

House Bill 1616

By: Representatives Belton of the 112<sup>th</sup>, Powell of the 32<sup>nd</sup>, and Gambill of the 15<sup>th</sup>

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 clarify  
3 certain licensing provisions and improve the quality of licensees; to revise definitions; to  
4 reduce outdated restrictions on the composition of the Georgia Composite Board of  
5 Professional Counselors, Social Workers, and Marriage and Family Therapists; to change the  
6 licensing requirements and exceptions; to change the eligibility for licensing for associate  
7 professional counselors and professional counselors; to eliminate certain continuing  
8 education requirements; to provide for conforming changes; to provide for related matters;  
9 to 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 Code  
14 Section 43-10A-3, relating to definitions, as follows:

15 "43-10A-3.

16 As used in this article, the term:

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17 (1) 'Advertise' means, but is not limited to, the issuing of or causing to be distributed any  
18 card, sign, or other device, or the causing or permitting of any sign or marking on or in  
19 any building or structure, or the causing or permitting of any announcement or display  
20 in any newspaper, magazine, ~~or~~ directory, ~~or on~~ radio; or television broadcast, or the  
21 internet.

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

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

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

29 ~~(3.1)~~(5) 'Commission on Rehabilitation Counselor Certification' means the national  
30 certifying agency for rehabilitation counselors as recognized by the National Commission  
31 for Certifying Agencies.

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

35 ~~(4)~~(7) 'Counseling' means those techniques used to help persons learn how to solve  
36 problems and make decisions related to personal growth, vocation, family, social, and  
37 other interpersonal concerns.

38 ~~(4.1)~~(8) 'Diagnose' means the use, administration, or application of any criteria contained  
39 within standard classification or diagnostic systems for mental disorders and that are  
40 related to the scope of practice as provided pursuant to this article. Such term Diagnose  
41 shall not mean the diagnosis of any neuropsychological functioning or conditions.

42 ~~(5)~~(9) 'Direction' means the ongoing administrative overseeing by an employer or  
43 superior of a specialty practitioner's work. The person providing direction shall be

44 responsible for assuring the quality of the services rendered by that practitioner and shall  
45 ensure that qualified supervision or intervention occurs in situations which require  
46 expertise beyond that of the practitioner. Direction may be provided by any person  
47 acceptable to the standards committee for that specialty in which the practitioner is  
48 working.

49 ~~(6)~~(10) 'Division director' means the director of the professional licensing boards  
50 division. The division director shall serve as secretary to the board.

51 ~~(7)~~(11) 'Fee' means money or anything of value, including but not limited to a salary,  
52 offered or received as compensation in return for rendering services in any specialty.

53 ~~(8)~~(12) 'Marriage and family therapy' means that specialty which evaluates, diagnoses,  
54 and treats emotional and mental problems and conditions, whether cognitive, affective,  
55 or behavioral, resolves intrapersonal and interpersonal conflicts, and changes perception,  
56 attitudes, and behavior; all within the context of marital and family systems. Marriage  
57 and family therapy includes, without being limited to, individual, group, couple, sexual,  
58 family, and divorce therapy. Marriage and family therapy involves an applied  
59 understanding of the dynamics of marital and family systems, including individual  
60 psychodynamics, the use of assessment instruments that evaluate marital and family  
61 functioning, designing and recommending a course of treatment, and the use of  
62 psychotherapy and counseling.

63 ~~(9)~~(13) 'Practice a specialty' or 'practice' means to offer to render for a fee or to render  
64 for a fee any service involving the application of principles, methods, or procedures of  
65 professional counseling, social work, or marriage and family therapy.

66 ~~(10)~~(14) 'Professional counseling' means that specialty which utilizes counseling  
67 techniques based on principles, methods, and procedures of counseling that assist people  
68 in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal  
69 concerns; utilizes counseling and psychotherapy to evaluate, diagnose, treat, and  
70 recommend a course of treatment for emotional and mental problems and conditions,

71 whether cognitive, behavioral, or affective, provided that the counselor shall have training  
72 and experience working with people with mental illness, developmental disability, or  
73 substance abuse; administers and interprets educational and vocational assessment  
74 instruments and other tests which the professional counselor is qualified to employ by  
75 virtue of education, training, and experience; utilizes information, community resources,  
76 and goal setting for personal, social, or vocational development; utilizes individual and  
77 group techniques for facilitating problem solving, decision making, and behavior change;  
78 utilizes functional assessment and vocational planning and guidance for persons  
79 requesting assistance in adjustment to a disability or disabling condition; utilizes referral  
80 for persons who request counseling services; performs service planning; and utilizes and  
81 interprets counseling research.

