

House Bill 972 (AS PASSED HOUSE AND SENATE)

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 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 certain 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 certain 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:

## 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)~~(9) 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)~~(10) Active members of the clergy but only when the practice of their specialty is in  
298 the course of their service as clergy;

299 ~~(10)~~(11) 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)~~(12) Persons engaged in the practice of a specialty in accordance with Biblical  
302 doctrine in public or nonprofit agencies or entities or in private practice;

303 ~~(12)~~(13) Persons engaged in the practice of a specialty as an employee of the Division  
304 of 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)~~(14) 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)~~(15) 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)~~ (6) 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)~~(16) Addiction counselors who have met the certification requirements of the  
319 Georgia Addiction Counselors Association or any other similar private association of  
320 addiction 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)~~(17) 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)~~ (16) 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)~~(18) Any person engaged in the practice of professional counseling as an employee  
361 or 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)~~(19) Persons who engage in the practice of professional counseling, excluding the  
367 use of psychotherapy, as employees of organizations which maintain, now or in the  
368 future, accreditation from the Commission on Accreditation of Rehabilitation Facilities  
369 or the national Accreditation Council for Agencies Serving People with Blindness or  
370 Visual Impairment, but only when those persons are providing those services as  
371 employees of those organizations pursuant to contracts between such organizations and  
372 the state or a department, agency, county, municipality, or political subdivision of the  
373 state;

374 ~~(18)~~(20) Persons engaged in the practice of a specialty as an employee of the Department  
375 of Labor, but only when engaged in such practice as an employee of such department;  
376 and

377 ~~(19)~~(21) Persons currently licensed to practice a specialty in another jurisdiction and who  
378 are practicing such specialty within a defined disaster area in order to alleviate the impact  
379 on persons affected by a disaster as defined in ~~paragraph (1)~~ of Code Section 38-3-91 or  
380 a state of emergency as defined in ~~paragraph (7)~~ of Code Section 38-3-3, but only when  
381 such specialty services are provided without cost to the recipients, and only for a  
382 maximum of 30 consecutive days following a disaster or a state of emergency.

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

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

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

402 43-10A-8.

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

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

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

412 (3) Having paid any required license fee;

413 (4) ~~Having furnished at least two personal references from supervisors, teachers, or any~~  
414 ~~combination thereof~~ All persons licensed under this article who were licensed after April  
415 26, 2006, are required to have completed a graduate level course or equivalent related to  
416 diagnosing and shall complete such curriculum in order to renew the license or apply for  
417 licensure; and

418 (5) Having satisfactory results from a fingerprint record check report conducted by the  
419 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
420 determined by the board. Application for the issuance of a license under this Code  
421 section shall constitute express consent and authorization for the board to perform a  
422 criminal background check. Each applicant who submits an application to the board for  
423 licensure agrees to provide the board with any and all information necessary to run a  
424 criminal background check, including, but not limited to, classifiable sets of fingerprints.  
425 Any such applicant shall be responsible for all fees associated with the performance of  
426 such background check.

427 43-10A-9.

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

433 43-10A-10.

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

437 43-10A-11.

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

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

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

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

448 (2) For licensure as a professional counselor:

449 (A)(i) A minimum of an earned master's degree or higher from a regionally  
450 accredited program in clinical counseling or counseling psychology that consists of  
451 at least 60 semester hours or 80 quarter hours with an approved supervised internship

452 or practicum that is primarily counseling in content as a part of the degree program;  
453 and

454 (ii) Two years of post-degree experience under direction and supervision in a work  
455 setting acceptable to the board; or

456 (B) A doctoral degree from a recognized educational institution in a program that is  
457 primarily counseling in content and requires at least one year of supervised internship  
458 in a work setting acceptable to the board.

