

Senate Bill 40

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

AS PASSED SENATE

**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 and peace officers to
4 transport certain mentally ill patients under certain circumstances; to provide for reporting
5 requirements; to provide for immunity; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to
10 examination, hospitalization, and treatment of involuntary patients, is amended by revising
11 Code Section 37-3-42, relating to emergency admission of persons arrested for penal
12 offenses, report by officer, and entry of report into clinical record, as follows:

13 "37-3-42.

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

25 (b)(1) Emergency medical services personnel, which shall include emergency medical
26 technicians, cardiac technicians, paramedics, or first responders certified pursuant to

27 Article 3 of Chapter 11 of Title 31 may transport any person within the county directly
 28 to an emergency receiving facility if (1) any such services personnel have been
 29 dispatched in response to an emergency, (2) any such services personnel have probable
 30 cause for believing that the person is a mentally ill person requiring involuntary
 31 treatment, and (3) any such services personnel have consulted with the emergency
 32 receiving facility physician and it is the opinion of the physician that it is in the best
 33 interest of such person and the public that such person be transported immediately to the
 34 facility. The services personnel shall execute a written report detailing the circumstances
 35 under which the person was transported, and this report shall be made a part of the
 36 patient's clinical record.

37 (2) Emergency medical services personnel under paragraph (1) of this subsection shall
 38 not be liable for any civil damages to such person, their heirs, or assigns as a result of any
 39 act or omission by such emergency medical services personnel in making the decision to
 40 transport a person under this subsection unless those damages are a result of such
 41 personnel's willful and wanton negligence.

42 (3) A physician shall not be liable for any civil damages to such person, their heirs, or
 43 assigns as a result of any act or omission by such physician acting as a medical adviser
 44 under this subsection unless those damages are a result of such physician's willful and
 45 wanton negligence.

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

51 **SECTION 2.**

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