82 ~~(11)~~(15) 'Psychotherapeutic techniques' means those specific techniques involving the  
83 in-depth exploration and treatment of interpersonal and intrapersonal dynamics but shall  
84 not include the performance of those activities exclusively reserved to any other business  
85 or profession by any other chapter of this title.

86 ~~(12)~~(16) 'Recognized educational institution' means any educational institution which  
87 grants a bachelor's, master's, specialist, or doctoral degree and which is recognized by an  
88 accrediting body acceptable to the board.

89 ~~(13)~~(17) 'Social work' means that specialty which helps individuals, marriages, families,  
90 couples, groups, or communities to enhance or restore their capacity for functioning: by  
91 assisting in the obtaining or improving of tangible social and health services; by  
92 providing psychosocial evaluations, in-depth analyses and diagnoses of the nature and  
93 status of emotional, cognitive, mental, behavioral, and interpersonal problems or  
94 conditions; and by counseling and psychotherapeutic techniques, casework, social work  
95 advocacy, psychotherapy, and treatment in a variety of settings which include but are not  
96 limited to mental and physical health facilities, child and family service agencies, or  
97 private practice.

98 ~~(14)~~(18) 'Specialty' means social work, marriage and family therapy, or professional  
99 counseling, or any combination thereof.

100 ~~(15)~~(19) 'Supervision' means the direct clinical review, for the purpose of training or  
101 teaching, by a supervisor of a specialty practitioner's interaction with a client. It may  
102 include, without being limited to, the review of case presentations, recordings, audio  
103 tapes, video tapes, and direct observation in order to promote the development of the  
104 practitioner's clinical skills.

105 ~~(16)~~(20) 'Supervisor' means a person who meets the requirements established by the  
106 standards committee for that specialty which is being supervised and who is either  
107 licensed under this article or is a psychiatrist or a psychologist.

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

111 ~~(18) 'The Council on Social Work Education' means the national accrediting agency for~~  
112 ~~social work education as recognized by the United States Department of Education and~~  
113 ~~the Council on Postsecondary Accreditation."~~

## 114 **SECTION 2.**

115 Said chapter is further amended by revising Code Section 43-10A-4, relating to creation of  
116 board, composition, appointment, removal, and vacancies, as follows:

117 "43-10A-4.

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

- 122 (1) Three members licensed in professional counseling, ~~two of whom shall be designated~~  
123 ~~at the time of their appointment to serve an initial term ending December 31, 1988, and~~  
124 ~~one of whom shall be designated to serve an initial term ending December 31, 1987;~~
- 125 (2) Three members licensed as social workers, ~~one of whom shall be designated at the~~  
126 ~~time of appointment to serve an initial term ending December 31, 1988, the other two of~~  
127 ~~whom shall be designated to serve an initial term ending December 31, 1987;~~
- 128 (3) Three members licensed as marriage and family therapists, ~~two of whom shall be~~  
129 ~~designated at the time of their appointment to serve an initial term ending December 31,~~  
130 ~~1987, and one of whom shall be designated to serve an initial term ending December 31,~~  
131 ~~1988; and~~
- 132 (4) One member who shall represent the public at large and have no professional  
133 connection with any specialty ~~to serve an initial term ending December 31, 1988.~~
- 134 (b) All members of the board shall be appointed by the Governor, subject to confirmation  
135 by the Senate. ~~Those members first appointed to the board under this article shall serve for~~  
136 ~~initial terms of office beginning September 1, 1985. Those members of the board who are~~  
137 ~~required to be licensed and who are first appointed to the board shall be persons who are~~  
138 ~~practicing in the designated specialty at the time of appointment and who must be licensed~~  
139 ~~therein as required within 12 months following their appointment.~~
- 140 (c) ~~After the initial terms specified in subsection (a) of this Code section, members~~  
141 ~~Members of the board shall take office on the first day of January immediately following~~  
142 ~~the expired term of that office and shall serve for a term of three years and until the~~  
143 ~~appointment and qualification of their respective successors. No member shall serve on~~  
144 ~~the board more than two consecutive terms.~~
- 145 (d) Members of the board may be removed by the Governor, after notice and opportunity  
146 for hearing, for incompetence, neglect of duty, unprofessional conduct, or conviction of  
147 any felony.

