

House Bill 752 (AS PASSED HOUSE AND SENATE)

By: Representatives Belton of the 112th, Bonner of the 72nd, Bennett of the 94th, Glanton of the 75th, and Carson of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for national background checks by the submission of fingerprints
3 to the Federal Bureau of Investigation through the Georgia Crime Information Center for
4 licensing to practice as a physical therapist, physical therapist assistant, or psychologist; to
5 revise provisions relating to criminal background checks for physicians and certain other
6 health care professionals; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
11 is amended by revising paragraph (13) of Code Section 43-33-10, relating to general powers
12 and duties of board, as follows:

13 ~~"(13) Conduct criminal history records checks as determined by the board~~ national
14 background checks by the submission of fingerprints to the Federal Bureau of
15 Investigation through the Georgia Crime Information Center ~~and Federal Bureau of~~
16 ~~Investigation for purposes of issuing licenses;~~ provided, however, that reports from such
17 ~~record~~ background checks shall not be shared with entities outside of this state."

18 **SECTION 2.**

19 Said title is further amended by revising paragraph (4) of Code Section 43-33-12, relating
20 to requirements for license to practice physical therapy, as follows:

21 ~~"(4) Has successfully passed a criminal history records check as determined by the board~~
22 satisfactory results from a fingerprint record check report conducted by the Georgia
23 Crime Information Center and the Federal Bureau of Investigation, as determined by the
24 board. Application for the issuance of a license under this Code section shall constitute
25 express consent and authorization for the board or its representative to perform a criminal

26 background check. Each applicant who submits an application to the board for licensure
 27 agrees to provide the board with any and all information necessary to run a criminal
 28 background check, including, but not limited to, classifiable sets of fingerprints. Such
 29 applicant shall be responsible for all fees associated with the performance of such
 30 background check."

31 **SECTION 3.**

32 Said title is further amended by revising Code Section 43-33-13, relating to requirements for
 33 license to practice as physical therapist assistant, as follows:

34 "43-33-13.

35 A license to practice as a physical therapist assistant shall be issued to any person who:

36 (1) Is a graduate of an educational program that prepares physical therapist assistants and
 37 which is accredited by a recognized accrediting agency and approved by the board or, in
 38 the case of an applicant who has graduated from an educational program which prepares
 39 physical therapist assistants conducted in a foreign country, has submitted, in a manner
 40 prescribed by the board, credentials approved by the board and who has further
 41 demonstrated the ability to speak, write, and understand the English language and has
 42 satisfactorily completed a three-month board approved traineeship under the supervision
 43 of a physical therapist licensed under this article;

44 (2) Has satisfactorily passed an examination prepared or approved by the board; ~~and~~

45 (3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18
 46 or subsection (b) or (c) of Code Section 43-1-19; and

47 (4) Has satisfactory results from a fingerprint record check report conducted by the
 48 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 49 determined by the board. Application for the issuance of a license under this Code
 50 section shall constitute express consent and authorization for the board or its
 51 representative to perform a criminal background check. Each applicant who submits an
 52 application to the board for licensure agrees to provide the board with any and all
 53 information necessary to run a criminal background check, including, but not limited to,
 54 classifiable sets of fingerprints. Such applicant shall be responsible for all fees associated
 55 with the performance of such background check."

56 **SECTION 4.**

57 Said title is further amended by revising Code Section 43-34-13, relating to fingerprinting
 58 and criminal background checks for health care professionals licensed by the Georgia
 59 Composite Medical Board, as follows:

60 "43-34-13.

- 61 (a) As used in this Code section, the term:
- 62 (1) 'Expedited physician licensee' means an individual licensed by the board.
- 63 (2) 'health Health care professional' means any individual licensed, certified, or permitted
- 64 by the board under this chapter.
- 65 (b) Any applicant as a health care professional or as an expedited physician licensee shall
- 66 have satisfactory results from a fingerprint records check report conducted by the Georgia
- 67 Crime Information Center and the Federal Bureau of Investigation, as determined by the
- 68 board. Application for a license, certificate, or permit under this chapter shall constitute
- 69 express consent and authorization for the board or its representative to perform a criminal
- 70 background check. Each applicant who submits an application to the board for licensure,
- 71 certification, or permit agrees to provide the board with any and all information necessary
- 72 to run a criminal background check, including, but not limited to, classifiable sets of
- 73 fingerprints. The applicant shall be responsible for all fees associated with the performance
- 74 of such criminal background check."

75 **SECTION 5.**

76 Said title is further amended by revising Code Section 43-39-6, relating to authority of board

77 to establish code of conduct and of ethics, administer oaths, summon witnesses, and take

78 testimony, issuance of licenses, and enforcement of chapter, as follows:

79 "43-39-6.

80 The board shall have authority to establish a code of conduct and of ethics, to administer

81 oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The

82 board shall issue licenses to practice psychology to all persons who shall present

83 satisfactory evidence of attainments and qualifications under this article and the rules and

84 regulations of the board. Such licenses shall be attested by the division director under the

85 board's adopted seal, and it shall give absolute authority to the person to whom it is issued

86 to practice psychology in this state. It shall be the duty of the division director, under the

87 direction of the board, to aid the prosecuting attorneys in the enforcement of this article and

88 the prosecution of all persons charged with the violation of its provisions. The board shall

89 have authority to administer and participate in the 'Psychology Interjurisdictional Compact

90 (Psypact)' set out in Article 2 of this chapter and to recognize and permit the authority to

91 practice interjurisdictional telepsychology and temporary practice in Georgia as established

92 by such compact. The board shall have authority to conduct national background checks

93 by the submission of fingerprints to the Federal Bureau of Investigation through the

94 Georgia Crime Information Center; provided, however, that reports from such record

95 background checks shall not be shared with entities outside of this state."

96

SECTION 6.

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