

9-1-2003

## PROFESSIONS AND BUSINESSES Professional Counselors, Social Workers, and Marriage and Family Therapists: Exempt Licensing Requirements for Disaster Relief Services

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### Recommended Citation

Shayne Clinton, *PROFESSIONS AND BUSINESSES Professional Counselors, Social Workers, and Marriage and Family Therapists: Exempt Licensing Requirements for Disaster Relief Services*, 20 GA. ST. U. L. REV. (2003).  
Available at: <https://readingroom.law.gsu.edu/gsulr/vol20/iss1/25>

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## PROFESSIONS AND BUSINESSES

### *Professional Counselors, Social Workers, and Marriage and Family Therapists: Exempt Licensing Requirements for Disaster Relief Services*

CODE SECTION:	O.C.G.A. § 43-10A-7 (amended)
BILL NUMBER:	SB 71
ACT NUMBER:	57
GEORGIA LAWS:	2003 Ga. Laws 312
SUMMARY:	The Act allows therapists, counselors, and social workers to provide their services during disasters or states of emergency without satisfying Georgia's licensing requirements. The exemption only covers workers that do not charge the recipients for disaster relief services and that are in the disaster area for a maximum of 30 days.
EFFECTIVE DATE:	May 29, 2003

#### *History*

Before the Act, the Code did not exempt (1) professional counselors, (2) social workers, and (3) marriage and family therapists who did not reside in this state from Georgia's licensing requirements during a disaster or state of emergency.<sup>1</sup> A counselor communicated to Senator Faye Smith of the 25th district the need for an exception.<sup>2</sup> The counselor explained that he traveled throughout the United States working directly under the American Red Cross, and he had noticed the importance of allowing non-resident counselors to enter states to help during natural disasters.<sup>3</sup>

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1. See 1996 Ga. Laws 701, § 3, at 702-03 (formerly found at O.C.G.A. § 43-10A-7 (2002)).

2. See Interview with Sen. Faye Smith, Senate District No. 25 (Apr. 17, 2003) [hereinafter Smith Interview].

3. See *id.* Connecticut and South Carolina also have laws exempting non-resident counselors from licensing requirements. See CONN. GEN. STAT. § 20-195bb (Supp. 2003) (allowing non-licensed counselors to assist in an emergency if they are not compensated); S.C. CODE ANN. § 40-63-290 (Supp.

During the 2002 Georgia legislative session, Senator Smith had introduced a bill that would have addressed the counselor's concerns.<sup>4</sup> However, while the Senate passed the bill, the House did not consider it in time.<sup>5</sup> Senator Smith reintroduced this bill in the 2003 General Assembly to exempt from licensing requirements counselors who come across state lines during disasters.<sup>6</sup> She reasoned that counselors are usually only in Georgia for approximately three weeks and should not have to satisfy state licensing requirements for such a minimal stay.<sup>7</sup>

### *SB 71*

The bill was reintroduced in 2003 as HB 206 and as SB 71.<sup>8</sup> Senators Faye Smith of the 25th district, Mary Squires of the 5th district, and Gloria Butler of the 55th district sponsored SB 71.<sup>9</sup> Representatives Pat Gardner of the 42nd district, Buddy Childers of the 13th district, Bill Hembree of the 46th district, and Karla Drenner of the 57th district sponsored HB 206.<sup>10</sup> The House bill was shelved in favor of the Senate bill.<sup>11</sup> Representative Gardner introduced HB 206 but instead decided to support the Senate bill out of respect for Senator Smith, who had previously introduced the legislation in the 2002 legislative session.<sup>12</sup>

### *Senate Consideration*

SB 71 was read in the Senate for the first time on January 30, 2003, and was referred to the Senate Health and Human Services

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2002) (allowing social workers licensed in another jurisdiction to help during a state declared emergency for up to 60 days).

4. See Smith Interview, *supra* note 2; Audio Recording of Senate Proceedings, Feb. 18, 2003 (remarks by Sen. Faye Smith), at <http://www.state.ga.us/services/leg/audio/2003archive> [hereinafter Senate Audio] (noting that the House's "sine die" situation stopped the bill).

5. See Smith Interview, *supra* note 2.

6. See *id.*

7. See *id.*

8. See State of Georgia Final Composite Status Sheet, SB 71 and HB 206, Apr. 25, 2003; Electronic Mail Interview with Rep. Pat Gardner, House District No. 42 (Apr. 13, 2003) [hereinafter Gardner Interview].

