

House Bill 972

By: Representatives Belton of the 112<sup>th</sup>, Gambill of the 15<sup>th</sup>, Powell of the 32<sup>nd</sup>, Collins of the 68<sup>th</sup>, Jackson of the 128<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

H. B. 972

## 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, or  
31 psychology, ~~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 ~~(3.1) 'Commission on Rehabilitation Counselor Certification' means the national~~  
35 ~~certifying agency for rehabilitation counselors as recognized by the National Commission~~  
36 ~~for Certifying Agencies.~~

37 (4) 'Counseling' means those techniques used to help persons learn how to solve  
 38 problems and make decisions related to personal growth, vocation, family, social, and  
 39 other interpersonal concerns.

40 (4.1) 'Diagnose' means the use, administration, or application of any criteria contained  
 41 within standard classification or diagnostic systems for mental disorders and that are  
 42 related to the scope of practice as provided pursuant to this article. ~~Diagnose shall not~~  
 43 ~~mean the diagnosis of any neuropsychological functioning or conditions.~~

44 (5) 'Direction' means the ongoing administrative overseeing by an employer or superior  
 45 of a specialty practitioner's work. ~~The~~ by a person:

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

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

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

52 (6) 'Division director' means the director of the professional licensing boards division.  
 53 The division director shall serve as secretary to the board.

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

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

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

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

63        (C) Involves an applied understanding of the dynamics of marital and family systems,  
64        including individual psychodynamics, the use of assessment instruments that evaluate  
65        marital and family functioning, designing and recommending a course of treatment, and  
66        the use of psychotherapy and counseling.

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

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

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

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

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

102 (14) 'Specialty' means social work, marriage and family therapy, or professional  
103 counseling, or any combination thereof.

104 (15) 'Supervision' means the direct clinical review, for the purpose of training or  
105 teaching, by a supervisor of a specialty practitioner's interaction with a client. It may  
106 include, without being limited to, the review of case presentations, audio tapes, video  
107 tapes, and direct observation in order to promote the development of the practitioner's  
108 clinical skills.

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

112 (17) 'The Commission on Accreditation for Marriage and Family Therapy Education'  
113 means the national accrediting agency for marriage and family therapy education as  
114 recognized by the Council for Higher Education Accreditation.

115 (18) 'The Council for Accreditation of Counseling and Related Educational Programs'  
 116 means the national accrediting agency for professional counseling education as  
 117 recognized by the Council for Higher Education Accreditation.

118 ~~(18)~~(19) 'The Council on Social Work Education' means the national accrediting agency  
 119 for social work education as recognized by the United States Department of Education  
 120 and the Council on Postsecondary Accreditation.

121 43-10A-4.

122 (a) There is created the Georgia Composite Board of Professional Counselors, Social  
 123 Workers, and Marriage and Family Therapists. The board shall consist of ~~ten~~ 11 members  
 124 who have been residents of this state for at least 12 months prior to taking office. The ~~ten~~  
 125 11 members shall be constituted as follows:

126 (1) Four ~~Three~~ members licensed in professional counseling, ~~two of whom shall be~~  
 127 ~~designated at the time of their appointment to serve an initial term ending December 31,~~  
 128 ~~1988, and one of whom shall be designated to serve an initial term ending December 31,~~  
 129 ~~1987;~~

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

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

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

139 (b) All members of the board shall be appointed by the Governor, subject to confirmation  
 140 by the Senate. ~~Those members first appointed to the board under this article shall serve for~~

141 ~~initial terms of office beginning September 1, 1985.~~ Those members of the board who are  
142 required to be licensed ~~and who are first appointed to the board~~ shall be persons who are  
143 practicing in the designated specialty at the time of appointment ~~and who must be licensed~~  
144 ~~therein as required within 12 months following their appointment.~~

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

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

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

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

159 43-10A-5.

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

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

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

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

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

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

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

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

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

182 (7) To adopt a seal; and

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

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

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

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

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

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

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

203 43-10A-6.

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

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

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

218 43-10A-7.

