

AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide that professional counseling includes diagnosing emotional and mental problems and conditions; to clarify that persons licensed as professional counselors, social workers, and marriage and family therapists are not authorized to conduct psychological testing; to provide for legislative findings and intent; to provide for a curriculum of continuing education relating to diagnosing; to provide for the establishment of rules and regulations regarding testing conducted by licensed professional counselors; to clarify that psychological testing is part of the practice of psychology; to provide that certain licensed persons are able to perform certain tests other than psychological testing; to revise definitions; to amend Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to the general provisions governing and regulating mental health, so as to conform a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that the mental health and wellness needs of Georgia's citizens require the availability of trained mental health professionals who can accurately diagnose, treat, prescribe, and appropriately assess the mental and emotional illnesses, disorders, and conditions from which they suffer and the vocational, educational, interpersonal, and intrapersonal needs essential to living and learning how to live productive and useful lives. It is the intent of the General Assembly to assure geographical and financial access for all of Georgia's citizens to excellent mental health services to the extent that Georgia's resources and regulations permit. To these ends, Georgia regulates its licensed psychiatrists, psychologists, professional counselors, marriage and family therapists, and clinical social workers who provide graduate level professional services to Georgia's private and public mental health services and to its public mental health, educational, and vocational support systems. The General Assembly seeks in such regulatory process to protect the public and assure it receives high quality and appropriate services and to define the scopes of practice and diagnostic authority for each of these professional groups consistent with the graduate level training and supervision, or its equivalent, that the members of each profession have sought and successfully completed. The General Assembly has empowered and authorized the Georgia Composite Medical Board, the State Board of Examiners of Psychologists, and

the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists to fulfill these responsibilities and expects them to work together to assure a continuum of professional services that ensure appropriate diagnostic and assessment functions for each profession and the psychotherapeutic and counseling treatment services appropriate to each profession. The General Assembly recognizes that advances in medicine, science, education, training, and service delivery occur constantly in our modern history and therefore also expects the regulatory boards for each profession to assure that its licensees seek and successfully complete appropriate continuing education and training for the functions and services authorized to each profession.

SECTION 2.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-10A-3, relating to definitions relative to professional counselors, social workers, and others, by adding a new paragraph and by revising paragraph (10) to read as follows:

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

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

SECTION 3.

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Said title is further amended by designating the present provisions as subsection (a) and by adding a new subsection to Code Section 43-10A-16, relating to continuing education for professional counselors, to read as follows:

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

SECTION 4.

Said title is further amended by revising Code Section 43-10A-22, relating to restrictions on the scope of practice relative to professional counselors, social workers, and marriage and family therapists, as follows:

"43-10A-22.

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

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

SECTION 5.

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

"43-39-1.

As used in this chapter, the term:

- (1) 'Board' means the State Board of Examiners of Psychologists.
- (2) 'Mental abilities' means abilities that are psychological in nature and are related to the practice of psychology.
- (3) 'Neuropsychological functioning' means the psychological manifestations of brain functioning. Neuropsychological functioning includes but is not limited to sensory motor functioning, attention, concentration, memory, language, abstraction, problem solving, visual-spatial ability, executive functioning, and personality.
- (4) 'Neuropsychology' means the subspecialty of psychology concerned with the relationship between the brain and behavior, including the diagnosis of brain pathology through the use of psychological tests and assessment techniques.
- (5) 'Personality characteristics' means personality characteristics that are psychological in nature and related to the practice of psychology.
- (6) 'Psychological testing' means the use of assessment instruments to both:
 - (A) Measure mental abilities, personality characteristics, or neuropsychological functioning; and
 - (B) Diagnose, evaluate, classify, or render opinions regarding mental and nervous disorders and illnesses, including, but not limited to, organic brain disorders, brain damage, and other neuropsychological conditions.
- (7) 'To practice psychology' or 'practice of psychology' means to render or offer to render to individuals, groups, organizations, or the public for a fee or any remuneration, monetary or otherwise, any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, including, but not limited to, diagnosing and treating mental and nervous disorders and illnesses; rendering opinions concerning diagnoses of mental disorders, including, but not limited to, organic brain disorders and brain damage; engaging in neuropsychology; engaging in psychotherapy; interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics, including, but not limited to, psychological testing, for such purposes as psychological classification or evaluation or for educational or vocational placement, or for such purposes as psychological counseling, guidance, or readjustment. When engaged in the practice of psychology, licensed psychologists may describe or label any testing, assessment, or evaluation they conduct within the scope of practice described in this Code section as 'psychological' in

nature; provided, however, that any such description or labeling shall not be construed to alter the meaning of psychological testing as defined in paragraph (6) of this Code section and in paragraph (9) of Code Section 43-39-7. Nothing in this paragraph shall be construed as permitting the administration or prescription of drugs or in any way infringing upon or restricting the practice of medicine as defined in the laws of this state."

SECTION 6.

Said title is further amended by revising Code Section 43-39-7, relating to the practice of psychology without a license, use of psychologist title, and exceptions, by striking the word "and" at the end of paragraph (7), by replacing the period at the end of paragraph (8) with "; and", and by adding a new paragraph to read as follows:

"(9) Nothing in this chapter shall be construed as prohibiting any person licensed under Chapter 10A of this title from providing services he or she is authorized to perform under Chapter 10A of this title, including, but not limited to, administering and interpreting educational and vocational tests; functional assessments; interest inventories; tests that evaluate marital and family functioning; mental health symptom screening and assessment instruments that evaluate emotional, mental, behavioral, and interpersonal problems or conditions including substance use, health, and disability; or any other assessments or tests which the person is qualified to employ by virtue of his or her education, training, or experience within the scope of practice of professional counselors. The Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists shall have sole authority to regulate assessment and testing performed by persons licensed under Chapter 10A of this title."

SECTION 7.

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

"(17) 'Psychologist' means any person duly licensed to practice psychology in this state under Chapter 39 of Title 43."

SECTION 8.

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

SECTION 9.

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