9. See SB 71, as introduced, 2003 Ga. Gen. Assem.

10. See HB 206, as introduced, 2003 Ga. Gen. Assem.

11. See Gardner Interview, *supra* note 8.

12. See *id.*

Committee.<sup>13</sup> On February 13, 2003, the Senate Committee favorably reported the bill.<sup>14</sup> On February 18, 2003, Senator Smith came to the well in support of SB 71, which passed the Senate by a vote of 54 to 1.<sup>15</sup>

### *House Consideration*

The House read the bill for the first time on February 26, 2003.<sup>16</sup> The Speaker referred the bill to the House Committee on Governmental Affairs, which favorably reported a substitute on April 10, 2003.<sup>17</sup> The House Committee replaced the entire language of paragraph 19 with broader language to exempt more organizations than those affiliated with the American Red Cross.<sup>18</sup>

On April 14, 2003, Representative Gardner offered a floor substitute to the House Committee's substitute.<sup>19</sup> The floor substitute removed the House Committee's language providing for the Georgia Emergency Management Agency ("GEMA") to set up procedures for designating disaster relief providers.<sup>20</sup> Representative Gardner rationalized that this language was unnecessary because the law already placed GEMA in charge of these activities.<sup>21</sup> Representative Gardner promoted the other House Committee changes to SB 71 because licensees did not want the original bill's language limiting the exception to the American Red Cross and its affiliates.<sup>22</sup> Furthermore, the modified language would allow licensees from companies "like Delta or Bell South—who have EAP mental health

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13. See State of Georgia Final Composite Status Sheet, SB 71, Apr. 25, 2003.

14. See *id.*

15. See Georgia Senate Voting Record, SB 71 (Feb. 18, 2003); Senate Audio, *supra* note 4 (remarks by Sen. Faye Smith).

16. See State of Georgia Final Composite Status Sheet, SB 71, Apr. 25, 2003.

17. See *id.*; SB 71 (HCS), 2003 Ga. Gen. Assem.

18. Compare SB 71, as introduced, 2003 Ga. Gen. Assem., with SB 71 (HCS), 2003 Ga. Gen. Assem.

19. See State of Georgia Final Composite Status Sheet, SB 71, Apr. 25, 2003; SB 71 (HCSFS), 2003 Ga. Gen. Assem.

20. See Audio Recording of House Proceedings, Apr. 14, 2003 (remarks by Rep. Pat Gardner), at <http://www.state.ga.us/services/leg/audio/2003archive> [hereinafter House Audio]. Compare SB 71 (HCS), 2003 Ga. Gen. Assem., with SB 71 (HCSFS), 2003 Ga. Gen. Assem.

21. See House Audio, *supra* note 20.

22. See Gardner Interview, *supra* note 8. Representative Gardner supported limiting the bill's focus so that it would be acceptable to the various agencies. She believed that considering all possible implications was good public policy. Representative Gardner felt that these changes would solve some of the "turf battles." See Facsimile Interview with Rep. Pat Gardner, House District No. 42 (Nov. 6, 2003).

professionals trained and licensed in other states whom they may want to bring into [Georgia],” to be “utilized in a corporate disaster.”<sup>23</sup> The House passed the floor substitute on April 14, 2003, by a vote of 158 to 3.<sup>24</sup>

The House floor substitute went to the Senate for approval on April 25, 2003.<sup>25</sup> Senator Smith was disappointed with the modifications because she envisioned the protection as applying only to counselors operating under the American Red Cross.<sup>26</sup> Senator Smith said that the modifications were the result of “a turf war with other organizations.”<sup>27</sup> Even though she preferred the original language, Senator Smith encouraged the Senate to pass the House substitute because it was “better than nothing.”<sup>28</sup> She explained that the “House change expands the language of the [American] Red Cross to any disaster relief agency.”<sup>29</sup> Senator Smith also stated that even though the House broadened the language, the American Red Cross supported the changes.<sup>30</sup> On April 25, 2003, the last day of the session, the Senate agreed to the House substitute.<sup>31</sup>

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23. See Gardner Interview, *supra* note 8.

24. See Georgia House of Representatives Voting Record, SB 71 (Apr. 14, 2003).

25. See State of Georgia Final Composite Status Sheet, SB 71, Apr. 25, 2003.

26. See Smith Interview, *supra* note 2.

27. See *id.*; Senate Audio, *supra* note 4.

28. Senate Audio, *supra* note 4.

29. See *id.*

30. See *id.*

31. See State of Georgia Final Composite Status Sheet, SB 71, Apr. 25, 2003.

*The Act*

The Act amends Code section 43-10A-7 by adding paragraph 19.<sup>32</sup> The Act exempts “professional counselors, social workers, and marriage and family therapists” from Georgia’s licensing requirements when they come across state lines to help during a natural disaster or state of emergency.<sup>33</sup> To be exempt, these out-of-state counselors and social workers must not charge for their services and cannot stay in Georgia longer than 30 consecutive days following a disaster or emergency.<sup>34</sup>

*Shayne R. Clinton*

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32. Compare 1996 Ga. Laws 1799, § 2, at 702-03 (formerly found at O.C.G.A. § 43-10A-7 (2002)), with O.C.G.A. § 43-10A-7 (Supp. 2003).

33. See O.C.G.A. § 43-10A-7 (Supp. 2003); Smith Interview, *supra* note 2.

34. See O.C.G.A. § 43-10A-7 (Supp. 2003).