

House Bill 343

By: Representatives Cooper of the 41<sup>st</sup>, Huckaby of the 113<sup>th</sup>, Collins of the 27<sup>th</sup>, Carter of the 175<sup>th</sup>, Houston of the 170<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated,  
2 relating to the powers and duties of the Department of Behavioral Health and Developmental  
3 Disabilities as it related to mental health, so as to provide for crisis stabilization units for the  
4 purpose of providing psychiatric stabilization or detoxification services; to provide for a  
5 definition; to provide for licensure; to provide for requirements; to provide for rules and  
6 regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to the  
10 powers and duties of the Department of Behavioral Health and Developmental Disabilities  
11 as it related to mental health, is amended by adding a new Code section to read as follows:

12 "37-1-29.

13 (a) As used in this Code section, the term 'crisis stabilization unit' means a short-term  
14 residential program operated as a part of a comprehensive community mental health and  
15 substance abuse program for the purpose of providing psychiatric stabilization and  
16 detoxification services that complies with applicable department standards and that  
17 provides brief, intensive crisis services 24 hours a day, seven days a week.

18 (b) The department shall be authorized to license crisis stabilization units pursuant to this  
19 Code section for the purpose of providing psychiatric stabilization and detoxification  
20 services in a community based setting rather than inpatient hospitalization and other higher  
21 levels of care.

22 (c) The department shall establish minimum standards and requirements for the licensure  
23 of crisis stabilization units. Such standards and requirements shall include, but not be  
24 limited to, the following:

25 (1) The capacity to carry out emergency receiving and evaluating functions;

26 (2) Voluntary and involuntary admission criteria;

- 27 (3) The prohibition to hold itself out as a hospital or bill for hospital or inpatient services;  
28 (4) The unit is part of a comprehensive community mental health and substance abuse  
29 program;  
30 (5) The unit is operated by an accredited and licensed, if applicable, health care  
31 authority;  
32 (6) The unit has operating agreements with private and public inpatient hospitals and  
33 treatment facilities;  
34 (7) The unit operates within the guidelines of the federal Emergency Medical Treatment  
35 and Active Labor Act with respect to stabilization and transfer of clients;  
36 (8) Length of stay;  
37 (9) Designation of transitional beds;  
38 (10) Billing;  
39 (11) Physician and registered professional nurse oversight;  
40 (12) Staff to client ratios;  
41 (13) Patient restraint or seclusion;  
42 (14) Safety and emergency protocols;  
43 (15) Pharmacy services;  
44 (16) Medication administration; and  
45 (17) Reporting requirements.
- 46 (d) A crisis stabilization unit shall be designated as an emergency receiving facility under  
47 Code Sections 37-3-40 and 37-7-40 and an evaluation facility under Code Sections  
48 37-3-60 and 37-7-60, but shall not be designated as a treatment facility under Code Section  
49 37-3-80 or 37-7-80. Crisis stabilization units may admit individuals on a voluntary basis.  
50 Individuals may be provided 24 hour observation, detoxification and stabilization services,  
51 medication prescribed by a physician, and other appropriate treatment or services.
- 52 (e) No entity shall operate as a crisis stabilization unit without having a valid license  
53 issued pursuant to this Code section.
- 54 (f) Application for a license to operate a crisis stabilization unit shall be submitted to the  
55 department in the manner prescribed by the department's rules and regulations.
- 56 (g) The department shall issue a license to an applicant who meets all the rules and  
57 regulations for the licensure of crisis stabilization units. The license shall be  
58 nontransferable for a change of location or governing body.
- 59 (h) Each licensee shall permit authorized department representatives to enter upon and  
60 inspect any and all premises for which a license has been granted or applied for so that  
61 verification of compliance with all relevant laws or regulations can be made.
- 62 (i) The department may deny any license application which does not meet all the rules and  
63 regulations for the licensure of crisis stabilization units and may suspend or revoke a

64 license which has been issued if an applicant or a licensee violates any such rules and  
65 regulations; provided, however, that before any order is entered denying a license  
66 application or suspending or revoking a license previously granted, the applicant or license  
67 holder, as the case may be, shall be afforded an opportunity for a hearing as provided for  
68 in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

69 (j) Any program licensed as a crisis stabilization unit pursuant to this Code section shall  
70 be exempt from the requirements to obtain a certificate of need pursuant to Article 3 of  
71 Chapter 6 of Title 31.

72 (k) The department shall promulgate rules and regulations to implement the provisions of  
73 this Code section."

74 **SECTION 2.**

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