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

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

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

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

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

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

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

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

267 ~~(4)(1)~~ Students of a recognized educational institution who are preparing to become  
268 practitioners of a specialty, but only if the services they render as such practitioners are

269 under supervision and direction and their student status is clearly designated by the title  
270 'trainee' or 'intern';

271 ~~(5)~~(2) Persons who have obtained a master's degree from a program accredited by the  
272 Council on Social Work Education and who are practicing social work under direction  
273 and supervision while preparing to take the master's social work licensing examination,  
274 but only for a period of up to one year following the granting of such degree;

275 ~~(6)~~(3) Persons who have obtained one of the graduate degrees required for licensure as  
276 a professional counselor or marriage and family therapist and who are practicing such  
277 specialty under supervision and direction in order to obtain the experience required for  
278 licensure;

279 ~~(7) Elementary, middle, or secondary school counselors and school social workers~~  
280 ~~certificated as such by the Department of Education, Professional Standards Commission,~~  
281 ~~or its successor agency but only when practicing within the scope of such certification~~  
282 ~~and only when designated by the title 'school counselor,' 'school social worker,' or a title~~  
283 ~~designated by the school system in which they are employed for persons practicing within~~  
284 ~~such certification;~~

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

290 ~~(9) Active members of the clergy but only when the practice of their specialty is in the~~  
291 ~~course of their service as clergy;~~

292 ~~(10) Members of religious ministries responsible to their established ecclesiastical~~  
293 ~~authority who possess a master's degree or its equivalent in theological studies;~~

294 ~~(11) Persons engaged in the practice of a specialty in accordance with Biblical doctrine~~  
295 ~~in public or nonprofit agencies or entities or in private practice;~~

296 ~~(12) Persons engaged in the practice of a specialty as an employee of the Division of~~  
297 ~~Family and Children Services of the Department of Human Services but only when~~  
298 ~~engaged in such practice as an employee of that division;~~

299 ~~(13)~~(4) Persons who have obtained a master's degree from a program accredited by the  
300 Council on Social Work Education and who are engaged in the practice of community  
301 organization, policy, planning, research, or administration may use the title 'social worker'  
302 and may only engage in such practice;

303 ~~(14)~~(5) Persons who have obtained a bachelor's degree in social work from a program  
304 accredited by the Council on Social Work Education may use the title 'social worker' and  
305 may practice social work, but they may not practice autonomously and may only practice  
306 under direction and supervision, and, notwithstanding the definitions in paragraphs (5)  
307 and (15) of Code Section 43-10A-3, such supervision shall be provided by a social  
308 worker who, as a minimum, has been awarded a bachelor's or a master's degree in social  
309 work from a program accredited by the Council on Social Work Education and who has  
310 completed at least two years of post-degree practice in the field of social work;

311 ~~(15)~~(6) Addiction counselors who have met the certification requirements of the Georgia  
312 Addiction Counselors Association or any other similar private association of addiction  
313 counselors which includes among its certification requirements the following:

314 (A) Attainment of a high school diploma or a general educational development (GED)  
315 equivalency diploma;

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

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

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

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

332 ~~(15.1)~~(7) Persons who are training to be addiction counselors but only when such  
333 persons are:

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

335 (B) Supervised and directed by a supervisor who meets the qualifications established  
336 by the Georgia Addiction Counselors Association or any other similar private  
337 association of addiction counselors which includes among its certification requirements  
338 the criteria specified in paragraph ~~(15)~~ (6) of this subsection;

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

341 (D) Actively seeking certification in accordance with the requirements of paragraph  
342 ~~(15)~~ (6) of this subsection.

343 No person shall qualify for the exception provided under this paragraph for a period in  
344 excess of three years. Services which may be provided under this paragraph shall be  
345 limited to those practices sanctioned by the certifying association and shall in any event  
346 be limited to the provision of chemical dependency treatment in the following settings:  
347 screening; intake; orientation; assessment for addiction diseases; treatment planning;

348 individual, family, and group addiction counseling; case management; crises intervention;  
349 client education; referral, reporting, and record keeping; and consultation with other  
350 professionals in regard to client treatment and services. Persons exempt under this  
351 paragraph shall not use any title indicating or implying that they are licensed under this  
352 article; and

353 ~~(16) Any person engaged in the practice of professional counseling as an employee or~~  
354 ~~student peer counselor of the University System of Georgia or its educational units, the~~  
355 ~~Technical College System of Georgia or its educational units, or of a public or private~~  
356 ~~college or university within this state, but only when engaged in that practice as such an~~  
357 ~~employee or student peer counselor and excepting the use of psychotherapeutic~~  
358 ~~techniques to evaluate and treat emotional and mental illness, disorder, or dysfunction;~~

359 ~~(17) Persons who engage in the practice of professional counseling, excluding the use~~  
360 ~~of psychotherapy, as employees of organizations which maintain, now or in the future,~~  
361 ~~accreditation from the Commission on Accreditation of Rehabilitation Facilities or the~~  
362 ~~national Accreditation Council for Agencies Serving People with Blindness or Visual~~  
363 ~~Impairment, but only when those persons are providing those services as employees of~~  
364 ~~those organizations pursuant to contracts between such organizations and the state or a~~  
365 ~~department, agency, county, municipality, or political subdivision of the state;~~