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

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

154 **SECTION 3.**

155 Said chapter is further amended by revising subsection (b) of Code Section 43-10A-5,  
156 relating to requirement of oath, quorum, powers and duties of board, ethics, reimbursement  
157 of members, meetings, and background checks, as follows:

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

160

161 **SECTION 4.**

162 Said chapter is further amended by revising Code Section 43-10A-7, relating to licensing  
163 requirements and exceptions, as follows:

164 "43-10A-7.

165 (a) Except as otherwise provided in this article, a person who is not licensed under this  
166 article shall not practice professional counseling, social work, or marriage and family  
167 therapy, nor advertise the performance of such practice, nor use the title 'professional  
168 counselor,' 'associate professional counselor,' 'social worker,' 'marriage and family  
169 therapist,' or 'associate marriage and family therapist,' nor use any words, letters, titles, or  
170 figures indicating or implying that the person is a professional counselor, associate  
171 professional counselor, social worker, marriage and family therapist, or associate marriage  
172 and family therapist or is licensed under this article.

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

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

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

186 ~~(3)(A) Persons who, prior to July 1, 2000, engaged in the practice of a specialty as an~~  
187 ~~employee of any community service board or similar entity created by general law to~~  
188 ~~provide services to persons with disabilities, as defined in Chapter 2 of Title 37, or any~~  
189 ~~agency or department of the state or any of its political subdivisions, but only when~~  
190 ~~engaged in that practice as an employee of such an agency or department.~~

191 ~~(B) Persons who engage in the practice of social work as employees of any community~~  
192 ~~service board or similar entity created by general law to provide services to persons~~  
193 ~~with disabilities, as defined in Chapter 2 of Title 37, or any agency or department of the~~  
194 ~~state or any of its political subdivisions, but only when engaged in that practice as~~  
195 ~~employees of such community service board or similar entity, agency, or department,~~  
196 ~~and persons or entities which contract to provide social work services with any~~  
197 ~~community service board or similar entity or any agency or department of the state or~~  
198 ~~any of its political subdivisions, but such contracting persons and entities shall only be~~



199 ~~exempt under this subparagraph when engaged in providing social work services~~  
200 ~~pursuant to those contracts and shall only be exempt until January 1, 1996.~~

201 ~~(C) Persons who engage in the practice of professional counseling as employees of~~  
202 ~~privately owned correctional facilities, the Department of Corrections, Department of~~  
203 ~~Community Health, Department of Public Health, Department of Behavioral Health and~~  
204 ~~Developmental Disabilities, Department of Human Services, any county board of~~  
205 ~~health, or any community service board or similar entity created by general law to~~  
206 ~~provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but~~  
207 ~~only when engaged in that practice as employees of such privately owned correctional~~  
208 ~~facility, department, board, or entity and persons or entities which contract to provide~~  
209 ~~professional counseling services with such department or county board of health, but~~  
210 ~~such contracting persons and entities shall only be exempt under this subparagraph~~  
211 ~~when engaged in providing professional counseling services pursuant to those contracts~~  
212 ~~and shall only be exempt until January 1, 1996;~~

213 ~~(4)~~(3) Students of a recognized educational institution who are preparing to become  
214 practitioners of a specialty, but only if the services they render as such practitioners are  
215 under supervision and direction and their student status is clearly designated by the title  
216 'trainee' or 'intern';

217 ~~(5)~~(4) Persons who have obtained a master's degree from a program accredited by the  
218 Council on Social Work Education and who are practicing social work under direction  
219 and supervision while preparing to take the master's social work licensing examination,  
220 but only for a period of up to one year following the granting of such degree;

221 ~~(6)~~(5) Persons who have obtained one of the graduate degrees required for licensure as  
222 a professional counselor or marriage and family therapist and who are practicing such  
223 specialty under supervision and direction in order to obtain the experience required for  
224 licensure;

225 (6) Persons who are undergoing an internship or practicum under supervision or under  
226 the direction of a person certified as a rehabilitation counselor by the Commission on  
227 Rehabilitation Counselor Certification;

