

The House Committee on Judiciary offers the following substitute to HB 544:

**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 revise procedures regarding emergency involuntary treatment for mental health and
3 alcohol and drug dependency; to require that certain documents become part of the patient's
4 clinical record; to provide for redactions; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

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

7 **SECTION 1.**

8 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
9 revising subsections (b) and (c) of Code Section 37-3-41, relating to emergency admission
10 based on physician's certification or court order, report by apprehending officer, entry of
11 treatment order into patient's clinical record, and authority of other personnel to act under
12 statute, as follows:

13 "(b) The appropriate court of the county in which a person may be found may issue an
14 order commanding any peace officer to take such person into custody and deliver him or
15 her forthwith for examination, either to the nearest available emergency receiving facility
16 serving the county in which the patient is found, where such person shall be received for
17 examination, or to a physician who has agreed to examine such patient and who will
18 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
19 permit delivery of such patient to an emergency receiving facility pursuant to subsection (a)
20 of this Code section. Such order may only be issued if based either upon an unexpired
21 physician's certificate, as provided in subsection (a) of this Code section, or upon the
22 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
23 seen the person to be taken into custody and that, based upon observations contained in
24 their affidavit, they have reason to believe such person is a mentally ill person requiring
25 involuntary treatment. Such physician's certificate or affidavits shall be affixed to the court

26 order; provided, however, that information personally identifying the affiants shall be
27 redacted and concealed. The court order shall expire seven days after it is executed.
28 (c) Any peace officer taking into custody and delivering for examination a person, as
29 authorized by subsection (a) or (b) of this Code section, shall execute a written report
30 detailing the circumstances under which such person was taken into custody. The report
31 and ~~either the physician's certificate or~~ court order authorizing such taking into custody,
32 including such information which is required to be affixed pursuant to subsection (b) of this
33 Code section, shall be made a part of the patient's clinical record."

34 **SECTION 2.**

35 Said title is further amended by revising subsections (b) and (c) of Code Section 37-7-41,
36 relating to emergency involuntary treatment, who may certify need, delivery for examination,
37 and report of delivery required, as follows:

38 "(b) The appropriate court of the county in which a person may be found may issue an
39 order commanding any peace officer to take such person into custody and deliver him
40 forthwith for examination, either to the nearest available emergency receiving facility
41 serving the county in which the patient is found, where such person shall be received for
42 examination, or to a physician who has agreed to examine such patient and who will
43 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
44 permit delivery of such patient to an emergency receiving facility pursuant to subsection (a)
45 of this Code section. Such order may only be issued if based either upon an unexpired
46 physician's certificate, as provided in subsection (a) of this Code section, or upon the
47 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
48 seen the person to be taken into custody and that, based upon observations contained in
49 their affidavit, they have reason to believe such person is an alcoholic, a drug dependent
50 individual, or a drug abuser requiring involuntary treatment. Such physician's certificate
51 or affidavits shall be affixed to the court order; provided, however, that information
52 personally identifying the affiants shall be redacted and concealed. The court order shall
53 expire seven days after it is executed.

54 (c) Any peace officer taking into custody and delivering for examination a person, as
55 authorized by subsection (a) or (b) of this Code section, shall execute a written report
56 detailing the circumstances under which such person was taken into custody. The report
57 and ~~either the physician's certificate or~~ court order authorizing such custody,including such
58 information which is required to be affixed pursuant to subsection (b) of this Code section,
59 shall be made a part of the patient's record."

60

SECTION 3.

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