

House Bill 231

By: Representatives Willard of the 49th, Cooper of the 41st, McKillip of the 115th, Oliver of the 83rd, Gardner of the 57th, and others

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 provide community alternatives to institutionalized care for treatment of mental illness;
3 to provide for a short title; to provide for community alternatives to hospitalization for
4 treatment of alcoholics and drug dependent persons; to provide a definition for community
5 alternatives; to change provisions relating to the emergency treatment of mental illness and
6 alcoholic and drug dependent individuals; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Mental Health Addictive Disease
11 Community Recovery Act."

12 **SECTION 2.**

13 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
14 adding a new Code section to read as follows:

15 "37-3-2.1.

16 The primary purpose of this chapter shall be to provide community alternatives to
17 institutional care utilizing evidence based recovery model practices so that persons with
18 mental illness are afforded the opportunity to live, work, and recover in their home
19 communities."

20 **SECTION 3.**

21 Said title is further amended by adding a new Code section to read as follows:

22 "37-3-2.2.

23 As used in this chapter, the term 'community alternatives' means a comprehensive,
24 coordinated system of treatment options and supportive services which are likely to assist

25 the patient in recovery and in becoming a productive citizen. Such treatment and services
 26 shall be founded upon evidence based, recovery model practices which may include, but
 27 not be limited to, peer support, leisure guidance, individual or group therapy, residential
 28 treatment programs, psychiatric services and medication, coordinated health care,
 29 pharmaceutical services, integrated supportive housing and supportive employment,
 30 transportation, and other personal supports, such as mobility or other technological
 31 supports, education, vocational rehabilitation, other rehabilitative services available
 32 through the Medicaid Act, and other supportive services in integrated community settings
 33 as may be defined through an individualized recovery planning process."

34 **SECTION 4.**

35 Said title is further amended by revising subsections (a) and (b) of Code Section 37-3-41,
 36 relating to emergency admission for treatment of mental illness based on a physician's
 37 certification or court order, as follows:

38 "37-3-41.

39 (a) Any physician within this state may execute a certificate stating that he or she has
 40 personally examined a person within the preceding 48 hours and found that, based upon
 41 observations set forth in the certificate, ~~the~~ such person appears to be a mentally ill person
 42 requiring involuntary treatment. A physician's certificate shall expire seven days after it
 43 is executed. Any peace officer, or any contracted medical transport provider at the request
 44 of or in conjunction with any peace officer, within 72 hours after receiving such certificate,
 45 shall make diligent efforts to take into custody the person named in the certificate and to
 46 deliver him or her forthwith to the nearest available emergency receiving facility serving
 47 the county in which the patient is found, or to the nearest available emergency room or
 48 local mental health center where a willing and qualified evaluator is available in person or
 49 accessible by video conference, where he or she shall be received for examination.

50 (b) The appropriate court of the county in which a person may be found may issue an order
 51 commanding any peace officer, or any contracted medical transport provider at the request
 52 of or in conjunction with any peace officer, to take such person into custody and deliver
 53 him or her forthwith for examination, either to the nearest available emergency receiving
 54 facility serving the county in which the patient is found, or to the nearest available
 55 emergency room or local mental health center where a willing and qualified evaluator is
 56 available in person or accessible by video conference, where such person shall be received
 57 for examination, or to a physician who has agreed to examine such patient and who will
 58 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
 59 permit delivery of such patient to an emergency receiving facility pursuant to subsection
 60 (a) of this Code section. Such order may only be issued if based either upon an unexpired

61 physician's certificate, as provided in subsection (a) of this Code section, or upon the
 62 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
 63 seen the person to be taken into custody and that, based upon observations contained in
 64 their affidavit, they have reason to believe such person is a mentally ill person requiring
 65 involuntary treatment. The court order shall expire seven days after it is executed."

66 **SECTION 5.**

67 Said title is further amended by revising subsection (a) of Code Section 37-3-42, relating to
 68 emergency admission of mentally ill persons arrested for penal offenses, as follows:

69 "(a) A peace officer, or any contracted medical transport provider at the request of or in
 70 conjunction with any peace officer, may take any person to a physician within the county
 71 or an adjoining county for emergency examination by the physician, as provided in Code
 72 Section 37-3-41, or to the nearest available emergency room or local mental health center
 73 where a willing and qualified evaluator is available in person or accessible by video
 74 conference, or directly to an emergency receiving facility if (1) the person is committing
 75 a penal offense, and (2) the peace officer has probable cause for believing that the person
 76 is a mentally ill person requiring involuntary treatment. The peace officer need not
 77 formally tender charges against the individual prior to taking the individual to a physician
 78 or an emergency receiving facility under this Code section. The peace officer shall execute
 79 a written report detailing the circumstances under which the person was taken into custody;
 80 and this report shall be made a part of the patient's clinical record."