228 (7) Elementary, middle, or secondary school counselors and school social workers  
229 certificated as such by the Department of Education, Professional Standards Commission,  
230 or its successor agency but only when practicing within the scope of such certification  
231 and only when designated by the title 'school counselor,' 'school social worker,' or a title  
232 designated by the school system in which they are employed for persons practicing within  
233 such certification;

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

239 ~~(9)~~(8) Active members of the clergy but only when the practice of their specialty is in  
240 the course of their service as clergy;

241 ~~(10)~~(9) Members of religious ministries responsible to their established ecclesiastical  
242 authority who possess a master's degree or its equivalent in theological studies;

243 ~~(11)~~(10) Persons in accordance with Biblical doctrine engaged in the practice of a their  
244 specialty in accordance with Biblical doctrine in public or nonprofit agencies or entities  
245 or in private practice;

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

249 ~~(13)~~(11) Persons who have obtained a master's degree from a program accredited by the  
250 Council on Social Work Education and who are engaged in the practice of community

251 organization, policy, planning, research, or administration may use the title 'social worker'  
252 and may only engage in such practice;

253 ~~(14)~~(12) Persons who have obtained a bachelor's degree in social work from a program  
254 accredited by the Council on Social Work Education may use the title 'social worker' and  
255 may practice social work, but they may not practice autonomously and may only practice  
256 under direction and supervision, and, notwithstanding the definitions in paragraphs ~~(5)~~  
257 ~~and (15)~~ (9) and (19) of Code Section 43-10A-3, such supervision shall be provided by  
258 a social worker who, as a minimum, has been awarded a bachelor's or a master's degree  
259 in social work from a program accredited by the Council on Social Work Education and  
260 who has completed at least two years of post-degree practice in the field of social work;

261 ~~(15)~~(13) Addiction counselors who have met the certification requirements of the  
262 Georgia Addiction Counselors Association or any other similar private association of  
263 addiction counselors which includes among its certification requirements the following:

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

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

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

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

274 Services which may be provided under this paragraph shall be limited to those practices  
275 sanctioned by the certifying association and shall in any event be limited to the provision  
276 of chemical dependency treatment in the following settings: screening; intake;  
277 orientation; assessment for addiction diseases; treatment planning; individual, family, and

278 group addiction counseling; case management; crisis intervention; client education;  
279 referral, reporting, and record keeping; and consultation with other professionals in  
280 regard to client treatment and services. Persons exempt under this paragraph shall not use  
281 any title indicating or implying that they are licensed under this article;

282 ~~(15.1)~~(14) Persons who are training to be addiction counselors but only when such  
283 persons are:

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

285 (B) Supervised and directed by a supervisor who meets the qualifications established  
286 by the Georgia Addiction Counselors Association or any other similar private  
287 association of addiction counselors which includes among its certification requirements  
288 the criteria specified in paragraph ~~(15)~~ (13) of this subsection;

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

291 (D) Actively seeking certification in accordance with the requirements of  
292 paragraph ~~(15)~~ (13) of this subsection.

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

303 ~~(16) Any person engaged in the practice of professional counseling as an employee or~~  
304 ~~student peer counselor of the University System of Georgia or its educational units, the~~

305 ~~Technical College System of Georgia or its educational units, or of a public or private~~  
306 ~~college or university within this state, but only when engaged in that practice as such an~~  
307 ~~employee or student peer counselor and excepting the use of psychotherapeutic~~  
308 ~~techniques to evaluate and treat emotional and mental illness, disorder, or dysfunction;~~  
309 ~~(17) Persons who engage in the practice of professional counseling, excluding the use~~  
310 ~~of psychotherapy, as employees of organizations which maintain, now or in the future,~~  
311 ~~accreditation from the Commission on Accreditation of Rehabilitation Facilities or the~~  
312 ~~national Accreditation Council for Agencies Serving People with Blindness or Visual~~  
313 ~~Impairment, but only when those persons are providing those services as employees of~~  
314 ~~those organizations pursuant to contracts between such organizations and the state or a~~  
315 ~~department, agency, county, municipality, or political subdivision of the state;~~  
316 ~~(18) Persons engaged in the practice of a specialty as an employee of the Department of~~  
317 ~~Labor, but only when engaged in such practice as an employee of such department; and~~  
318 ~~(19)~~(15) Persons currently licensed to practice a specialty in another jurisdiction and who  
319 are practicing such specialty within a defined disaster area in order to alleviate the impact  
320 on persons affected by a disaster as defined in ~~paragraph (1)~~ of Code Section 38-3-91 or  
321 a state of emergency as defined in ~~paragraph (7)~~ of Code Section 38-3-3, but only when  
322 such specialty services are provided without cost to the recipients, and only for a  
323 maximum of 30 consecutive days following a disaster or a state of emergency.

