

Senate Bill 40

By: Senators Unterman of the 45th, Shafer of the 48th and Rhett of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated,
2 relating to examination, hospitalization, and treatment of involuntary patients, so as to
3 provide for authorization of emergency medical services personnel to transport certain
4 mentally ill patients under certain circumstances; to provide for reporting requirements; 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 Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to
9 examination, hospitalization, and treatment of involuntary patients, is amended by revising
10 Code Section 37-3-42, relating to emergency admission of persons arrested for penal
11 offenses, report by officer, and entry of report into clinical record, as follows:

12 "37-3-42.

13 (a) A peace officer may take any person to a physician within the county or an adjoining
14 county for emergency examination by the physician, as provided in Code Section 37-3-41,
15 or directly to an emergency receiving facility if (1) the person is committing a penal
16 offense, and (2) the peace officer has probable cause for believing that the person is a
17 mentally ill person requiring involuntary treatment. The peace officer need not formally
18 tender charges against the individual prior to taking the individual to a physician or an
19 emergency receiving facility under this Code section. The peace officer shall execute a
20 written report detailing the circumstances under which the person was taken into custody,
21 and this report shall be made a part of the patient's clinical record.

22 (b) Emergency medical services personnel, which shall include emergency medical
23 technicians, cardiac technicians, paramedics, or first responders certified pursuant to
24 Article 3 of Chapter 11 of Title 31 may transport any person within the county directly to
25 an emergency receiving facility if (1) any such services personnel have been dispatched in
26 response to an emergency, (2) any such services personnel have probable cause for

27 believing that the person is a mentally ill person requiring involuntary treatment, and (3)
28 any such services personnel have consulted with the emergency receiving facility physician
29 and it is the opinion of the physician that it is in the best interest of such person and the
30 public that such person be transported immediately to the facility. The services personnel
31 shall execute a written report detailing the circumstances under which the person was
32 transported, and this report shall be made a part of the patient's clinical record.

33 ~~(b)~~(c) Any psychologist may perform any act specified by this Code section to be
34 performed by a physician. Any reference in any part of this chapter to a physician acting
35 under this Code section shall be deemed to refer equally to a psychologist acting under this
36 Code section. For purposes of this subsection, the term 'psychologist' means any person
37 authorized under the laws of this state to practice as a licensed psychologist."

38 **SECTION 2.**

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