

House Bill 258

By: Representatives Houston of the 170th, Neal of the 1st, Oliver of the 83rd, Cooper of the 41st, Meadows of the 5th, 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 extend certain requirements of a peace officer to a member of the mobile crisis response
3 team relating to emergency admissions of persons who are mentally ill; to authorize a
4 licensed professional counselor to perform certain acts which physicians, psychologists, and
5 others are authorized to perform regarding emergency examinations of persons who are
6 mentally ill or alcoholic or drug dependent; to define certain terms; to require a clinical social
7 worker or licensed professional counselor to secure certification to perform certain acts from
8 the Department of Behavioral Health and Developmental Disabilities; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
13 revising Code Section 37-3-41, relating to emergency admission of a person for involuntary
14 evaluation of mental illness, as follows:

15 "37-3-41.

16 (a) Any physician within this state may execute a certificate stating that he or she has
17 personally examined a person within the preceding 48 hours and found that, based upon
18 observations set forth in the certificate, the person appears to be a mentally ill person
19 requiring involuntary treatment. A physician's certificate shall expire seven days after it
20 is executed. Any peace officer; or member of a contracted mobile crisis response team
21 contracted with the Department of Behavioral Health and Developmental Disabilities,
22 within 72 hours after receiving such certificate, shall make diligent efforts to take into
23 custody the person named in the certificate and to deliver him or her forthwith to the
24 nearest available emergency receiving facility serving the county in which the patient is
25 found, where he or she shall be received for examination.

26 (b) The appropriate court of the county in which a person may be found may issue an order
27 commanding any peace officer or member of a contracted mobile crisis response team
28 contracted with the Department of Behavioral Health and Developmental Disabilities to
29 take such person into custody and deliver him or her forthwith for examination, either to
30 the nearest available emergency receiving facility serving the county in which the patient
31 is found, where such person shall be received for examination, or to a physician who has
32 agreed to examine such patient and who will provide, where appropriate, a certificate
33 pursuant to subsection (a) of this Code section to permit delivery of such patient to an
34 emergency receiving facility pursuant to subsection (a) of this Code section. Such order
35 may only be issued if based either upon an unexpired physician's certificate, as provided
36 in subsection (a) of this Code section, or upon the affidavits of at least two persons who
37 attest that, within the preceding 48 hours, they have seen the person to be taken into
38 custody and that, based upon observations contained in their affidavit, they have reason to
39 believe such person is a mentally ill person requiring involuntary treatment. The court
40 order shall expire seven days after it is executed.

41 (c) Any peace officer or member of a contracted mobile crisis response team contracted
42 with the Department of Behavioral Health and Developmental Disabilities taking into
43 custody and delivering for examination a person, as authorized by subsection (a) or (b) of
44 this Code section, shall execute a written report detailing the circumstances under which
45 such person was taken into custody. The report and either the physician's certificate or
46 court order authorizing such taking into custody shall be made a part of the patient's clinical
47 record.

48 (d) Any psychologist, clinical social worker, licensed professional counselor, or clinical
49 nurse specialist in psychiatric/mental health may perform any act specified by this Code
50 section to be performed by a physician. Any reference in any part of this chapter to a
51 physician acting under this Code section shall be deemed to refer equally to a psychologist,
52 a clinical social worker, a licensed professional counselor, or a clinical nurse specialist in
53 psychiatric/mental health acting under this Code section. For purposes of this subsection,
54 the term 'psychologist' means any person authorized under the laws of this state to practice
55 as a licensed psychologist; the term 'clinical social worker' means any person authorized
56 under the laws of this state to practice as a licensed clinical social worker; the term
57 'licensed professional counselor' means any person authorized under the laws of this state
58 to practice as a licensed professional counselor; and the term 'clinical nurse specialist in
59 psychiatric/mental health' means any person authorized under the laws of this state to
60 practice as a registered professional nurse and who is recognized by the Georgia Board of
61 Nursing to be engaged in advanced nursing practice as a clinical nurse specialist in
62 psychiatric/mental health.

63 (e) A clinical social worker or licensed professional counselor shall be required to apply
 64 for and maintain a valid certification from the Department of Behavioral Health and
 65 Developmental Disabilities in order to perform any act specified by this Code section. The
 66 department is authorized to issue, revoke, or deny such certification. The department shall
 67 promulgate regulations regarding such certification."

68 **SECTION 2.**

69 Said title is further amended by revising subsection (d) of Code Section 37-7-41, relating to
 70 emergency involuntary treatment of an alcoholic, a drug abuser, or a drug dependent
 71 individual, as follows:

72 "(d) Any psychologist, clinical social worker, licensed professional counselor, or clinical
 73 nurse specialist in psychiatric/mental health may perform any act specified by this Code
 74 section to be performed by a physician. Any reference in any part of this chapter to a
 75 physician acting under this Code section shall be deemed to refer equally to a psychologist,
 76 a clinical social worker, a licensed professional counselor, or a clinical nurse specialist in
 77 psychiatric/mental health acting under this Code section. For purposes of this subsection,
 78 the term 'psychologist' means any person authorized under the laws of this state to practice
 79 as a licensed psychologist; the term 'clinical social worker' means any person authorized
 80 under the laws of this state to practice as a licensed clinical social worker; the term
 81 'licensed professional counselor' means any person authorized under the laws of this state
 82 to practice as a licensed professional counselor; and the term 'clinical nurse specialist in
 83 psychiatric/mental health' means any person authorized under the laws of this state to
 84 practice as a registered professional nurse and who is recognized by the Georgia Board of
 85 Nursing to be engaged in advanced nursing practice as a clinical nurse specialist in
 86 psychiatric mental health."

87 **SECTION 3.**

88 Said title is further amended in said Code Section 37-7-41 by adding a new subsection to
 89 read as follows:

90 "(e) A clinical social worker or licensed professional counselor shall be required to apply
 91 for and maintain a valid certification from the Department of Behavioral Health and
 92 Developmental Disabilities in order to perform any act specified by this Code section. The
 93 department is authorized to issue, revoke, or deny such certification. The department shall
 94 promulgate regulations regarding such certification."

95 **SECTION 4.**

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