

The House Committee on Health and Human Services offers the following substitute to SB 40:

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 provide for  
6 automatic repeal; to repeal conflicting 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 in the same manner and pursuant  
24 to the same conditions and requirements as provided in subsection (b) of this Code section.

25 (b)(1) Emergency medical services personnel, which shall include emergency medical  
26 technicians, cardiac technicians, paramedics, and 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 such emergency medical services personnel:  
 29 (1) have been dispatched in response to an emergency, (2) have probable cause for  
 30 believing that such person is a mentally ill person requiring involuntary treatment, and  
 31 (3) have consulted with the emergency receiving facility physician and it is the opinion  
 32 of such physician that it is in the best interest of such person and the public that such  
 33 person be transported immediately to the facility and that such physician has confirmed  
 34 that such facility has the capacity to treat such patient and shall not divert such patient to  
 35 another facility. The emergency medical services personnel shall execute a written report  
 36 detailing the circumstances under which the person was transported, and this report shall  
 37 be made a part of such patient's clinical record.

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

44 (3) A physician shall not be liable for any civil damages to a person or to such person's  
 45 heirs or assigns as a result of any act or omission by such physician acting as a medical  
 46 adviser for emergency medical services personnel transporting such person pursuant to  
 47 paragraph (1) of this subsection unless such damages are a result of such physician's  
 48 willful and wanton negligence.

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

54 **SECTION 2.**

55 This Act shall stand repealed on December 31, 2019.

56 **SECTION 3.**

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