

Senate Bill 65

By: Senator Unterman of the 45th

AS PASSED SENATE

**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 authorize a licensed professional counselor to perform certain acts which physicians,
3 psychologists, and others are authorized to perform regarding emergency examinations of
4 persons who are mentally ill or alcoholic or drug dependent; to define certain terms; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

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

11 "37-3-41.

12 (a) Any physician within this state may execute a certificate stating that he or she has
13 personally examined a person within the preceding 48 hours and found that, based upon
14 observations set forth in the certificate, ~~the~~ such person appears to be a mentally ill person
15 requiring involuntary treatment. A physician's certificate shall expire seven days after it
16 is executed. Any peace officer, within 72 hours after receiving such certificate, shall make
17 diligent efforts to take into custody the person named in the certificate and to deliver him
18 or her forthwith to the nearest available emergency receiving facility serving the county in
19 which the patient is found, where he or she shall be received for examination.

20 (b) The appropriate court of the county in which a person may be found may issue an order
21 commanding any peace officer to take such person into custody and deliver him or her
22 forthwith for examination, either to the nearest available emergency receiving facility
23 serving the county in which the patient is found, where such person shall be received for
24 examination, or to a physician who has agreed to examine such patient and who will
25 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
26 permit delivery of such patient to an emergency receiving facility pursuant to subsection

27 (a) of this Code section. Such order may only be issued if based either upon an unexpired
 28 physician's certificate, as provided in subsection (a) of this Code section, or upon the
 29 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
 30 seen the person to be taken into custody and that, based upon observations contained in
 31 their affidavit, they have reason to believe such person is a mentally ill person requiring
 32 involuntary treatment. The court order shall expire seven days after it is executed.

33 (c) Any peace officer taking into custody and delivering for examination a person, as
 34 authorized by subsection (a) or (b) of this Code section, shall execute a written report
 35 detailing the circumstances under which such person was taken into custody. The report
 36 and either the physician's certificate or court order authorizing such taking into custody
 37 shall be made a part of the patient's clinical record.

38 (d) Any psychologist, clinical social worker, licensed professional counselor, or clinical
 39 nurse specialist in psychiatric/mental health may perform any act specified by this Code
 40 section to be performed by a physician. Any reference in any part of this chapter to a
 41 physician acting under this Code section shall be deemed to refer equally to a psychologist,
 42 a clinical social worker, a licensed professional counselor, or a clinical nurse specialist in
 43 psychiatric/mental health acting under this Code section. For purposes of this ~~subsection~~
 44 Code section, the term 'psychologist' means any person authorized under the laws of this
 45 state to practice as a licensed psychologist; the term 'clinical social worker' means any
 46 person authorized under the laws of this state to practice as a licensed clinical social
 47 worker; the term 'licensed professional counselor' means any person authorized under the
 48 laws of this state to practice as a licensed professional counselor; and the term 'clinical
 49 nurse specialist in psychiatric/mental health' means any person authorized under the laws
 50 of this state to practice as a registered professional nurse and who is recognized by the
 51 Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse
 52 specialist in psychiatric/mental health."

53 **SECTION 2.**

54 Said title is further amended in Code Section 37-7-41, relating to emergency involuntary
 55 treatment of an alcoholic, a drug abuser, or a drug dependent individual, by revising
 56 subsection (d) and by adding a new subsection to read as follows:

57 "(d) Any psychologist, clinical social worker, licensed professional counselor, or clinical
 58 nurse specialist in psychiatric/mental health may perform any act specified by this Code
 59 section to be performed by a physician. Any reference in any part of this chapter to a
 60 physician acting under this Code section shall be deemed to refer equally to a psychologist,
 61 a clinical social worker, a licensed professional counselor, or a clinical nurse specialist in
 62 psychiatric/mental health acting under this Code section. For purposes of this ~~subsection~~

63 Code section, the term 'psychologist' means any person authorized under the laws of this
64 state to practice as a licensed psychologist; the term 'clinical social worker' means any
65 person authorized under the laws of this state to practice as a licensed clinical social
66 worker; the term 'licensed professional counselor' means any person authorized under the
67 laws of this state to practice as a licensed professional counselor; and the term 'clinical
68 nurse specialist in psychiatric/mental health' means any person authorized under the laws
69 of this state to practice as a registered professional nurse and who is recognized by the
70 Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse
71 specialist in psychiatric mental health."

72 **SECTION 3.**

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