

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 39. PSYCHOLOGISTS

43-39-1. Definitions

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 education 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.

HISTORY: Ga. L. 1951, p. 408, § 1; Ga. L. 1970, p. 511, § 1; Ga. L. 1982, p. 1589, §§ 1, 2; Ga. L. 1986, p. 473, § 1; Ga. L. 1992, p. 6, § 43; Ga. L. 1993, p. 355, § 1. (HISTORY)

43-39-2. Creation of board of examiners; immunity

There is created a State Board of Examiners of Psychologists, to consist of six members who shall be appointed by the Governor under conditions set forth in this chapter. No member of the board shall be liable to civil action for any act performed in good faith in the performance of that member's duties as prescribed by law.

HISTORY: Ga. L. 1951, p. 408, § 2; Ga. L. 1979, p. 516, § 2; Ga. L. 1980, p. 1337, § 1; Ga. L. 1986, p. 473, § 1.

43-39-3. Appointment to board; qualifications; terms; vacancies; removal

(a) The Governor shall appoint members to serve on the board so that the board shall at all times be composed of five members who are persons licensed as psychologists under this chapter and one consumer member who is not licensed as a psychologist under this chapter and who has no connection whatsoever with the practice or profession of psychology.

(b) All six members of the board shall serve for terms of five years and until their successors are appointed and qualified. Vacancies on the board shall be filled by the Governor for the unexpired term in the same manner as the original appointment, and members shall serve until their successors are appointed and qualified. Any board member may be removed after notice and hearing for incompetence, neglect of duty, malfeasance in office, or commission of a crime involving moral turpitude.

HISTORY: Ga. L. 1951, p. 408, § 3; Ga. L. 1970, p. 511, § 3; Ga. L. 1980, p. 1337, § 3; Ga. L. 1986, p. 473, § 1.

43-39-4. Oath of office; certificate of appointment

Immediately and before entering upon the duties of their office, the members of the board shall take the constitutional oath of office and shall file the same in the office of the Governor who, upon receiving said oath of office, shall issue to each member a certificate of appointment.

HISTORY: Ga. L. 1951, p. 408, § 4; Ga. L. 1986, p. 473, § 1.

43-39-5. Officers; meetings; seal; procedures; expenses

(a) The board shall elect annually a president and a vice-president. The board shall operate under the terms of Chapter 1 of this title, providing for a division director for the professional licensing boards division; and the division director shall serve the board as provided by law.

(b) The board shall hold at least one regular meeting each year. Called meetings may be held at the discretion of the president or at the written request of any two members of the board.

(c) The board shall adopt a seal, which must be affixed to all licenses issued by the board.

(d) The board shall from time to time adopt such rules and regulations as it may deem necessary for the performance of its duties and shall provide for examinations and pass upon the qualifications of the applicants for the practice of psychology.

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

HISTORY: Ga. L. 1951, p. 408, § 5; Ga. L. 1953, Nov.-Dec. Sess., p. 184, § 1; Ga. L. 1980, p. 1337, § 3; Ga. L. 1986, p. 473, § 1; Ga. L. 2000, p. 1706, § 16.

43-39-6. Authority of board to establish code of conduct and of ethics, administer oaths, summon witnesses, and take testimony; issuance of licenses; enforcement of chapter The board shall have authority to establish a code of conduct and of ethics, to administer oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The board shall issue licenses to practice psychology to all persons who shall present satisfactory evidence of attainments and qualifications under this chapter and the rules and regulations of the board. Such licenses shall be attested by the division director under the board's adopted seal, and it shall give absolute authority to the person to whom it is issued to practice psychology in this state. It shall be the duty of the division director, under the direction of the board, to aid the prosecuting attorneys in the enforcement of this chapter and the prosecution of all persons charged with the violation of its provisions.

HISTORY: Ga. L. 1951, p. 408, § 17; Ga. L. 1986, p. 473, § 1; Ga. L. 1994, p. 224, § 1; Ga. L. 2000, p. 1706, § 19.

