

Senate Bill 11 - Senate Profile

By: Senator Rhett of the 33rd

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 emergency medical technicians, cardiac technicians, and paramedics to
3 perform certain acts which physicians, psychologists, and other persons are authorized to
4 perform regarding emergency examinations of a person for involuntary evaluation and
5 treatment for mental illness or alcohol or drug abuse; to provide for related matters; to repeal
6 conflicting laws; and 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
10 by revising Code Section 37-3-4, relating to immunity of hospitals, physicians, peace
11 officers, or other private or public hospital employees from liability for actions taken in good
12 faith compliance with admission and discharge provisions of chapter and immunity not
13 applicable to failure to meet standard of care in provision of treatment, as follows:

14 "37-3-4.

15 Any hospital or any physician, psychologist, peace officer, attorney, emergency medical
16 technician, cardiac technician, paramedic, or health official, or any hospital official, agent,
17 or other person employed by a private hospital or at a facility operated by the state, by a
18 political subdivision of the state, or by a hospital authority created pursuant to Article 4 of
19 Chapter 7 of Title 31, who acts in good faith in compliance with the admission and
20 discharge provisions of this chapter shall be immune from civil or criminal liability for his
21 or her actions in connection with the admission of a patient to a facility or the discharge of
22 a patient from a facility; provided, however, that nothing in this Code section shall be
23 construed to relieve any hospital or any physician, psychologist, peace officer, attorney,
24 emergency medical technician, cardiac technician, paramedic, or health official, or any
25 hospital official, agent, or other person employed by a private hospital or at a facility
26 operated by the state, by a political subdivision of the state, or by a hospital authority

27 created pursuant to Article 4 of Chapter 7 of Title 31, from liability for failing to meet the
28 applicable standard of care in the provision of treatment to a patient."

29 **SECTION 2.**

30 Said title is further amended in Code Section 37-3-41, relating to emergency admission based
31 on physician's certification or court order, report by apprehending officer, entry of treatment
32 order into patient's record, and authority of other personnel to act under statute, by adding
33 a new subsection to read as follows:

34 "(e) Any physician may execute a physician's certificate under the authority of
35 subsection (a) of this Code section based upon the direct observations of an emergency
36 medical technician, cardiac technician, or paramedic pursuant to Chapter 11 of Title 31;
37 provided, however, that as soon as practical after the patient is delivered to an emergency
38 receiving facility, such physician or other person listed in subsection (d) of this Code
39 section shall personally examine the patient to determine if the certificate is further
40 warranted. If further examination reveals that the certificate is not further warranted, such
41 physician or other person listed in subsection (d) of this Code section shall withdraw the
42 certificate."

43 **SECTION 3.**

44 Said title is further amended by revising Code Section 37-7-5, relating to immunity from
45 liability for actions taken in good faith compliance with admission and discharge, as follows:

46 "37-7-5.

47 Any physician, psychologist, peace officer, attorney, emergency medical technician,
48 cardiac technician, paramedic, or health official, or any hospital official, agent, or other
49 person employed by a private hospital or at a facility operated by the state, by a political
50 subdivision of the state, or by a hospital authority created pursuant to Article 4 of Chapter
51 7 of Title 31, who acts in good faith in compliance with the admission and discharge
52 provisions of this chapter shall be immune from civil or criminal liability for his or her
53 actions in connection with the admission of a patient to a facility or the discharge of a
54 patient from a facility."

55 **SECTION 4.**

56 Said title is further amended in Code Section 37-7-41, relating to emergency involuntary
57 treatment, who may certify need, delivery for examination, and report of delivery required,
58 by adding a new subsection to read as follows:

59 "(e) Any physician may execute a physician's certificate under the authority of
60 subsection (a) of this Code section based upon the direct observations of an emergency

61 medical technician, cardiac technician, or paramedic pursuant to Chapter 11 of Title 31;
62 provided, however, that as soon as practical after the patient is delivered to an emergency
63 receiving facility, such physician or other person listed in subsection (d) of this Code
64 section shall personally examine the patient to determine if the certificate is further
65 warranted. If further examination reveals that the certificate is not further warranted, such
66 physician or other person listed in subsection (d) of this Code section shall withdraw the
67 certificate."

68 **SECTION 5.**

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