

The Senate Committee on Judiciary offered the following substitute to HB 591:

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 authorize marriage and family therapists to perform certain acts which physicians,
3 psychologists, and others are authorized to perform regarding emergency examinations of
4 persons for involuntary evaluation and treatment for mental illness or alcohol or drug abuse;
5 to define certain terms; to provide for reporting requirements; to provide for related matters;
6 to 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 subsection (d) of, and adding a new subsection to, Code Section 37-3-41, relating
11 to emergency admission of a person for involuntary evaluation of mental illness, as follows:
12 "(d) Any psychologist, clinical social worker, licensed professional counselor, marriage
13 and family therapist, or clinical nurse specialist in psychiatric/mental health may perform
14 any act specified by this Code section to be performed by a physician. Any reference in
15 any part of this chapter to a physician acting under this Code section shall be deemed to
16 refer equally to a psychologist, a clinical social worker, a licensed professional counselor,

17 a marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health
18 acting under this Code section. For purposes of this Code section, the term 'psychologist'
19 means any person authorized under the laws of this state to practice as a licensed
20 psychologist; the term 'clinical social worker' means any person authorized under the laws
21 of this state to practice as a licensed clinical social worker; the term 'licensed professional
22 counselor' means any person authorized under the laws of this state to practice as a licensed
23 professional counselor; the term 'marriage and family therapist' means any person
24 authorized under the laws of this state to practice as a licensed marriage and family
25 therapist; and the term 'clinical nurse specialist in psychiatric/mental health' means any
26 person authorized under the laws of this state to practice as a registered professional nurse
27 and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing
28 practice as a clinical nurse specialist in psychiatric/mental health.

29 (e) No later than February 1, 2022, and annually thereafter, the department shall prepare
30 a report with de-identified, aggregated data from written reports required by this
31 subsection. The annual report shall include, but not be limited to, the total number of
32 certificates issued by county and the total number of certificates issued by physicians, by
33 psychologists, by clinical social workers, by licensed professional counselors, by marriage
34 and family therapists, or by clinical nurse specialists in psychiatric/mental health. The
35 annual report shall also include the total number of individuals examined in or admitted to
36 each emergency receiving facility designated or utilized by the department. The
37 department shall submit the annual report to the General Assembly, the Governor, the
38 Lieutenant Governor, and the Speaker of the House of Representatives during each regular
39 legislative session."

SECTION 2.

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41 Said title is further amended by revising subsection (d) of, and adding a new subsection to,
42 Code Section 37-7-41, relating to emergency involuntary treatment of an alcoholic, a drug
43 abuser, or a drug dependent individual, as follows:

44 "(d) Any psychologist, clinical social worker, licensed professional counselor, marriage
45 and family therapist, or clinical nurse specialist in psychiatric/mental health may perform
46 any act specified by this Code section to be performed by a physician. Any reference in
47 any part of this chapter to a physician acting under this Code section shall be deemed to
48 refer equally to a psychologist, a clinical social worker, a licensed professional counselor,
49 a marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health
50 acting under this Code section. For purposes of this Code section, the term 'psychologist'
51 means any person authorized under the laws of this state to practice as a licensed
52 psychologist; the term 'clinical social worker' means any person authorized under the laws
53 of this state to practice as a licensed clinical social worker; the term 'licensed professional
54 counselor' means any person authorized under the laws of this state to practice as a licensed
55 professional counselor; the term 'marriage and family therapist' means any person
56 authorized under the laws of this state to practice as a licensed marriage and family
57 therapist; and the term 'clinical nurse specialist in psychiatric/mental health' means any
58 person authorized under the laws of this state to practice as a registered professional nurse
59 and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing
60 practice as a clinical nurse specialist in psychiatric/mental health.

61 (e) No later than February 1, 2022, and annually thereafter, the department shall prepare
62 a report with de-identified, aggregated data from written reports required by this
63 subsection. The annual report shall include, but not be limited to, the total number of
64 certificates issued by county and the total number of certificates issued by physicians, by
65 psychologists, by clinical social workers, by licensed professional counselors, by marriage
66 and family therapists, or by clinical nurse specialists in psychiatric/mental health. The

67 annual report shall also include the total number of individuals examined in or admitted to
68 each emergency receiving facility designated or utilized by the department. The
69 department shall submit the annual report to the General Assembly, the Governor, the
70 Lieutenant Governor, and the Speaker of the House of Representatives during each regular
71 legislative session."

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SECTION 3.

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