

House Bill 343 (COMMITTEE SUBSTITUTE)

By: Representatives Cooper of the 41st, Huckaby of the 113th, Collins of the 27th, Carter of the 175th, Houston of the 170th, 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 for the purpose of providing psychiatric stabilization and
15 detoxification services that complies with applicable department standards and that
16 provides brief, intensive crisis services 24 hours a day, seven days a week.

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

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

- 24 (1) The capacity to carry out emergency receiving and evaluating functions;
- 25 (2) Voluntary and involuntary admission criteria;
- 26 (3) The prohibition to hold itself out as a hospital or bill for hospital or inpatient services;

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

64 holder, as the case may be, shall be afforded an opportunity for a hearing as provided for
65 in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

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

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

71 **SECTION 2.**

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