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

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

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

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

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

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

- 478 ~~(iii) The Certified Rehabilitation Counselor designation from the Commission on~~  
479 ~~Rehabilitation Counselor Certification; and~~
- 480 ~~(iv) Three years of post-master's directed experience providing rehabilitation services~~  
481 ~~in a rehabilitation setting under supervision provided either by a supervisor, as~~  
482 ~~defined in paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation~~  
483 ~~Counselor certified as such by the Commission on Rehabilitation Counselor~~  
484 ~~Certification. Up to one year of such experience may have been in an approved~~  
485 ~~practicum or internship placement as part of the degree program; or~~
- 486 ~~(D) A master's degree from a recognized educational institution in a program that is~~  
487 ~~primarily counseling in content with supervised internship or practicum and four years~~  
488 ~~of post-master's directed experience under supervision in a setting acceptable to the~~  
489 ~~board. Up to one year of such experience may have been in an approved practicum~~  
490 ~~placement as part of the degree program; or~~
- 491 ~~(E) A master's degree from a recognized educational institution in a program of applied~~  
492 ~~psychology with supervised internship or practicum and four years of post-master's~~  
493 ~~directed experience under supervision in a setting acceptable to the board. Up to one~~  
494 ~~year of such experience may have been in an approved practicum placement as part of~~  
495 ~~the degree program. Supervision of the practicum or internship and the post-master's~~  
496 ~~directed experience shall be provided by a supervisor, as defined in paragraph (16) of~~  
497 ~~Code Section 43-10A-3, except that such supervision may be provided all or in part by~~  
498 ~~a psychologist or, before January 1, 2004, by a person with a master's degree from a~~  
499 ~~recognized educational institution in a program of applied psychology.~~
- 500 (b) For purposes of subsection (a) of this Code section, work settings acceptable to the  
501 board may include, but are not limited to, educational, rehabilitation, career development,  
502 mental health, or community, ~~or industrial~~ organizations.
- 503 (c) Only a person licensed as an associate professional counselor ~~Associate professional~~  
504 ~~counselors may only use the title 'associate professional counselor' and may~~ or 'licensed

505 associate professional counselor.' Associate professional counselors shall practice  
506 professional counseling only under direction and supervision and only for a period not to  
507 exceed five years while obtaining the ~~post-master's~~ post-degree experience required for  
508 licensure as a professional counselor.

509 43-10A-12.

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

512 (1) For licensure as a master's social worker, a master's degree in social work from a  
513 program accredited by the Council on Social Work Education; and

514 (2) For licensure as a clinical social worker:

515 (A) A master's degree in social work from a program accredited by the Council on  
516 Social Work Education; and

517 (B) As defined by the board, three years' full-time supervised experience in the practice  
518 of social work following granting of the master's degree. Of the three years of  
519 supervised experience, only the first two must be under direction. A doctoral degree  
520 in a specialty, an allied profession, or child and family development may substitute for  
521 one year of such experience. At least one year of experience shall have occurred within  
522 two years immediately preceding application for licensure as a clinical social worker  
523 or the applicant shall have met the continuing education requirement established by the  
524 board for clinical social work during the year immediately preceding application.

525 (b) Licensed master's social workers may render or offer to render to individuals,  
526 marriages, couples, families, groups, organizations, governmental units, or the general  
527 public service which is guided by knowledge of social resources, social systems, and  
528 human behavior. They may provide evaluation, prevention, and intervention services  
529 which include but are not restricted to community organization, counseling, and supportive  
530 services such as administration, direction, supervision of bachelor's level social workers,

531 consultation, research, or education. The first two years of their practice after licensure as  
532 a master's social worker shall be under direction and supervision. Thereafter, they may  
533 engage in private practice, except that those social workers whose practice includes  
534 counseling or psychotherapeutic techniques may only engage in such practice under the  
535 supervision of a duly qualified supervisor and only for such period of time as is prescribed  
536 for qualification to take the clinical social work licensing examination.

537 (c) Licensed clinical social workers may practice all authorized services of licensed  
538 master's social workers and may: provide supervision and direction; provide psychosocial  
539 evaluation through data collection and analyses to diagnose the nature of an individual's  
540 mental, cognitive, emotional, behavioral, and interpersonal problems or conditions; provide  
541 counseling and psychotherapy to individuals, marriages, couples, families, and groups;  
542 interpret the psychosocial dynamics of a situation and recommend and implement a course  
543 of action to individuals, marriages, couples, families, or groups in such settings as private  
544 practice, family service and counseling agencies, health care facilities, and schools; and  
545 provide direct evaluation, casework, social work advocacy, education, training, prevention,  
546 and intervention services in situations threatened or affected by social, intrapersonal, or  
547 interpersonal stress or health impairment.

548 43-10A-13.

