

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD RULE CHAPTER 510 RULES OF THE STATE BOARD OF
EXAMINERS OF PSYCHOLOGISTS, RULE 510-5-.02 DEFINITIONS
AND NOTICE OF PUBLIC HEARING**

RULE 510-5-.02 Definitions

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Examiners of Psychologists (hereinafter “Board”) proposes an amendment to Rule 510-5-.02 Definitions (herein after “proposed rule”).

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board’s website at <https://sos.ga.gov/georgia-state-board-examiners-psychologists>. Copies may also be requested by contacting the Board office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at **9:15 a.m., Friday, August 25, 2023** in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board’s website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on **Friday, August 18, 2023** Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Interim Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Examiners of Psychologists 237 Coliseum Drive, Macon, Georgia 31217.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on **April 28, 2023**. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive

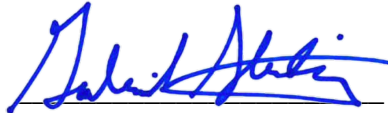
regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of psychology.

According to the Department of Law of the State of Georgia, the Georgia State Board of Examiners of Psychologists has the authority to adopt proposed Rule 510-5-.02 pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 21st day of July, 2023.



Gabriel Sterling
Interim Division Director
Professional Licensing Boards Division

Posted: 07-21-23

**SYNOPSIS OF PROPOSED CHANGES OF TO THE
GEORGIA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS RULES
RULE 510-5-.02 DEFINITIONS**

Purpose: The purpose of the proposed adoption is to amend the rule to clarify that the delegation to and supervision of psychological services referenced in this portion of the rule apply to employment settings, not training settings.

Rule 510-5-.02 Definitions

(1) Patient or Client. The term clients/patients may be defined through the following roles:

- (a) a recipient of psychological services,
- (b) a corporate entity or other organization when the professional contract is to provide services of benefit primarily to the organization rather than to individuals unless the contract specifies otherwise,
- (c) individuals including minors and legally incompetent adults who have legal guardians. The legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the patient or client for:
 - 1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and
 - 2. Issues specifically reserved to the individual and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(2) Student. Students are individuals matriculating in a predoctoral training program or internship.

(3) Confidential Information. Confidential information refers to information for which a psychologist or other health professional is ethically obligated not to disclose without client permission. This standard is protected by state statute except when compelled to disclose as a result of a court order.

- (a) When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when such information is obtained in the proper course of that contract. Such information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is an understanding between the psychologist and such individual that such information was obtained in a separate professional relationship with that individual and is, therefore, subject to confidentiality requirements in itself.

(4) Court Order. A court order is an action taken by a judge that compels disclosure unless appealed, in contrast to a subpoena which compels only a response and may be issued by an attorney.

(5) Professional Relationship. A professional relationship is a mutually agreed upon relationship between a psychologist and patients, clients, students, supervisees, ~~or~~ employees, contractors, or other mental health providers. ~~The professional relationship status is not contingent upon nor defined by a payment transaction.~~

(6) Psychological Services. ~~are a~~ All actions of psychologists in the context of a professional relationship with client/patients, students, supervisees, or employees.

(7) Supervisee. Supervisees are individuals who are not authorized or licensed to practice psychology independently and who function under the extended authority of the psychologist, the internship/SWE supervisor or secondary supervisor in the provision of psychological services. Supervisees are individuals who are either:

- (a) employees of the supervisor,
- (b) employed by the supervisor's employer, or
- (c) in training.

(8) Supervisor. Supervisors are psychologists who have responsibility for the professional activities of individuals who are supervisees.

(9) Telepsychology. The provision of psychological services using telecommunication technologies. Telecommunication technologies include but are not limited to telephone, mobile devices, interactive videoconferencing, e-mail, chat, text, and Internet (e.g. self-help websites, blogs, and social media).

(10) Employee. An employee is an individual subject to the supervision of their employer, who generally retains the right to direct the time, manner, and method by which the employee performs their assigned duties. If the employee is unlicensed and providing mental health services at the direction of a psychologist, the control that an employer maintains over the time, manner, and method by which the employee provides those services is consistent with the requirements of a supervisory relationship, in which a supervising/employing psychologist is responsible for the professional activities of supervisees. An employee generally receives a year end IRS W-2 tax form.

(11) Independent Contractor. An independent contractor is an individual free from the direct supervision of the person or entity contracting for services to be provided, including the time, manner, and method by which the independent contractor provides those services. An individual providing mental health services as an independent contractor practices under the authority of their own license. The independence of a contractor to control the time, manner, and method by which the mental health services are provided is not consistent with a supervisory relationship, in which a supervising/employing psychologist is responsible for the

professional activities of supervisees. An independent contractor generally receives a year end IRS 1099 tax form.

Statutory Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13

RULES
OF
GEORGIA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
CHAPTER 510, RULE 5-.02 DEFINITIONS
TABLE OF CONTENTS

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