

Senate Bill 318

By: Senators Rhett of the 33rd, Unterman of the 45th, Burke of the 11th, Mullis of the 53rd,
Brass of the 28th and others

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 provide for the execution of a physician's certificate for emergency examination of a
3 person for involuntary evaluation and treatment for mental illness or alcohol or drug abuse
4 based on consultation with an emergency medical technician or paramedic who has
5 personally observed the person; to provide for immunity; to provide for related matters; to
6 repeal 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 by
10 revising Code Section 37-3-4, relating to immunity of hospitals, physicians, peace officers,
11 or other private or public hospital employees from liability for actions taken in good faith
12 compliance with admission and discharge provisions of chapter and immunity not applicable
13 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, paramedic, or health official, or any hospital official, agent, or other person
17 employed by a private hospital or at a facility operated by the state, by a political
18 subdivision of the state, or by a hospital authority created pursuant to Article 4 of Chapter 7
19 of Title 31, who acts in good faith in compliance with the admission and discharge
20 provisions of this chapter shall be immune from civil or criminal liability for his or her
21 actions in connection with the admission of a patient to a facility or the discharge of a
22 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, paramedic, or health official, or any hospital official, agent,
25 or other person employed by a private hospital or at a facility operated by the state, by a
26 political subdivision of the state, or by a hospital authority created pursuant to Article 4 of

27 Chapter 7 of Title 31, from liability for failing to meet the applicable standard of care in
28 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 revising
33 subsection (a) as follows:

34 "(a) Any physician within this state may execute a certificate stating that he or she has
35 personally examined a person within the preceding 48 hours and found that, based upon
36 the observations set forth in the certificate, such person appears to be a mentally ill person
37 requiring involuntary treatment. Further, any physician within this state may execute such
38 certificate based upon the direct observations of such person by an emergency medical
39 technician or paramedic; provided, however, that as soon as practical after the patient is
40 delivered to an emergency receiving facility, such physician shall personally examine the
41 patient to determine if the certificate is further warranted and, if further examination
42 reveals that the certificate is not further warranted, such physician shall withdraw the
43 certificate. A physician's certificate shall expire seven days after it is executed. Any peace
44 officer, within 72 hours after receiving such certificate, shall make diligent efforts to take
45 into custody the person named in the certificate and to deliver him or her forthwith to the
46 nearest available emergency receiving facility serving the county in which the patient is
47 found, where he or she shall be received for examination."

48 **SECTION 3.**

49 Said title is further amended by revising Code Section 37-7-5, relating to immunity from
50 liability for actions taken in good faith compliance with admission and discharge, as follows:
51 "37-7-5.

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

59 **SECTION 4.**

60 Said title is further amended in Code Section 37-7-41, relating to emergency involuntary
61 treatment, who may certify need, delivery for examination, and report of delivery required,
62 by revising subsection (a) as follows:

63 "(a) Any physician within this state may execute a certificate stating that he or she has
64 personally examined a person within the preceding 48 hours and found that, based upon
65 observations set forth in the certificate, the person appears to be an alcoholic, a drug
66 dependent individual, or a drug abuser requiring involuntary treatment. Further, any
67 physician within this state may execute such certificate based upon the direct observations
68 of such person by an emergency medical technician or paramedic; provided, however, that
69 as soon as practical after the patient is delivered to an emergency receiving facility, such
70 physician shall personally examine the patient to determine if the certificate is further
71 warranted and, if further examination reveals that the certificate is not further warranted,
72 such physician shall withdraw the certificate. A physician's certificate shall expire seven
73 days after it is executed. Any peace officer, within 72 hours after receiving such
74 certificate, shall make diligent efforts to take into custody the person named in the
75 certificate and to deliver him or her forthwith to the nearest available emergency receiving
76 facility serving the county in which the patient is found, where he or she shall be received
77 for examination."

78 **SECTION 5.**

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