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

551 (1) For licensure as an associate marriage and family therapist, a master's degree in a  
552 program in marriage and family therapy or a program including a master's degree and  
553 additional post-master's degree coursework, both of which programs shall include three  
554 courses in marriage and family studies, three courses in marriage and family therapy,  
555 three courses in human development, one course in marriage and family therapy ethics,  
556 and one course in research, or from any program accredited by the Commission on

557 Accreditation for Marriage and Family Therapy Education, which degree shall have been  
558 granted by a recognized educational institution; completion of a one-year practicum in  
559 marriage and family therapy under supervision before or after the granting of the master's  
560 degree, which practicum shall include 500 hours of direct clinical experience in marriage  
561 and family therapy and 100 hours of supervision of such experience; and registration with  
562 the board of an acceptable contract for obtaining the post-master's experience under  
563 direction and supervision required for licensure as a marriage and family therapist; and

564 (2) For licensure as a marriage and family therapist:

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

571 (B) A master's degree from a program in any specialty, any allied profession, applied  
572 child and family development, applied sociology, or from any program accredited by  
573 the Commission on Accreditation for Marriage and Family Therapy Education, which  
574 degree shall have been granted by a recognized educational institution and shall  
575 include, as part of the degree program or as additional post-master's degree coursework,  
576 at least two courses in marriage and family studies, two courses in marriage and family  
577 therapy, and, after July 1, 2000, one course in marriage and family therapy ethics; and  
578 three years' full-time post-master's experience or its equivalent under direction and  
579 supervision in the practice of any specialty, which shall include a minimum of 2,500  
580 hours of direct clinical experience, one year of which may have been in an approved  
581 practicum before or after the granting of the master's degree which shall include a  
582 minimum of 500 hours of direct clinical experience, and two years of which shall have  
583 been in the practice of marriage and family therapy which shall include a minimum of

584 2,000 hours of direct clinical experience, and 200 hours of supervision of such  
585 experience all of which shall be completed within a period of not less than three years  
586 and not more than five years; or

587 (C) A doctorate degree from a program in any specialty, any allied profession, applied  
588 child and family development, applied sociology, or from any program accredited by  
589 the Commission on Accreditation for Marriage and Family Therapy Education, which  
590 degree shall have been granted by a recognized educational institution and shall  
591 include, as part of a master's or doctoral degree program or as additional postgraduate  
592 degree coursework, at least two courses in marriage and family studies, two courses in  
593 marriage and family therapy, and, after July 1, 2000, one course in marriage and family  
594 therapy ethics; two years' full-time post-master's experience under direction in the  
595 practice of marriage and family therapy which shall include a minimum of 1,500 hours  
596 of direct clinical experience, one year of which may have been in an approved  
597 internship program before or after the granting of the doctoral degree, which shall  
598 include a minimum of 500 hours of direct clinical experience, and one year of which  
599 shall have been full-time post-master's experience, which shall include a minimum of  
600 1,000 hours of direct clinical experience; and 100 hours of supervision of such  
601 experience in the practice of marriage and family therapy, 50 hours of which may have  
602 been obtained while a student or intern in an accredited doctoral program.

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

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

611 43-10A-14.

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

614 43-10A-15.

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

619 43-10A-16.

620 (a) The board shall establish continuing education requirements for license renewal. The  
621 number of hours of continuing education in each specialty shall not exceed the number of  
622 hours available that year in each such specialty in board approved courses within the state.  
623 The board may waive these continuing education requirements for not more than  
624 12 months, but such waiver shall only be available upon the licensee's satisfactory showing  
625 to the board of undue hardship.

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

636 43-10A-17.

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

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

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

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

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

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

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

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

668 (5) Had ~~his~~ a license to practice a specialty revoked, suspended, or annulled by any  
669 lawful licensing authority other than the board; or ~~had been the subject of~~ other  
670 disciplinary action ~~taken against him~~ by any such lawful licensing authority other than  
671 the board; or was denied a license by any such lawful licensing authority other than the  
672 board, pursuant to disciplinary proceedings; or was refused the renewal of a license by  
673 any such lawful licensing authority other than the board, pursuant to disciplinary  
674 proceedings;

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

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

690 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the  
691 board, the United States, or any other lawful authority (without regard to whether the  
692 violation is criminally punishable), which statute, law, or rule or regulation relates to or  
693 in part regulates the practice of the specialty, when the licensee or applicant knows or  
694 should know that such action is violative of such statute, law, or rule; or violated a lawful  
695 order of the board previously entered by the board in a disciplinary hearing, consent  
696 decree, or license reinstatement;

