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## PROFESSIONS AND BUSINESSES Professional Counselors: Provide Exemption from Licensing Requirements for Certain Addiction Counselors Certified by Certain Private Associations

Thomas L. Nunnallee

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## PROFESSIONS AND BUSINESSES

### *Professional Counselors: Provide Exemption from Licensing Requirements for Certain Addiction Counselors Certified by Certain Private Associations*

CODE SECTION: O.C.G.A. § 43-10A-7 (amended)  
 BILL NUMBER: HB 1330  
 ACT NUMBER: 1110  
 SUMMARY: The Act provides a licensing exemption for certain addiction counselors who are certified by certain private associations. The Act also limits the scope of practice of exempted addiction counselors and restricts their activities to those conducted under the supervision of certified addiction counselors.  
 EFFECTIVE DATE: April 8, 1994

#### *History*

Prior to 1993, chapter 10A of title 43 was a title protection statute.<sup>1</sup> The 1993 Georgia General Assembly amended chapter 10A to be a scope of practice statute licensing the practice of professional counseling, social work, and marriage and family therapy.<sup>2</sup> However, recognizing that many people who do not meet the specific licensing requirements for professional counseling, social work, or marriage and family therapy set forth in chapter 10A<sup>3</sup> perform necessary and useful counseling, certain exceptions were listed.<sup>4</sup> Many addiction counselors are former addicts who, although very capable and effective, often do not have the academic credentials and formal professional training and experience required for licensure.<sup>5</sup> These addiction counselors were not

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1. Telephone Interview with Rep. Jim Martin, House District No. 47 (Mar. 26, 1994) [hereinafter Martin Interview]. Rep. Martin used "title protection statute" as a term of art to mean that chapter 10A regulated activities of those holding certain professional titles to protect the welfare of the people. *Id.*

2. *Id.*; 1993 Ga. Laws 330 (formerly found at O.C.G.A. § 43-10A-2 (Supp. 1993)). "Scope of practice" is also a term of art which refers to the regulation of activities of those engaging in counseling, social work, and marriage and family therapy without a professional title. Martin Interview, *supra* note 1.

3. See 1994 Ga. Laws 953 (formerly found at O.C.G.A. §§ 43-10A-11 to -13 (Supp. 1993)).

4. 1993 Ga. Laws 330 (formerly found at O.C.G.A. § 43-10A-7(b) (Supp. 1993)). Among those exempted from licensing requirements were licensed medical doctors and psychologists, certain employees of federal agencies or licensed hospitals, certain supervised students, and active clergy members serving as clergy. *Id.*

5. Martin Interview, *supra* note 1.

excepted from licensing requirements.<sup>6</sup> Additionally, after the Eleventh Circuit Court of Appeals decision in *Abramson v. Gonzalez*,<sup>7</sup> there was concern that chapter 10A should address all counseling activity restricted by a licensing requirement.<sup>8</sup>

Three options were considered to provide legal sanction of the activities of unlicensed addiction counselors: 1) repeal the statute creating the Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists;<sup>9</sup> 2) create a new licensing board to define addiction counseling and to license its practitioners; or 3) exempt addiction counselors from licensing requirements.<sup>10</sup> The third option was chosen as the most sensible course.<sup>11</sup>

### *HB 1330*

The bill, as introduced, added addiction counselors to the list of persons exempt from licensing under chapter 10A.<sup>12</sup> Addiction counselors are required to meet the Georgia Addiction Counselors' Association's certification requirements or another similar private associations' requirements that include: (1) attainment of a high school or GED diploma; (2) completion of at least 4000 hours of full-time, paid or supervised experience in addiction counseling; (3) at least 180 hours of education in the field of addiction counseling; and (4) at least 220 hours of supervised practical experience in addiction counseling.<sup>13</sup>

The Senate Committee on Health and Human Services offered several amendments to clarify certain language and remove ambiguity.<sup>14</sup> Language was added to the requirements for 4000 hours of full-time, paid experience and 220 hours of supervised practical experience in addiction counseling to ensure that the experience was gained under the supervision of an accredited counselor acceptable to the Georgia Addiction Counselors' Association.<sup>15</sup> This amendment

6. *Id.*; see 1993 Ga. Laws 330 (formerly found at O.C.G.A. § 43-10A-7(b) (Supp. 1993).

7. 949 F.2d 1567 (11th Cir. 1992).

8. Martin Interview, *supra* note 1. In *Abramson v. Gonzalez*, the court recognized that "[i]n enacting or enforcing a restriction on commercial speech, the government need not select the least restrictive means, but rather must narrowly tailor its restriction to meet the desired objective." 949 F.2d at 1574.

9. O.C.G.A. § 43-10A-4 (1994). The Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists is concerned mainly with administration and enforcement of chapter 10A. *Id.* § 43-10A-5 (1994).

10. Martin Interview, *supra* note 1.

11. *Id.*

12. HB 1330, as introduced, 1994 Ga. Gen. Assem.

13. O.C.G.A. § 43-10A-7(b)(15)(A)-(D) (1994).

14. HB 1330 (SCA), 1994 Ga. Gen. Assem.

15. *Id.*

clarified that work experience must be gained under proper supervision, not merely supervision of any kind.<sup>16</sup>

In the provision of the original bill outlining services to be provided by exempted addiction counselors, the Senate Committee on Health and Human Services offered an amendment deleting the term “scope of practice”<sup>17</sup> to allay concerns from the professional counseling community that exempted addiction counselors might be held out as or confused with licensed counselors.<sup>18</sup> The original bill listed those services addiction counselors could legally perform.<sup>19</sup> Among those services were “assessment” and “group counseling.”<sup>20</sup> However, the Senate Committee further amended the bill by defining these services as “assessments for addiction diseases” and “group addiction counseling”<sup>21</sup> in order to clarify that exempted addiction counselors may perform addiction counseling, but not treatment of other unrelated mental health problems.<sup>22</sup>

The original bill exempted addiction counselors from licensure requirements if they provided these services under the supervision of an exempted addiction counselor.<sup>23</sup> Thus, the possibility existed for a string of exemption qualifications, such as from one exempted counselor to a second counselor, and from the second counselor to a third, and so on.<sup>24</sup> Because of concerns that exempted addiction counselors would be confused with licensed counselors, the last sentence was amended to state that “[p]ersons exempt under this paragraph shall not use any title indicating or implying that they are licensed under this chapter.”<sup>25</sup>

*Thomas L. Nunnallee*

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16. Martin Interview, *supra* note 1.

17. See HB 1330, as introduced, 1994 Ga. Gen. Assem.

18. HB 1330 (SCA), 1994 Ga. Gen. Assem.; Martin Interview, *supra* note 1.

19. HB 1330, as introduced, 1994 Ga. Gen. Assem.

20. *Id.* Other allowed services included screening, intake, orientation, treatment planning, case management, crisis intervention, client education, and consultation with other professionals regarding treatment and services. *Id.*

21. HB 1330 (SCA), 1994 Ga. Gen. Assem.; Martin Interview, *supra* note 1.

22. Martin Interview, *supra* note 1.

23. HB 1330, as introduced, 1994 Ga. Gen. Assem. “Where a person provides such services under the supervision of a person who is exempted by this paragraph from licensure under this chapter, the person providing such services under supervision shall likewise be exempt from licensure under this chapter.” *Id.*

24. Martin Interview, *supra* note 1.

25. HB 1330 (HFA), 1994 Ga. Gen. Assem.; Martin Interview, *supra* note 1.