43-39-7. Practicing without a license; use of title; exceptions

A person who is not licensed under this chapter shall not practice psychology, shall not use the title "psychologist," and shall not imply that he or she is a psychologist. If any person shall practice psychology or hold himself or herself out as being engaged in the practice of psychology and shall not then possess in full force a valid license to practice psychology under the laws of this state, such person shall be in violation of this chapter.

The following are exceptions:

- (1) Nothing in this chapter shall require licensure for a person who is certified as a school psychologist by the Professional Standards Commission while that person is working as an employee in an educational institution recognized by the State Board of Examiners of Psychologists as meeting satisfactory accreditation standards, provided that no fees are charged directly to clients or through a third party;
- (2) Nothing in this chapter shall be construed to prevent the teaching of psychology or the conduct of psychological research, provided that such teaching or research does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals by an unlicensed person. Any person holding a doctoral degree in psychology while working as an employee in a research laboratory, college, or university recognized by the board as meeting satisfactory accreditation standards may use the title "psychologist" in conjunction with activities permitted by this paragraph, provided that no fees are charged directly to clients or through a third party;
- (3) Nothing in this chapter shall require licensure for a person who was engaged in the practice of psychology as an employee of an agency or department of the state government, any of its political subdivisions, or community service boards as defined in Code Section 37-2-2 either prior to July 1, 1996, at a state intermediate care or skilled care facility for persons with mental retardation or prior to July 1, 1997, at any other facilities or offices of the entities previously mentioned, but only when that person is engaged in that practice as an employee of such entities;
- (4) Nothing in this chapter shall be construed to limit the activities and services of a person in the employ of or serving for an established and recognized religious organization, provided that the title "psychologist" is not used by a person not licensed and that the person does not imply that he or she is a psychologist;

- (5) Persons who hold a doctoral degree in psychology may practice under the supervision of a licensed psychologist in order to obtain the experience required for licensure;
- (6) Nothing in this chapter shall be construed to prohibit any person from engaging in the lawful practice of medicine, nursing, professional counseling, social work, and marriage and family therapy, as provided for under other state law, provided that such person shall not use the title "psychologist" nor imply that he or she is a psychologist;
- (7) Nothing in this chapter shall be construed to prevent students, trainees, or assistants from engaging in activities defined as the practice of psychology, provided such persons are under the direct supervision and responsibility of a licensed psychologist and the student, trainee, or assistant does not represent himself or herself to be a psychologist. The board shall establish rules and regulations for the supervision of persons exempted under this paragraph;
- (8) An individual licensed to practice psychology in another jurisdiction may practice psychology in Georgia without applying for a license, so long as the requirements for a license in the other jurisdiction are equal to or exceed the requirements for licensure in Georgia, and the psychologist limits that person's practice in Georgia to no more than 30 days per year, as defined in the rules and regulations of the board; and,
- (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.

HISTORY: Ga. L. 1951, p. 408, § 6; Ga. L. 1970, p. 511, § 4; Ga. L. 1986, p. 473, § 1; Ga. L. 1991, p. 1147, § 1; Ga. L. 1993, p. 355, § 2; Ga. L. 1993, p. 418, § 1; Ga. L. 1994, p. 224, § 2; Ga. L. 1999, p. 81, §43.
(HISTORY)

43-39-8. Application for license; qualifications

(a) Any person wishing to practice psychology in this state shall make application to the board through the division director upon such form and in such manner as shall be adopted and prescribed by the board and obtain from the board a license so to do. Unless such a person has obtained such a license it shall be unlawful for that person to practice; and if that person shall practice psychology without first having obtained such a license, that person shall be deemed to have violated this chapter.

(b) A candidate for such license shall furnish the board with satisfactory evidence that the candidate:

(1) Is of good moral character;

(2) Has completed the requirements of a doctoral degree from a professional training program in applied psychology, including but not limited to clinical psychology, counseling psychology, industrial or organizational psychology, or school psychology from an accredited educational institution recognized by the board as maintaining satisfactory standards. Any person who has received a doctoral degree in psychology from an accredited educational institution recognized

by the board as maintaining satisfactory standards and who has also completed an organized retraining program in applied psychology acceptable to the board shall also meet the degree requirements of this paragraph;

(3) Has had at least two years of experience in psychology of a type considered by the board to be qualifying in nature;

(4) Is competent in psychology, as shown by passing such examinations, written or oral, or both, as the board deems necessary; and

(5) Has not within the preceding six months failed an examination given by the board.