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

368 ~~(19)~~(8) Persons currently licensed to practice a specialty in another jurisdiction and who  
369 are practicing such specialty within a defined disaster area in order to alleviate the impact  
370 on persons affected by a disaster as defined in paragraph (1) of Code Section 38-3-91 or  
371 a state of emergency as defined in paragraph (7) of Code Section 38-3-3, but only when  
372 such specialty services are provided without cost to the recipients, and only for a  
373 maximum of 30 consecutive days following a disaster or a state of emergency.

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

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

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

393 43-10A-8.

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

396 (1) Having met the education, training, and experience requirements of Code  
397 Section 43-10A-11, 43-10A-12, or 43-10A-13 regarding that specialty for which a license  
398 is sought;

399 (2) Having successfully passed the examination established for that specialty under Code  
400 Section 43-10A-9, ~~except that persons meeting the requirements of~~  
401 ~~subparagraph (a)(2)(A) of Code Section 43-10A-13 shall not be required to pass such~~  
402 ~~examination;~~

403 (3) Having paid any required license fee; and

404 ~~(4) Having furnished at least two personal references from supervisors, teachers, or any~~  
405 ~~combination thereof; and~~

406 ~~(5)~~(4) Having satisfactory results from a fingerprint record check report conducted by  
407 the Georgia Crime Information Center and the Federal Bureau of Investigation, as  
408 determined by the board. Application for the issuance of a license under this Code  
409 section shall constitute express consent and authorization for the board to perform a  
410 criminal background check. Each applicant who submits an application to the board for  
411 licensure agrees to provide the board with any and all information necessary to run a  
412 criminal background check, including, but not limited to, classifiable sets of fingerprints.  
413 Any such applicant shall be responsible for all fees associated with the performance of  
414 such background check.

415 43-10A-9.

416 The board shall provide for the conduct of examinations for licensure in each specialty at  
417 least twice a year. Examinations may be written, oral, experiential, or any combination  
418 thereof and shall deal with such theoretical and applied fields as prescribed by the board.  
419 The examinee's name shall not be disclosed to any person grading the examination until  
420 that grading is complete.

421 43-10A-10.

422 ~~The board may issue a license without examination to any applicant licensed in a specialty~~  
423 ~~under the laws of another jurisdiction having requirements for licensure in that specialty~~

424 ~~which are substantially equal to the licensure requirements for that specialty in this state.~~  
425 Reserved.

426 43-10A-11.

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

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

430 (A) A minimum of an earned master's degree or higher from a regionally accredited  
431 program in clinical mental health counseling that consists of at least 60 semester hours  
432 or 80 quarter hours with a supervised internship or practicum that is primarily  
433 counseling in content as a part of the degree program; and

434 (B) Registration with the board of an acceptable contract for obtaining the  
435 post-degree's experience under direction and supervision required for licensure as a  
436 professional counselor.

437 (2) For licensure as a professional counselor:

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

442 (B) Two years of post-degree's direction under supervision in a work setting acceptable  
443 to the board.

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

- 450 ~~(2) For licensure as a professional counselor:~~
- 451 ~~(A) A doctoral degree from a recognized educational institution in a program that is~~  
452 ~~primarily counseling in content and requires at least one year of supervised internship~~  
453 ~~in a work setting acceptable to the board; or~~
- 454 ~~(B) A specialist degree from a recognized educational institution in a program that is~~  
455 ~~primarily counseling in content with supervised internship or practicum and two years~~  
456 ~~of post-master's directed experience under supervision in a setting acceptable to the~~  
457 ~~board; or~~
- 458 ~~(C)(i) A master's degree in rehabilitation counseling or in a program that is primarily~~  
459 ~~counseling in content from a recognized educational institution;~~
- 460 ~~(ii) An internship or practicum supervised either by a supervisor, as defined in~~  
461 ~~paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation Counselor~~  
462 ~~certified as such by the Commission on Rehabilitation Counselor Certification;~~
- 463 ~~(iii) The Certified Rehabilitation Counselor designation from the Commission on~~  
464 ~~Rehabilitation Counselor Certification; and~~
- 465 ~~(iv) Three years of post-master's directed experience providing rehabilitation services~~  
466 ~~in a rehabilitation setting under supervision provided either by a supervisor, as~~  
467 ~~defined in paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation~~  
468 ~~Counselor certified as such by the Commission on Rehabilitation Counselor~~  
469 ~~Certification. Up to one year of such experience may have been in an approved~~  
470 ~~practicum or internship placement as part of the degree program; or~~
- 471 ~~(D) A master's degree from a recognized educational institution in a program that is~~  
472 ~~primarily counseling in content with supervised internship or practicum and four years~~  
473 ~~of post-master's directed experience under supervision in a setting acceptable to the~~  
474 ~~board. Up to one year of such experience may have been in an approved practicum~~  
475 ~~placement as part of the degree program; or~~

