

## **Legislative Session Summary**

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GPA actively works on your behalf by advocating for legislative issues throughout the year. And, those activities always intensify when the Georgia General Assembly is in session. This year's legislative session concluded on Monday, April 4th, and it included a large number of bills that GPA actively supported, opposed, or sought to modify.

The Legal and Legislative Committee, along with Dr. Anita Brown (GPA Director of Professional Affairs) and Dr. Gayle Spears (GPA Executive Director), worked closely with our lobbying team from Nelson Mullins (Stan Jones, Helen Sloat, and George Ray) throughout the session. GPA advocated on legislative, legal, and regulatory issues that intersected with our advocacy priorities. We have provided a summary of some of these issues below. Links to bills are included, where you can read the legislation and click on specific votes to see how your representative and senator voted.

### **Scope of Practice Protection and Wise Practice Regulation**

- Licensed professional counselors (LPCs) sought an array of modifications to their practice law ([HB 972](#)). GPA strongly opposed specific changes that would have removed the prohibition on psychological testing, removed the restriction on diagnosing neuropsychological functioning and conditions, and removed master's in applied psychology as a viable educational path for licensure as an LPC. We were able to secure agreements to remove those three sections and establish a basis for ongoing collaboration between psychologists and LPCs to seek ways to clarify the psychological testing and diagnosis language in the respective practice laws. The modified version of the bill passed both chambers.
- Applied behavior analysts sought to create a new license for their profession ([HB 412](#)). GPA was in support of this effort as a needed regulation to ensure public welfare, but we advocated vigorously for modifications to several problematic areas in the bill language. For example, the scope of practice definition was vague and inconsistent with language in neighboring states, and the regulation of applied behavioral technicians was inadequate. Despite GPA's steady efforts to work collaboratively to improve the bill, and despite similar objections raised by other licensed professions, none of our modifications were accepted by the applied behavior analysts and the bill sponsors. The bill passed both chambers.
- Two bills sought to modify existing law that allows for expedited professional licensure (i.e., endorsement) for military spouses who relocate to Georgia and are licensed in other states. [HB 884](#) sought to place a time limit (90 days) on granting the license, and [SB 352](#) sought to expand the law to include spouses of first responders and healthcare professionals. GPA opposed the original versions of HB 884 that removed the requirement for any state-specific exams (e.g., jurisprudence) and potentially weakened a licensing board's ability to enforce their educational standards. HB 884 was modified to remove this problematic language and passed both chambers. SB 352 also passed both chambers.

### **Insurance**

- Speaker Ralston's "Mental Health Parity Act" ([HB 1013](#)), or the omnibus mental health reform bill, resulted from the work of several bodies focused on comprehensive improvement to Georgia's mental health care system. The bill underwent numerous modifications, many of which stemmed from the

inevitable tension between efforts to ensure (i.e., regulate and administrate) adequate care and patient privacy concerns. Importantly, it provides the first enactment of the 2008 federal parity law into Georgia law. The bill passed both chambers.

- Although diagnostic interviews are an essential first step in determining the need for an evaluation and/or psychotherapy, the Medicaid provider manual for psychologists in Georgia does not recognize diagnostic interview (CPT Code 90791) as a covered service. In conjunction with Dr. Alex Mabe, GPA is working to pursue this needed change with the Department of Community Health.
- [SB 566](#) sought to modify the existing “surprise billing consumer protection” law to clarify that emergency medical services includes those related to mental health and substance abuse and those services that are provided after stabilization. The bill passed both chambers.

### **Client Welfare, Rights, and Protection**

- Known as the “Psychiatric Advance Directive Act,” [HB 752](#) sought to grant authority to competent adults to express their preferences for mental health care treatment in advance or through appointing an agent to make mental health care decisions on their behalf. Former Representative Pat Gardner, who was also a former GPA Executive Director, was a longtime champion of this effort. The bill passed both chambers.
- Known as the “Save Girls Sports Act,” [SB 435](#) sought to ban participation in high school athletics that are designated for a specific gender by individuals of the opposite gender. The bill defined an individual’s gender to be their biological sex at birth as indicated on their birth certificate. GPA opposed the bill and communicated with legislators about the science of gender and sex as well as the negative impact of excluding children and adolescents from full participation in athletics. The bill passed the Senate but appeared to be blocked by leadership in the House. However, late in the evening on the last session day, there were attempts in the Senate to take the full language of SB 435 and insert it into House bills as an amendment. This effort was initially resisted on the basis of the amendment not being germane. However, the Governor publicly stated that the Save Girls Sports Act was one of his remaining priorities for the evening. This political pressure eventually won out. New language was inserted by the House as an amendment to [HB 1084](#) that requires the existence of an executive oversight committee for all athletic associations that high schools work with for the purposes of participating in, scheduling, and overseeing sports. It is presumed that this will be designated as the Georgia High School Association (GHSA) and is seen to be comparable to what is done nationally by the NCAA. The executive oversight committee was given the authority, though not required, to “prohibit students whose gender is male from participating in athletic events that are designated for students whose gender is female.” Unlike SB 435, this modified HB 1084 did not define the term gender. Our understanding is that this amendment also authorizes a 10 person “study committee” that will look further into these do-called “divisive concepts” to recommend further actions. See the additional summary below on the modified HB 1084 that passed both chambers at the last minutes with leadership not allowing floor debate.

### **Workforce and Services Expansion**

- The Medicaid provider manual for psychologists in Georgia limits reimbursement of services to licensed psychologists. (The only exception is for evaluation and testing services provided by salaried employees who are under supervision.) As a result, services provided by psychology doctoral interns and postdoctoral residents are generally not reimbursable. Multiple states allow these advanced psychology trainees to provide and be reimbursed for testing and psychotherapy. GPA worked to pursue such a change in the Georgia Medicaid rules with the Department of Community Health. This is an ongoing effort that we believe will ultimately be beneficial for Medicaid patients and promote the expansion of internship and postdoctoral training programs.

- As part of advocating for workforce and services expansion, GPA monitors legislation that impacts the teaching of psychology. Several bills, including [HB 1084](#) and [SB 377](#), appeared during the session that sought to restrict topics that are addressed in educational settings. These would prohibit the “espousing” of “divisive concepts” during student instruction and interactions. The bills also created mechanisms for students and/or parents to file complaints for any violations. HB 1084 originally passed both chambers a few days before the end of the session, but it was brought back on the last day as a vehicle for inserting language that allows prohibiting transgender athletes in high schools from participating in sports corresponding to their expressed gender. The amended HB 1084 passed both chambers.

### **A Final Note**

As usual we do things a bit differently here in the Georgia legislature but we are in line with several other state’s actions and with Federal legislation. Look for continued advocacy opportunities in the areas:

- Although a long-standing legal and legislative issue parity for mental health services has once again been at the forefront of a number of actions here and elsewhere and we can expect to see continued interest in equalizing availability, access and reimbursement.
- Attention to Transgender rights and restrictions remain a focus in many jurisdictions.
- Changing scopes of practice for Master’s level healthcare providers and increased attention to the value and role of doctoral level interns and postdoctoral trainees can be seen in a number of states.