

House Bill 1400 (FLOOR SUBSTITUTE)

By: Representatives Skipper of the 137<sup>th</sup>, Henson of the 65<sup>th</sup>, Childers of the 13<sup>th</sup> and Sims of the 167<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 governing authority of the county where the  
17 patient is found or located shall arrange for initial emergency transport of a patient to an  
18 emergency receiving facility. Except as otherwise authorized under subsection (b) of this  
19 Code section, the governing authority of the county of the patient's residence shall arrange  
20 for all required transportation for mental health purposes subsequent to the initial transport.

21 The type of vehicle employed shall be in the discretion of the governing authority of the  
22 county, provided that, whenever possible, marked vehicles normally used for the  
23 transportation of criminals or those accused of crimes shall not be used for the  
24 transportation of patients. The court shall, upon the request of the community mental  
25 health center, order the sheriff to transport the patient in such manner as the patient's  
26 condition demands. At any time the community mental health center is satisfied that the  
27 patient can be transported safely by family members or friends, such private transportation

1 shall be encouraged and authorized. ~~No~~ In nonemergency situations, no female patient shall  
 2 be transported at any time without another female in attendance who is not a patient, unless  
 3 such female patient is accompanied by her husband, father, adult brother, or adult son.

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

## 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 governing authority of the county where the~~  
 25 ~~client is found or located shall arrange for initial emergency transport of a client to an~~  
 26 ~~emergency receiving facility. Except as otherwise authorized under subsection (b) of this~~  
 27 ~~Code section, the governing authority of the county of the client's residence shall arrange~~  
 28 ~~for all required transportation for mental retardation services subsequent to the initial~~  
 29 ~~transport. The type of vehicle employed shall be determined by the governing authority of~~  
 30 the county, provided that, whenever possible, marked vehicles normally used for the  
 31 transportation of criminals or those accused of crimes shall not be used for the  
 32 transportation of clients. The court, upon the request of the community mental retardation  
 33 program, shall order the sheriff to transport the client in such manner as the client's  
 34 condition demands. At any time such community mental retardation program is satisfied  
 35 that the client can be transported safely by family members or friends, such private  
 36 transportation shall be encouraged and authorized. ~~No~~ In nonemergency situations, no

1 female client shall be transported at any time without another female in attendance who is  
 2 not a client, unless such female client is accompanied by her husband, father, adult brother,  
 3 or adult son.

4 (b) Notwithstanding the provisions of subsection (a) of this Code section, when a client  
 5 is under the care of a facility, the facility shall have the discretion to determine the type of  
 6 vehicle to safely transport the client and to arrange for such transportation without the need  
 7 to obtain the prior approval of the governing authority of the county of the client's  
 8 residence, the court, or the community mental retardation program. This subsection shall  
 9 not prevent the facility from requesting and receiving transportation services from the  
 10 governing authority of the county of the client's residence and shall not relieve the county  
 11 sheriff of the duty of providing transportation. Persons providing transportation are  
 12 authorized to transport a patient from a sending facility to a receiving facility but shall not  
 13 release the client under any circumstances except into the custody of the receiving facility.  
 14 The use of physical restraints to ensure the safe transport of the client shall comply with  
 15 the requirements of Code Section 37-4-124. When transportation is not provided by the  
 16 county sheriff, the expense of such transportation shall not be billed to the county  
 17 governing authority but may be billed to the client and, unless agreed to in writing by the  
 18 facility, shall not be billed to or considered an obligation of the facility."

### 19 SECTION 3.

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

22 "37-7-101.

23 (a) The governing authority of the county of the patient's residence shall arrange for all  
 24 required transportation of the patient. The governing authority of the county where the  
 25 patient is found or located shall arrange for initial emergency transport of the patient to an  
 26 emergency receiving facility. Except as otherwise authorized under subsection (b) of this  
 27 Code section, the governing authority of the county of the patient's residence shall arrange  
 28 for all required transportation for mental health purposes subsequent to the initial transport.

29 The type of vehicle employed shall be in the discretion of the governing authority of the  
 30 county, provided that, whenever possible, marked vehicles normally used for the  
 31 transportation of criminals or those accused of crimes shall not be used for the  
 32 transportation of patients. The court shall, upon the request of the community mental  
 33 health center, order the sheriff to transport the patient in such manner as the patient's  
 34 condition demands. At any time the community mental health center is satisfied that the  
 35 patient can be transported safely by family members or friends, such private transportation  
 36 shall be encouraged and authorized. ~~No~~ In nonemergency situations, no female patient

1 shall be transported at any time without another female in attendance who is not a patient,  
2 unless such female patient is accompanied by her husband, father, adult brother, or adult  
3 son.

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

19 **SECTION 4.**

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