324 (c) Unless exempt under ~~paragraph (1), (2), (4), (5), (6), (11), (13), (14), (15), (16), or (17)~~  
325 paragraphs (1) through (5), (9), or (11) through (13) of subsection (b) of this Code section,  
326 a person who is not licensed under this article shall not practice a specialty for any  
327 corporation, partnership, association, or other business entity which uses in its corporate,  
328 partnership, association, or business name any words, letters, titles, or figures indicating  
329 or implying that such entity or any of its employees, officers, or agents are practicing a  
330 specialty.

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

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

344 **SECTION 5.**

345 Said chapter is further amended by revising Code Section 43-10A-8, relating to eligibility  
346 for licensure, as follows:

347 "43-10A-8.

348 (a) No person shall be eligible for licensure under this article unless such person furnishes  
349 satisfactory evidence to the board of all of the following:

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

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

357 (3) Having paid any required license fee; and  
 358 ~~(4) Having furnished at least two personal references from supervisors, teachers, or any~~  
 359 ~~combination thereof; and~~  
 360 ~~(5)~~(4) Having satisfactory results from a fingerprint record check report conducted by  
 361 the Georgia Crime Information Center and the Federal Bureau of Investigation, as  
 362 determined by the board. Application for the issuance of a license under this Code  
 363 section shall constitute express consent and authorization for the board to perform a  
 364 criminal background check. Each applicant who submits an application to the board for  
 365 licensure agrees to provide the board with any and all information necessary to run a  
 366 criminal background check, including, but not limited to, classifiable sets of fingerprints.  
 367 Any such applicant shall be responsible for all fees associated with the performance of  
 368 such background check.

369 (b) In addition to the requirements of subsection (a) of this Code section, in order to apply  
 370 for or renew a license under this article, all persons licensed after April 26, 2006, are  
 371 required to have completed a graduate level course or the equivalent related to diagnosing."

372 **SECTION 6.**

373 Said chapter is further amended by revising Code Section 43-10A-11, relating to  
 374 requirements for licensure in professional counseling, as follows:

375 "43-10A-11.

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

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

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

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

386 (2) For licensure as a professional counselor:

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

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

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

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

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

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

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



409 ~~(ii) An internship or practicum supervised either by a supervisor, as defined in~~  
410 ~~paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation Counselor~~  
411 ~~certified as such by the Commission on Rehabilitation Counselor Certification;~~  
412 ~~(iii) The Certified Rehabilitation Counselor designation from the Commission on~~  
413 ~~Rehabilitation Counselor Certification; and~~  
414 ~~(iv) Three years of post-master's directed experience providing rehabilitation services~~  
415 ~~in a rehabilitation setting under supervision provided either by a supervisor, as~~  
416 ~~defined in paragraph (16) of Code Section 43-10A-3, or by a Certified Rehabilitation~~  
417 ~~Counselor certified as such by the Commission on Rehabilitation Counselor~~  
418 ~~Certification. Up to one year of such experience may have been in an approved~~  
419 ~~practicum or internship placement as part of the degree program; or~~  
420 ~~(D) A master's degree from a recognized educational institution in a program that is~~  
421 ~~primarily counseling in content with supervised internship or practicum and four years~~  
422 ~~of post-master's directed experience under supervision in a setting acceptable to the~~  
423 ~~board. Up to one year of such experience may have been in an approved practicum~~  
424 ~~placement as part of the degree program; or~~  
425 ~~(E) A master's degree from a recognized educational institution in a program of applied~~  
426 ~~psychology with supervised internship or practicum and four years of post-master's~~  
427 ~~directed experience under supervision in a setting acceptable to the board. Up to one~~  
428 ~~year of such experience may have been in an approved practicum placement as part of~~  
429 ~~the degree program. Supervision of the practicum or internship and the post-master's~~  
430 ~~directed experience shall be provided by a supervisor, as defined in paragraph (16) of~~  
431 ~~Code Section 43-10A-3, except that such supervision may be provided all or in part by~~  
432 ~~a psychologist or, before January 1, 2004, by a person with a master's degree from a~~  
433 ~~recognized educational institution in a program of applied psychology.~~

