

Senate Bill 211

By: Senators Hufstetler of the 52nd, Ginn of the 47th, Ligon, Jr. of the 3rd and Orrock of the 36th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to provide a definition for the term "psychological testing"; to clarify that  
3 persons licensed as professional counselors, social workers, and marriage and family  
4 therapists are not authorized to conduct psychological testing as defined; to clarify that  
5 psychological testing is part of the practice of psychology; to amend Code Section 37-1-1 of  
6 the Official Code of Georgia Annotated, relating to definitions relative to the general  
7 provisions governing and regulating mental health, so as to conform a cross-reference; to  
8 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
12 is amended by revising Code Section 43-10-22, relating to restrictions on scope of chapter  
13 relative to professional counselors, social workers, and marriage and family therapists, as  
14 follows:

15 "43-10A-22.

16 Nothing in this chapter shall be construed to authorize persons licensed under this chapter  
17 to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as  
18 regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything  
19 in this chapter be construed to limit or regulate the practice of those licensed under ~~said~~  
20 Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this chapter be construed  
21 to authorize persons licensed under this chapter to perform psychological testing as defined  
22 in Code Section 43-39-1."

23 style="text-align:center">**SECTION 2.**

24 Said title is further amended by revising Code Section 43-39-1, relating to definitions relative  
25 to psychologists, as follows:

26 "43-39-1.

27 As used in this chapter, the term:

28 (1) 'Board' means the State Board of Examiners of Psychologists.

29 (2) 'Mental abilities' means abilities that are psychological in nature, as opposed to  
 30 physical in nature. Mental abilities include but are not limited to intelligence, cognition,  
 31 attention, concentration, memory, language, abstraction, creativity, and problem solving.

32 (3) 'Neuropsychological functioning' means the psychological manifestations of brain  
 33 functioning. Neuropsychological functioning includes but is not limited to sensory-motor  
 34 functioning, attention, concentration, memory, language, abstraction, problem solving,  
 35 visual spatial ability, executive functioning, and personality.

36 ~~(2)~~(4) 'Neuropsychology' means the subspecialty of psychology concerned with the  
 37 relationship between the brain and behavior, including the diagnosis of brain pathology  
 38 through the use of psychological tests and assessment techniques.

39 (5) 'Personality characteristics' means personality states, traits, attitudes, emotional  
 40 conditions, self-image, and motivation.

41 (6) 'Psychological testing' means the use of assessment instruments that measure mental  
 42 abilities, personality characteristics, or neuropsychological functioning in order to  
 43 diagnose, render opinions, treat, classify, or evaluate mental and nervous disorders and  
 44 illnesses, including but not limited to organic brain disorders and brain damage.

45 ~~(3)~~(7) 'To practice psychology' means to render or offer to render to individuals, groups,  
 46 organizations, or the public for a fee or any remuneration, monetary or otherwise, any  
 47 service involving the application of recognized principles, methods, and procedures of  
 48 the science and profession of psychology, ~~such as,~~ including, but not limited to,  
 49 diagnosing and treating mental and nervous disorders and illnesses, rendering opinions  
 50 concerning diagnoses of mental disorders, including but not limited to organic brain  
 51 disorders and brain damage, engaging in neuropsychology, engaging in psychotherapy,  
 52 interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests,  
 53 and personality characteristics, including but not limited to psychological testing, for such  
 54 purposes as psychological classification or evaluation, or for education or vocational  
 55 placement, or for such purposes as psychological counseling, guidance, or readjustment.  
 56 Nothing in this paragraph shall be construed as permitting the administration or  
 57 prescription of drugs or in any way infringing upon the practice of medicine as defined  
 58 in the laws of this state."

59 **SECTION 3.**

60 Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions  
61 relative to the general provisions governing and regulating mental health, is amended by  
62 revising paragraph (17) as follows:

63 "(17) 'Psychologist' means any person ~~authorized under the laws of this state to practice~~  
64 ~~as a licensed psychologist as set forth in paragraph (3) of Code Section 43-39-1~~ duly  
65 licensed to practice psychology in this state under Chapter 39 of Title 43."

66 **SECTION 4.**

67 This Act shall become effective upon its approval by the Governor or upon its becoming law  
68 without such approval.

69 **SECTION 5.**

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