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

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

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

716 (B) For the purpose of this subsection, the board, if it has a reasonable basis to believe  
717 that the licensee is incapacitated in the performance of ~~his or her~~ such licensee's duties  
718 by reason of substance abuse or mental or physical illness, may require the licensee to  
719 produce or give the board permission to obtain any and all records relating to the  
720 alleged incapacitating mental or physical condition of a licensee or applicant, including  
721 that individual's personal psychiatric, psychological, and mental health records; and  
722 such records shall be admissible in any hearing before the board. If a licensee fails to  
723 provide such records when properly directed to do so by the board, the board may  
724 summarily suspend the license of such licensee, if the public health, safety, and welfare  
725 imperatively require such action, and thereafter enter a final order upon proper notice,  
726 hearing, and proof of such refusal.

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

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

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

- 738 (1) Refuse to grant or renew a license to an applicant;  
739 (2) Administer a public or private reprimand, but a private reprimand shall not be  
740 disclosed to any person except the licensee;  
741 (3) Suspend any license for a definite period or for an indefinite period in connection  
742 with any condition which may be attached to the restoration of said license;

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

769 upon a determination that reasonable grounds exist for the belief that a violation of this  
770 article may have taken place.

771 (2) The results of all investigations initiated by the board shall be reported solely to the  
772 board, and the records of such investigations shall be kept for the board by the division  
773 director, with the board retaining the right to have access at any time to such records. No  
774 part of any such records shall be released, except to the board, for any purpose other than  
775 a hearing before the board, nor shall such records be subject to subpoena; provided,  
776 however, that the board shall be authorized to release such records to another  
777 enforcement agency or lawful licensing authority.

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

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

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

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

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

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

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

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

823 43-10A-18.

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

832 43-10A-19.

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

835 43-10A-20.

836 Any person violating Code Section 43-10A-19 or Code Section 43-10A-7 shall be guilty  
837 of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than  
838 ~~\$100.00~~ \$500.00 nor more than \$1,000.00 for each offense ~~and, in addition, may be~~  
839 ~~imprisoned for a term not to exceed 12 months~~ or by imprisonment for up to 12 months,  
840 or both.

841 43-10A-21.

842 (a) No corporation, partnership, association, or other business entity may use in its  
843 corporate, partnership, association, or business name any term or title restricted under  
844 subsection (a) of Code Section 43-10A-7 or the term 'professional counseling,' 'social  
845 work,' or 'marriage and family therapy,' or any words, letters, titles, or figures indicating  
846 or implying that such entity or any of its employees, officers, or agents are practicing a  
847 specialty regulated under this article, unless each person practicing a specialty in that  
848 entity, except those persons exempt under paragraph (1), (4), (5), (6), ~~(11), (13), or (14)~~  
849 (12), (14), or (15) of subsection (b) of Code Section 43-10A-7, is licensed under this  
850 article.

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

855 43-10A-22.

856 ~~(a) Nothing in this article shall be construed to authorize persons licensed under this article~~  
857 ~~to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as~~  
858 ~~regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything~~  
859 ~~in this article be construed to limit or regulate the practice of those licensed under~~  
860 ~~Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this article be construed~~  
861 ~~to authorize persons licensed under this article to perform psychological testing as defined~~  
862 ~~in Code Section 43-39-1.~~

863 ~~(b) On or before January 1, 2017, the board, in consultation with the State Board of~~  
864 ~~Examiners of Psychologists, shall promulgate rules and regulations that define for its~~  
865 ~~licensees testing and assessments authorized by this article and not prohibited by this Code~~  
866 ~~section. The board shall retain its full authority to determine the education, experience, and~~

867 ~~training necessary and appropriate to any testing or assessments conducted by its licensees.~~  
868 ~~The board and the State Board of Examiners of Psychologists shall notify each other in the~~  
869 ~~event of any enforcement inquiry, penalty, or legal order relating to testing or assessments~~  
870 ~~that are not within the scope of authority for licensees of either board and permit the other~~  
871 ~~board to render any advice or comment relating to such action 30 days prior to any final~~  
872 ~~action by the board.~~

873 43-10A-23.

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

876 **SECTION 2.**

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