81

82 **SECTION 6.**

83 Said title is further amended by adding a new Code section to read as follows:

84 "37-7-2.1.

85 The primary purpose of this chapter shall be to provide community alternatives to
 86 institutional care utilizing evidence based recovery model practices so that persons with
 87 alcohol dependence or alcohol addiction are afforded the opportunity to live, work, and
 88 recover in their home communities."

89 **SECTION 7.**

90 Said title is further amended by adding a new Code section to read as follows:

91 "37-7-2.2.

92 As used in this chapter, the term 'community alternatives' means a comprehensive,
 93 coordinated system of treatment options and supportive services which are likely to assist
 94 the patient in recovery and in becoming a productive citizen. Such treatment and services
 95 shall be founded upon evidence based, recovery model practices which may include, but

96 not be limited to, peer support, leisure guidance, individual or group therapy, residential
 97 treatment programs, psychiatric services and medication, coordinated health care,
 98 pharmaceutical services, integrated supportive housing and supportive employment,
 99 transportation, and other personal supports such as mobility or other technological
 100 supports, education, vocational rehabilitation, other rehabilitative services available
 101 through the Medicaid Act, and other supportive services in integrated community settings
 102 as may be defined through an individualized recovery planning process."

103 **SECTION 8.**

104 Said title is further amended by revising subsections (a) and (b) of Code Section 37-7-41,
 105 relating to who may certify the need for emergency involuntary treatment of alcoholics or
 106 drug dependent persons, as follows:

107 "(a) Any physician within this state may execute a certificate stating that he or she has
 108 personally examined a person within the preceding 48 hours and found that, based upon
 109 observations set forth in the certificate, the person appears to be an alcoholic, a drug
 110 dependent individual, or a drug abuser requiring involuntary treatment. A physician's
 111 certificate shall expire seven days after it is executed. Any peace officer, or any contracted
 112 medical transport provider at the request of or in conjunction with any peace officer, within
 113 72 hours after receiving such certificate, shall make diligent efforts to take into custody the
 114 person named in the certificate and to deliver him forthwith to the nearest available
 115 emergency receiving facility serving the county in which the patient is found, or to the
 116 nearest available emergency room or local mental health center where a willing and
 117 qualified evaluator is available in person or accessible by video conference, where he or
 118 she shall be received for examination.

119 (b) The appropriate court of the county in which a person may be found may issue an order
 120 commanding any peace officer, or any contracted medical transport provider at the request
 121 of or in conjunction with any peace officer, to take such person into custody and deliver
 122 him or her forthwith for examination, either to the nearest available emergency receiving
 123 facility serving the county in which the patient is found, or to the nearest available
 124 emergency room or local mental health center where a willing and qualified evaluator is
 125 available in person or accessible by video conference, where such person shall be received
 126 for examination, or to a physician who has agreed to examine such patient and who will
 127 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
 128 permit delivery of such patient to an emergency receiving facility pursuant to subsection
 129 (a) of this Code section. Such order may only be issued if based either upon an unexpired
 130 physician's certificate, as provided in subsection (a) of this Code section, or upon the
 131 affidavits of at least two persons who attest that, within the preceding 48 hours, they have

132 seen the person to be taken into custody and that, based upon observations contained in
133 their affidavit, they have reason to believe such person is an alcoholic, a drug dependent
134 individual, or a drug abuser requiring involuntary treatment. The court order shall expire
135 seven days after it is executed."

136 **SECTION 9.**

137 Said title is further amended by revising subsection (a) of Code Section 37-7-42, relating to
138 emergency admission of alcoholic or drug dependent persons arrested for penal offenses, as
139 follows:

140 " (a) A peace officer, or any contracted medical transport provider at the request of or in
141 conjunction with any peace officer, may take any person to a physician within the county
142 or an adjoining county for emergency examination by the physician, as provided in Code
143 Section 37-7-41, or to the nearest available emergency room or local mental health center
144 where a willing and qualified evaluator is available in person or accessible by video
145 conference, or directly to an emergency receiving facility if the person is committing a
146 penal offense and the peace officer has probable cause for believing that the person is an
147 alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment.
148 The peace officer need not formally tender charges against the individual prior to taking
149 the individual to a physician or an emergency receiving facility under this Code section.
150 The peace officer shall execute a written report detailing the circumstances under which
151 the person was taken into custody; and this report shall be made a part of the patient's
152 clinical record."

153 **SECTION 10.**

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