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

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

488 (c) Only a person licensed as an associate professional counselor ~~Associate professional~~  
489 ~~counselors may only use the title 'associate professional counselor' and may or 'licensed~~  
490 ~~associate professional counselor.'~~ Associate professional counselors shall practice  
491 professional counseling only under direction and supervision and only for a period not to  
492 exceed five years while obtaining the post-master's post-degree's experience required for  
493 licensure as a professional counselor.

494 (d) All persons working with people with mental illness, developmental disabilities, or  
495 substance abuse who were licensed after April 26, 2006, are required to have a graduate  
496 level course or equivalent related to diagnosing and shall complete such curriculum in  
497 order to renew the license or apply for licensure.

498 43-10A-12.

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

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

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

537 43-10A-13.

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

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

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

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

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

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

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

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

600 43-10A-14.

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

603 43-10A-15.

604 Expiration, renewal, and penalty dates for licenses issued under this article shall be  
605 established pursuant to Code Section 43-1-4. No person whose license has expired shall

606 have such license reinstated without complying with the rules and regulations regarding  
607 reinstatement set forth by the board.

608 43-10A-16.

609 (a) The board shall establish continuing education requirements for license renewal. The  
610 number of hours of continuing education in each specialty shall not exceed the number of  
611 hours available that year in each such specialty in board approved courses within the state.  
612 The board may waive these continuing education requirements for not more than  
613 12 months, but such waiver shall only be available upon the licensee's satisfactory showing  
614 to the board of undue hardship.

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

625 43-10A-17.

626 (a) The board shall have the authority to refuse to grant a license to an applicant therefor  
627 or to revoke the license of a person licensed by the board or to discipline a person licensed  
628 by the board, upon a finding by a majority of the entire board that the licensee or applicant  
629 has:

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

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

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

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

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

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

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

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

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

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

679 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the  
680 board, the United States, or any other lawful authority (without regard to whether the  
681 violation is criminally punishable), which statute, law, or rule or regulation relates to or  
682 in part regulates the practice of the specialty, when the licensee or applicant knows or  
683 should know that such action is violative of such statute, law, or rule; or violated a lawful

684 order of the board previously entered by the board in a disciplinary hearing, consent  
685 decree, or license reinstatement;

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

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

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

705 (B) For the purpose of this subsection, the board, if it has a reasonable basis to believe  
706 that the licensee is incapacitated in the performance of ~~his or her~~ such licensee's duties  
707 by reason of substance abuse or mental or physical illness, may require the licensee to  
708 produce or give the board permission to obtain any and all records relating to the  
709 alleged incapacitating mental or physical condition of a licensee or applicant, including  
710 that individual's personal psychiatric, psychological, and mental health records; and

711 such records shall be admissible in any hearing before the board. If a licensee fails to  
712 provide such records when properly directed to do so by the board, the board may  
713 summarily suspend the license of such licensee, if the public health, safety, and welfare  
714 imperatively require such action, and thereafter enter a final order upon proper notice,  
715 hearing, and proof of such refusal.

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

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

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

- 727 (1) Refuse to grant or renew a license to an applicant;
- 728 (2) Administer a public or private reprimand, but a private reprimand shall not be  
729 disclosed to any person except the licensee;
- 730 (3) Suspend any license for a definite period or for an indefinite period in connection  
731 with any condition which may be attached to the restoration of said license;
- 732 (4) Limit or restrict any license as the board deems necessary for the protection of the  
733 public;
- 734 (5) Revoke any license;
- 735 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's  
736 or licensee's submission to such care, counseling, or treatment as the board may direct;
- 737 or

738 (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation  
739 relating to the specialty.

740 (e) In addition to and in conjunction with the actions described in subsection (d) of this  
741 Code section, the board may make a finding adverse to the licensee or applicant but  
742 withhold imposition of judgment and penalty; or it may impose the judgment and penalty  
743 but suspend enforcement thereof and place the licensee on probation, which probation may  
744 be vacated upon noncompliance with such reasonable terms as the board may impose.