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

437 (c) Only a person licensed as an associate professional counselor may Associate  
 438 ~~professional counselors may only~~ use the title 'associate professional counselor' ~~and may~~  
 439 or 'licensed professional counselor.' Associate professional counselors shall practice  
 440 professional counseling only under direction and supervision and only for a period not to  
 441 exceed five years while obtaining the post-master's degree experience required for licensure  
 442 as a professional counselor."

#### 443 SECTION 7.

444 Said chapter is further amended by revising Code Section 43-10A-16, relating to  
 445 requirements for continuing education, as follows:

446 "43-10A-16.

447 (a) The board shall establish continuing education requirements for license renewal. The  
 448 number of hours of continuing education in each specialty shall not exceed the number of  
 449 hours available that year in each such specialty in board approved courses within the state.  
 450 The board may waive these continuing education requirements for not more than  
 451 12 months, but such waiver shall only be available upon the licensee's satisfactory showing  
 452 to the board of undue hardship.

453 ~~(b) On or before January 1, 2017, the board shall develop a curriculum of continuing~~  
 454 ~~education relating to diagnosing by persons licensed under this article working with people~~  
 455 ~~with mental illness, developmental disabilities, or substance abuse. All persons licensed~~  
 456 ~~under this article who have not already completed as of January 1, 2017, sufficient training,~~  
 457 ~~experience, or classes related to diagnosing as part of their licensure requirements as~~  
 458 ~~required by the board shall complete such curriculum no later than January 1, 2018. As of~~  
 459 ~~April 26, 2016, persons licensed under this article with at least ten years of experience as~~

460 a professional counselor, clinical social worker, or marriage and family therapist working  
461 with people with mental illness, developmental disabilities, or substance abuse and in good  
462 standing with the board shall be exempt from the requirements of this subsection."

463

### SECTION 8.

464 Said chapter is further amended by revising Code Section 43-10A-21, relating to restrictions  
465 on use of terms in corporate, partnership, association, or business names, as follows:

466 "43-10A-21.

467 (a) No corporation, partnership, association, or other business entity may use in its  
468 corporate, partnership, association, or business name any term or title restricted under  
469 subsection (a) of Code Section 43-10A-7 or the term 'professional counseling,' 'social  
470 work,' or 'marriage and family therapy,' or any words, letters, titles, or figures indicating  
471 or implying that such entity or any of its employees, officers, or agents are practicing a  
472 specialty regulated under this article, unless each person practicing a specialty in that  
473 entity, except those persons exempt under ~~paragraph (1), (4), (5), (6), (11), (13), or (14)~~  
474 paragraphs (1) through (5), (9), or (11) through (13) of subsection (b) of Code  
475 Section 43-10A-7, is licensed under this article.

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

480

### SECTION 9.

481 Said chapter is further amended by revising Code Section 43-10A-22, relating to restrictions  
482 on scope of article, as follows:

483 "43-10A-22.

484 (a) Nothing in this article shall be construed to authorize persons licensed under this article  
485 to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as  
486 regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything  
487 in this article be construed to limit or regulate the practice of those licensed under  
488 Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this article be construed  
489 to authorize persons licensed under this article to perform psychological testing as defined  
490 in Code Section 43-39-1.

491 ~~(b) On or before January 1, 2017, the board, in consultation with the State Board of~~  
492 ~~Examiners of Psychologists, shall promulgate rules and regulations that define for its~~  
493 ~~licensees testing and assessments authorized by this article and not prohibited by this Code~~  
494 ~~section. The board shall retain its full authority to determine the education, experience, and~~  
495 ~~training necessary and appropriate to any testing or assessments conducted by its licensees.~~  
496 ~~The board and the State Board of Examiners of Psychologists shall notify each other in the~~  
497 ~~event of any enforcement inquiry, penalty, or legal order relating to testing or assessments~~  
498 ~~that are not within the scope of authority for licensees of either board and permit the other~~  
499 ~~board to render any advice or comment relating to such action 30 days prior to any final~~  
500 ~~action by the board."~~

501

## SECTION 10.

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