HISTORY: Ga. L. 1951, p. 408, § 7; Ga. L. 1979, p. 843, § 1; Ga. L. 1986, p. 473, § 1; Ga. L. 1987, p. 3, § 43; Ga. L. 1987, p. 343, § 1; Ga. L. 1988, p. 553, § 1; Ga. L. 1991, p. 1147, § 2; Ga. L. 1994, p. 224, § 3; Ga. L. 1999, p. 81, § 43; Ga. L. 2000, p. 1706, § 19.

43-39-9. Examination of applicants

Applicants shall take a board approved examination to test the applicant's qualifications. The examination shall be written or oral, or both.

HISTORY: Ga. L. 1951, p. 408, § 8; Ga. L. 1984, p. 503, § 1; Ga. L. 1986, p. 473, § 1; Ga. L. 1994, p. 224, § 4; Ga. L. 2010, p. 266, § 41/SB 195.

43-39-10. Reciprocity

The board may grant a license to any person who at the time of application is licensed by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this chapter. The board may require the applicant to pass such written and oral examinations as the board may deem necessary.

HISTORY: Ga. L. 1970, p. 511, § 5; Ga. L. 1986, p. 473, § 1; Ga. L. 1991, p. 1147, § 3.

43-39-11.

Reserved.

43-39-12.

Licenses issued by the board shall be renewable biennially.

HISTORY: Ga. L. 1951, p. 408, § 16; Ga. L. 1964, p. 256, § 3; Ga. L. 1970, p. 511, § 7; Ga. L. 1979, p. 843, § 5; Ga. L. 1986, p. 473, § 1.

43-39-13. Denial, revocation, suspension, and reinstatement of licenses; other disciplinary actions; hearings; appeals

(a) The board shall have the authority to refuse to grant or renew a license to an applicant therefore or to suspend or revoke a license issued by the board or to discipline a person licensed by the board based upon any of the following: the employment of fraud or deception in applying for a license or in passing the examination provided for in this chapter; conviction of a felony; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name; habitual intemperance in the use of alcoholic beverages, narcotics, or stimulants to such an extent as to incapacitate one in the performance of one's duties; negligence or wrongful actions in the performance of one's duties; or for any violation of subsection (a) of Code Section

43-1-19. Any license revoked by the board shall be subject to reinstatement at the discretion of the board:

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

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

(b) The board may not suspend or revoke or refuse to renew any license for cause or refuse to issue a license for lack of good moral character unless the person accused has been afforded an opportunity for a hearing by the board before either the board or its hearing officer. The hearing shall be held in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and the board or its hearing officer shall have all the powers and authority granted to tribunals and their hearing officers under Chapter 13 of Title 50.

(c) The action of the board in granting or refusing to grant or renew a license under this chapter, or in revoking or suspending or refusing to revoke or suspend such a license, may be appealed in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," to the superior court in the county where the division director maintains his offices, provided that, if the findings of the board are supported by any evidence, then such findings shall be accepted by the court.

HISTORY: Ga. L. 1951, p. 408, §§ 11-13; Ga. L. 1964, p. 256, § 1; Ga. L. 1979, p. 843, §§ 2, 3; Ga. L. 1986, p. 473, § 1; Ga. L. 1987, p. 3, § 43; Ga. L. 1991, p. 1147, § 4; Ga. L. 2000, p. 1706, § 19.

43-39-14. Temporary and provisional licenses

(a) The board may issue a temporary license to an applicant for a permanent license. Such license shall have the same force and effect as a permanent license. The temporary license will expire 12 months from the date of its issuance and shall not be renewable. Upon a finding by the board that the applicant has failed either the written or oral examination, the board shall revoke such temporary license.

