

Senate Bill 65

By: Senator Unterman of the 45th

AS PASSED

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 provide for automatic repeal; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "37-3-41.

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

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

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

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

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

54 **SECTION 2.**

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

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

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

73 **SECTION 2A.**

74 This Act shall stand repealed in its entirety on March 15, 2015.

75 **SECTION 3.**

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