ~~he~~ the applicant or licensee so requests.

795 (k) If any licensee or applicant after reasonable notice fails to appear at any hearing of the
796 board, the board may proceed to hear the evidence against such licensee or applicant and
797 take action as if such licensee or applicant had been present. A notice of hearing, initial
798 or recommended decision, or final decision of the board in a disciplinary proceeding shall
799 be served upon the licensee or applicant by certified mail or statutory overnight delivery,
800 return receipt requested, to the last known address of record with the board. If such
801 material is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the
802 licensee or applicant cannot, after diligent effort, be located, the division director shall be
803 deemed to be the agent for service for such licensee or applicant for purposes of this Code
804 section, and service upon the division director shall be deemed to be service upon the
805 licensee or applicant.

806 (l) The voluntary surrender of a license or the failure to renew a license by the end of an
807 established penalty period shall have the same effect as a revocation of said license, subject
808 to reinstatement in the discretion of the board. The board may restore and reissue a license
809 to practice a specialty and, as a condition thereof, may impose any disciplinary sanction
810 provided by this Code section.

811 (m) This Code section shall apply equally to all licensees or applicants whether
812 individuals, partners, or members of any other incorporated or unincorporated associations,
813 limited liability companies, corporations, or other associations of any kind whatsoever.

814 (n) Regulation by the board of a specialty shall not exempt licensees under this article
815 from regulation pursuant to any other applicable law, including but not limited to Part 2 of
816 Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975.'

817 43-10A-18.

818 Whenever it shall appear to the board that any person is or has been violating any
819 provisions of this article or any of the lawful rules, regulations, or orders of the board, the
820 board, the division director, or the appropriate district attorney may file a petition for
821 injunction in the proper superior court of this state against such person for the purpose of
822 enjoining any such violation. It shall not be necessary to allege or prove that there is no
823 adequate remedy at law. The right of injunction provided for in this Code section shall be
824 in addition to any other legal remedy available, including but not limited to any right of
825 criminal prosecution provided by law.

826 43-10A-19.

827 It shall be unlawful for a person to obtain or attempt to obtain a license under this article
828 by fraudulent representation.

829 43-10A-20.

830 Any person violating Code Section 43-10A-19 or Code Section 43-10A-7 shall be guilty
831 of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than
832 ~~\$100.00~~ \$500.00 nor more than \$1,000.00 for each offense ~~and, in addition, may be~~
833 ~~imprisoned for a term not to exceed 12 months~~ or by imprisonment for up to 12 months,
834 or both.

835 43-10A-21.

836 (a) No corporation, partnership, association, or other business entity may use in its
837 corporate, partnership, association, or business name any term or title restricted under
838 subsection (a) of Code Section 43-10A-7 or the term 'professional counseling,' 'social
839 work,' or 'marriage and family therapy,' or any words, letters, titles, or figures indicating
840 or implying that such entity or any of its employees, officers, or agents are practicing a

841 specialty regulated under this article, unless each person practicing a specialty in that
842 entity, except those persons exempt under paragraph (1), (4), (5), (6), (11), (13), or (14) of
843 subsection (b) of Code Section 43-10A-7, is licensed under this article.

844 (b) Any corporation, partnership, association, or other business entity which violates
845 subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction
846 thereof, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 for
847 each offense or by imprisonment for up to 12 months, or both.

848 43-10A-22.

849 (a) Nothing in this article shall be construed to authorize persons licensed under this article
850 to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as
851 regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything
852 in this article be construed to limit or regulate the practice of those licensed under
853 Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this article be construed
854 to authorize persons licensed under this article to perform psychological testing as defined
855 in Code Section 43-39-1.

856 ~~(b) On or before January 1, 2017, the board, in consultation with the State Board of~~
857 ~~Examiners of Psychologists, shall promulgate rules and regulations that define for its~~
858 ~~licensees testing and assessments authorized by this article and not prohibited by this Code~~
859 ~~section. The board shall retain its full authority to determine the education, experience, and~~
860 ~~training necessary and appropriate to any testing or assessments conducted by its licensees.~~
861 ~~The board and the State Board of Examiners of Psychologists shall notify each other in the~~
862 ~~event of any enforcement inquiry, penalty, or legal order relating to testing or assessments~~
863 ~~that are not within the scope of authority for licensees of either board and permit the other~~
864 ~~board to render any advice or comment relating to such action 30 days prior to any final~~
865 ~~action by the board.~~

866 43-10A-23.

867 Nothing in this article shall be construed to mandate insurance coverage or reimbursement
868 for specialty practitioners licensed under this article."

869

SECTION 2.

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