(b) The board may issue a provisional license to an applicant for a permanent license. The provisional license may be granted to an individual who has passed all written examinations and completed all other requirements for permanent license except for the postdoctoral supervised

work experience requirement and the oral examination. Provisional licensure will expire in 24 months unless the board grants an exception, or in the event of the granting of a permanent license, whichever occurs first. The provisional license shall not be renewable. An individual who is licensed under this subsection is restricted to the stipulations of the supervised work experience requirement. Provisional licensure will be granted only to an individual who is in the process of completing the postdoctoral supervised work experience requirement and is subject to revocation if the board determines that the requirements of the supervised work experience are not being satisfactorily met. The revocation of a provisional license shall not be considered a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," but a holder of a provisional license shall have a right to appear before the board.

HISTORY: Ga. L. 1951, p. 408, § 10; Ga. L. 1980, p. 1337, § 4; Ga. L. 1984, p. 503, § 2; Ga. L. 1986, p. 473, § 1; Ga. L. 1991, p. 1147, § 5; Ga. L. 1994, p. 97, § 43; Ga. L. 1994, p. 224, § 5.

43-39-15. Continuing education

The board is authorized to establish requirements of continuing education as a condition for the renewal of licensure of psychologists; however, rules and regulations concerning accreditation of continuing education programs and other educational experience and the assignment of credit for participation therein must be promulgated by the board at least one year prior to implementation of continuing education requirements for renewal of licensure. The board shall be authorized to waive continuing education requirements in cases of hardship, disability, illness, or under such other circumstances as the board deems appropriate.

HISTORY: Ga. L. 1978, p. 1686, § 1; Ga. L. 1986, p. 473, § 1; Ga. L. 1991, p. 1147, § 6.

43-39-16. Privileged communications

The confidential relations and communications between a licensed psychologist and client are placed upon the same basis as those provided by law between attorney and client; and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

HISTORY: Ga. L. 1951, p. 408, § 18; Ga. L. 1986, p. 473, § 1.

43-39-17. Use of title "psychologist."

Except as provided in Code Section 43-39-7, a person shall not practice psychology and shall not use the title "psychologist" unless he or she is licensed as provided in this chapter. A person who is not licensed as provided in this chapter shall not designate his or her occupation as a psychologist and shall not designate himself or herself by any other term or title which implies that he or she is practicing psychology.

43-39-18. Injunctions against violators

The board is authorized to bring an action to enjoin any person, firm, or corporation who, without being licensed to practice psychology by the board, engages in the practice of psychology as regulated by this chapter. The proceeding shall be filed in the county in which such person resides or in the county where the firm or corporation maintains a principal office. If it shall be made to appear that such person, firm, or corporation is practicing psychology without a license, the injunction shall be issued and such person, firm, or corporation shall be permanently enjoined from practicing psychology throughout the state. It shall not be necessary,

in order to obtain the equitable relief described in this Code section, for the board to allege and prove there is no adequate remedy at law. It is declared that such unlicensed activities are a menace and a nuisance and are dangerous to public health, safety, and welfare.

HISTORY: Ga. L. 1964, p. 256, § 4; Ga. L. 1986, p. 473, § 1.

43-39-19. Penalty

Any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined no less than \$100.00 nor more than \$1,000.00 and may be imprisoned for a term not to exceed 12 months for such violation.

HISTORY: Ga. L. 1951, p. 408, § 20; Ga. L. 1986, p. 473, § 1; Ga. L. 1993, p. 355, § 4.

43-39-20. Immunity from civil and criminal liability for certain good faith actions

Any psychologist licensed under this chapter who testifies in good faith without fraud or malice in any proceeding relating to a licensee's or applicant's fitness to practice psychology, or who in good faith and without fraud or malice makes a report or recommendation to the board in the nature of peer review, shall be immune from civil and criminal liability for such actions. No psychologist licensed under this chapter who serves as a supervising or monitoring psychologist pursuant to a public or private order of the board shall be liable for any damages in an action brought by the supervised or monitored psychologist, provided that the supervising or monitoring psychologist was acting in good faith without fraud or malice.

HISTORY: Code 1981, § 43-39-20, enacted by Ga. L. 1994, p. 224, § 6; Ga. L. 1999, p. 81, § 43.

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