

House Bill 1674

By: Representative Lim of the 99<sup>th</sup>

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 that a comprehensive review of the behavioral health system in this state  
3 include a review of cultural barriers to treatment; to require that patients in facilities that  
4 provide the diagnosis, care, treatment, or hospitalization of persons who are mentally ill be  
5 informed of patient care and treatment rights in the preferred language of the patient; to  
6 provide for related matters; 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 Code Section 37-1-111, relating to the creation of the Georgia Behavioral Health  
11 Reform and Innovation Commission, as follows:

12 "37-1-111.

13 (a) There is created the Georgia Behavioral Health Reform and Innovation Commission  
14 for the purpose of conducting a comprehensive review of the behavioral health system in  
15 Georgia. Such review shall include the identification of the behavioral health services and  
16 facilities available in this state; the identification of behavioral health issues in children,

adolescents, and adults; the role the educational system has in the identification and treatment of behavioral health issues; the impact behavioral health issues have on the court system and correctional system; the legal and systemic barriers to treatment of mental illnesses; the knowledge of and access to behavioral health care across cultures; the need for cultural competence of behavioral health care professionals to be adopted as standard practice; workforce shortages that impact the delivery of care; whether there is sufficient access to behavioral health services and supports and the role of payers in such access; ~~the impact on~~; how untreated behavioral illness can impact children into adulthood; the need for aftercare for persons exiting the criminal justice system; and the impact of behavioral illness on the state's homeless population.

(b) As used in this article, the term 'commission' means the Georgia Behavioral Health Reform and Innovation Commission."

## SECTION 2.

Said title is further amended by revising Code Section 37-3-162, relating to patients' care and treatment rights, as follows:

"37-3-162.

(a) Each patient in a facility and each person receiving services for mental illness shall receive care and treatment that is suited to his or her needs and is the least restrictive appropriate care and treatment. It shall be the duty of the facility to assist the patient in securing placement in noninstitutional community facilities and programs. Such care and treatment shall be administered skillfully, safely, and humanely with full respect for the patient's dignity and personal integrity.

(b) Each patient shall have the right to participate in his or her care and treatment. The board shall issue regulations to ensure that each patient participates in his or her care and treatment to the maximum extent possible. Unless the disclosure to the patient is determined by the chief medical officer or the patient's treating physician or psychologist

to be detrimental to the physical or mental health of the patient, and unless a notation to that effect is made a part of the patient's record, the patient shall have the right to reasonable access to review his or her medical file, to be told his or her diagnosis, to be consulted on the treatment recommendation, and to be fully informed concerning his or her medication, including its side effects and available treatment alternatives.

(c) It is the duty of the chief medical officer to ensure that each patient receives such medical attention as is suitable to his or her condition and that no treatment shall be given which is not recognized as standard psychiatric treatment, except upon the written consent of the patient or, if applicable, his or her guardian having capacity to give such consent. If such consent is given by someone other than the patient or such guardian, court approval must be obtained after a full and fair hearing.

(d) If a patient hospitalized under this chapter is able to secure the services of a private physician or psychologist, he or she shall be allowed to see his or her physician or psychologist at any reasonable time. The chief medical officer is authorized and directed to establish regulations designed to facilitate examination and treatment which a patient may request from such private physician or psychologist.

(e) Every patient admitted to a facility under this chapter shall be examined by the staff of the admitting facility as soon as possible after his or her admission.

(f) Each patient admitted to a facility under this chapter shall be informed by the facility in his or her preferred language of the rights provided to such patient pursuant to this Code section, and the facility shall make accommodations for recorded audiovisual communication of such rights."

### SECTION 3.

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