745 (f) Initial judicial review of a final decision of the board shall be had solely in the superior  
746 court of the county of domicile of the board.

747 (g) In its discretion, the board may reinstate a license which has been revoked or issue a  
748 license which has been denied or refused, following such procedures as the board may  
749 prescribe by rule; and, as a condition thereof, it may impose any disciplinary or corrective  
750 method provided in this Code section.

751 (h)(1) The division director is vested with the power and authority to make, or cause to  
752 be made through employees or agents of the board, such investigations as ~~he or she~~ the  
753 division director or the board may deem necessary or proper for the enforcement of the  
754 provisions of this article. Any person properly conducting an investigation on behalf of  
755 the board shall have access to and may examine any writing, document, or other material  
756 relating to the fitness of any licensee or applicant. The division director or ~~his or her~~ the  
757 division director's appointed representative may issue subpoenas to compel such access  
758 upon a determination that reasonable grounds exist for the belief that a violation of this  
759 article may have taken place.

760 (2) The results of all investigations initiated by the board shall be reported solely to the  
761 board, and the records of such investigations shall be kept for the board by the division  
762 director, with the board retaining the right to have access at any time to such records. No  
763 part of any such records shall be released, except to the board, for any purpose other than  
764 a hearing before the board, nor shall such records be subject to subpoena; provided,

765 however, that the board shall be authorized to release such records to another  
766 enforcement agency or lawful licensing authority.

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

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

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

784 (j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity nor  
785 the denial of a request for reinstatement of a revoked license nor the refusal to issue a  
786 previously denied license shall be considered to be a contested case within the meaning of  
787 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing  
788 within the meaning of said chapter shall not be required, but the applicant or licensee shall  
789 be allowed to appear before the board if ~~he~~ the applicant or licensee so requests.

790 (k) If any licensee or applicant after reasonable notice fails to appear at any hearing of the  
791 board, the board may proceed to hear the evidence against such licensee or applicant and

792 take action as if such licensee or applicant had been present. A notice of hearing, initial  
793 or recommended decision, or final decision of the board in a disciplinary proceeding shall  
794 be served upon the licensee or applicant by certified mail or statutory overnight delivery,  
795 return receipt requested, to the last known address of record with the board. If such  
796 material is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the  
797 licensee or applicant cannot, after diligent effort, be located, the division director shall be  
798 deemed to be the agent for service for such licensee or applicant for purposes of this Code  
799 section, and service upon the division director shall be deemed to be service upon the  
800 licensee or applicant.

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

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

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

812 43-10A-18.

813 Whenever it shall appear to the board that any person is or has been violating any  
814 provisions of this article or any of the lawful rules, regulations, or orders of the board, the  
815 board, the division director, or the appropriate district attorney may file a petition for  
816 injunction in the proper superior court of this state against such person for the purpose of  
817 enjoining any such violation. It shall not be necessary to allege or prove that there is no

818 adequate remedy at law. The right of injunction provided for in this Code section shall be  
819 in addition to any other legal remedy available, including but not limited to any right of  
820 criminal prosecution provided by law.

821 43-10A-19.

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

824 43-10A-20.

825 Any person violating Code Section 43-10A-19 or Code Section 43-10A-7 shall be guilty  
826 of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be punished by a fine of not  
827 less than ~~\$100.00~~ \$500.00 nor more than \$1,000.00 for each offense ~~and, in addition, may~~  
828 ~~be imprisoned for a term not to exceed 12 months~~ or by imprisonment from two to five  
829 years, or both.

830 43-10A-21.

831 (a) No corporation, partnership, association, or other business entity may use in its  
832 corporate, partnership, association, or business name any term or title restricted under  
833 subsection (a) of Code Section 43-10A-7 or the term 'professional counseling,' 'social  
834 work,' or 'marriage and family therapy,' or any words, letters, titles, or figures indicating  
835 or implying that such entity or any of its employees, officers, or agents are practicing a  
836 specialty regulated under this article, unless each person practicing a specialty in that  
837 entity, except those persons exempt under ~~paragraph (1), (4), (5), (6), (11), (13), or (14)~~  
838 paragraphs (1) through (5) of subsection (b) of Code Section 43-10A-7, is licensed under  
839 this article.

840 (b) Any corporation, partnership, association, or other business entity which violates  
841 subsection (a) of this Code section shall be guilty of a ~~misdemeanor~~ felony and, upon

842 conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than  
843 \$1,000.00 for each offense or by imprisonment from two to five years, or both.

844 43-10A-22.

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

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

862 43-10A-23.

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

865

**SECTION 2.**

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