

House Bill 1400

By: Representatives Skipper of the 137<sup>th</sup> and Childers of the 13<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so  
2 as to change the provisions regarding the transportation of mentally ill, mentally retarded,  
3 and alcoholic or drug dependent individuals who are patients or clients in a facility; to  
4 authorize a facility to arrange for transportation of an inpatient or client under the care of the  
5 facility by means other than with the county sheriff; to provide for payment by the patient  
6 or client for transportation; to prohibit the billing of the local governing authority for  
7 transportation not provided by the county sheriff; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
12 striking Code Section 37-3-101, relating to transportation of patients generally, and inserting  
13 in its place the following:

14 "37-3-101.

15 (a) The governing authority of the county of the patient's residence shall arrange for all  
16 required transportation of the patient. The type of vehicle employed shall be in the  
17 discretion of the governing authority of the county, provided that, whenever possible,  
18 marked vehicles normally used for the transportation of criminals or those accused of  
19 crimes shall not be used for the transportation of patients. The court shall, upon the request  
20 of the community mental health center, order the sheriff to transport the patient in such  
21 manner as the patient's condition demands. At any time the community mental health  
22 center is satisfied that the patient can be transported safely by family members or friends,  
23 such private transportation shall be encouraged and authorized. ~~No female patient shall be  
24 transported at any time without another female in attendance who is not a patient, unless  
25 such female patient is accompanied by her husband, father, adult brother, or adult son.~~

1 (b) Notwithstanding the provisions of subsection (a) of this Code section, when a patient  
 2 is under the care of a facility, the facility shall have the discretion to determine the type of  
 3 vehicle to safely transport the patient and to arrange for such transportation without the  
 4 need to obtain the prior approval of the governing authority of the county of the patient's  
 5 residence, the court, or the community mental health center. This subsection shall not  
 6 prevent the facility from requesting and receiving transportation services from the  
 7 governing authority of the county of the patient's residence and shall not relieve the county  
 8 sheriff of the duty of providing transportation if alternate transportation has not been  
 9 arranged by the facility. Persons providing transportation are authorized to transport a  
 10 patient from a sending facility to a receiving facility but shall not release the patient under  
 11 any circumstances except into the custody of the receiving facility. The use of physical  
 12 restraints to ensure the safe transport of the patient shall comply with the requirements of  
 13 Code Section 37-3-165. When transportation is not provided by the county sheriff, the  
 14 expense of such transportation shall not be billed to the county governing authority but may  
 15 be billed to the patient.

16 (c) No female patient shall be transported at any time without another female in attendance  
 17 who is not a patient, unless such female patient is accompanied by her husband, father,  
 18 adult brother, or adult son."

## 19 SECTION 2.

20 Said title is further amended by striking Code Section 37-4-61, relating to transportation of  
 21 clients generally, and inserting in its place the following:

22 "37-4-61.

23 (a) The governing authority of the county of the client's residence shall arrange for all  
 24 required transportation of the client. The type of vehicle employed shall be determined by  
 25 the governing authority of the county, provided that, whenever possible, marked vehicles  
 26 normally used for the transportation of criminals or those accused of crimes shall not be  
 27 used for the transportation of clients. The court, upon the request of the community mental  
 28 retardation program, shall order the sheriff to transport the client in such manner as the  
 29 client's condition demands. At any time such community mental retardation program is  
 30 satisfied that the client can be transported safely by family members or friends, such private  
 31 transportation shall be encouraged and authorized. ~~No female client shall be transported~~  
 32 ~~at any time without another female in attendance who is not a client, unless such female~~  
 33 ~~client is accompanied by her husband, father, adult brother, or adult son.~~

34 (b) Notwithstanding the provisions of subsection (a) of this Code section, when a client  
 35 is under the care of a facility, the facility shall have the discretion to determine the type of  
 36 vehicle to safely transport the client and to arrange for such transportation without the need

1 to obtain the prior approval of the governing authority of the county of the client's  
 2 residence, the court, or the community mental retardation program. This subsection shall  
 3 not prevent the facility from requesting and receiving transportation services from the  
 4 governing authority of the county of the client's residence and shall not relieve the county  
 5 sheriff of the duty of providing transportation if alternate transportation has not been  
 6 requested by the facility. The persons providing transportation are authorized to transport  
 7 a client from a sending facility to a receiving facility but shall not release the client under  
 8 any circumstances except into the custody of the receiving facility. The use of physical  
 9 restraints to ensure the safe transport of the client shall comply with the requirements of  
 10 Code Section 37-4-124. When transportation is not provided by the county sheriff, the  
 11 expense of such transportation shall not be billed to the county governing authority but may  
 12 be billed to the client.

13 (c) No female client shall be transported at any time without another female in attendance  
 14 who is not a client, unless such female client is accompanied by her husband, father, adult  
 15 brother, or adult son."

### 16 SECTION 3.

17 Said title is further amended by striking Code Section 37-7-101, relating to transportation of  
 18 patients generally, and inserting in its place the following:

19 "37-7-101.

20 (a) The governing authority of the county of the patient's residence shall arrange for all  
 21 required transportation of the patient. The type of vehicle employed shall be in the  
 22 discretion of the governing authority of the county, provided that, whenever possible,  
 23 marked vehicles normally used for the transportation of criminals or those accused of  
 24 crimes shall not be used for the transportation of patients. The court shall, upon the request  
 25 of the community mental health center, order the sheriff to transport the patient in such  
 26 manner as the patient's condition demands. At any time the community mental health  
 27 center is satisfied that the patient can be transported safely by family members or friends,  
 28 such private transportation shall be encouraged and authorized. ~~No female patient shall be~~  
 29 ~~transported at any time without another female in attendance who is not a patient, unless~~  
 30 ~~such female patient is accompanied by her husband, father, adult brother, or adult son.~~

31 (b) Notwithstanding the provisions of subsection (a) of this Code section, when a patient  
 32 is under the care of a facility, the facility shall have the discretion to determine the type of  
 33 vehicle to safely transport the patient and to arrange for such transportation without the  
 34 need to obtain the prior approval of the governing authority of the county of the patient's  
 35 residence, the court, or the community mental health center. This subsection shall not  
 36 prevent the facility from requesting and receiving transportation services from the

1 governing authority of the county of the patient's residence and shall not relieve the county  
2 sheriff of the duty of providing transportation if alternate transportation has not been  
3 requested by the facility. Persons providing transportation are authorized to transport a  
4 patient from a sending facility to a receiving facility but shall not release the patient under  
5 any circumstances except into the custody of the receiving facility. The use of physical  
6 restraints to ensure the safe transport of the patient shall comply with Code Section  
7 37-7-165. When transportation is not provided by the county sheriff, the expense of such  
8 transportation shall not be billed to the county governing authority but may be billed to the  
9 patient.

10 (c) No female patient shall be transported at any time without another female in attendance  
11 who is not a patient, unless such female patient is accompanied by her husband, father,  
12 adult brother, or adult son."

13 **SECTION 4.**

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