

Senate Bill 65

By: Senator Unterman of the 45th

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 a licensed professional counselor to perform certain acts which physicians,
3 psychologists, and others are authorized to perform regarding emergency examinations of
4 persons who are mentally ill or alcoholic or drug dependent; to define certain terms; to
5 require a licensed professional counselor to secure certification to perform certain acts from
6 the Department of Behavioral Health and Developmental Disabilities; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
11 revising Code Section 37-3-41, relating to emergency admission of a person for involuntary
12 evaluation of mental illness, as follows:

13 "37-3-41.

14 (a) Any physician within this state may execute a certificate stating that he or she has
15 personally examined a person within the preceding 48 hours and found that, based upon
16 observations set forth in the certificate, ~~the~~ such person appears to be a mentally ill person
17 requiring involuntary treatment. A physician's certificate shall expire seven days after it
18 is executed. Any peace officer, within 72 hours after receiving such certificate, shall make
19 diligent efforts to take into custody the person named in the certificate and to deliver him
20 or her forthwith to the nearest available emergency receiving facility serving the county in
21 which the patient is found, where he or she shall be received for examination.

22 (b) The appropriate court of the county in which a person may be found may issue an order
23 commanding any peace officer to take such person into custody and deliver him or her
24 forthwith for examination, either to the nearest available emergency receiving facility
25 serving the county in which the patient is found, where such person shall be received for
26 examination, or to a physician who has agreed to examine such patient and who will
27 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to

28 permit delivery of such patient to an emergency receiving facility pursuant to subsection
 29 (a) of this Code section. Such order may only be issued if based either upon an unexpired
 30 physician's certificate, as provided in subsection (a) of this Code section, or upon the
 31 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
 32 seen the person to be taken into custody and that, based upon observations contained in
 33 their affidavit, they have reason to believe such person is a mentally ill person requiring
 34 involuntary treatment. The court order shall expire seven days after it is executed.

35 (c) Any peace officer taking into custody and delivering for examination a person, as
 36 authorized by subsection (a) or (b) of this Code section, shall execute a written report
 37 detailing the circumstances under which such person was taken into custody. The report
 38 and either the physician's certificate or court order authorizing such taking into custody
 39 shall be made a part of the patient's clinical record.

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

55 (e) A licensed professional counselor shall be required to apply for and maintain a valid
 56 certification from the department in order to perform any act specified by this Code section.
 57 The department is authorized to issue, revoke, or deny such certification. The department
 58 shall promulgate regulations regarding such certification."

59 SECTION 2.

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

63 "(d) Any psychologist, clinical social worker, licensed professional counselor, or clinical
64 nurse specialist in psychiatric/mental health may perform any act specified by this Code
65 section to be performed by a physician. Any reference in any part of this chapter to a
66 physician acting under this Code section shall be deemed to refer equally to a psychologist,
67 a clinical social worker, a licensed professional counselor, or a clinical nurse specialist in
68 psychiatric/mental health acting under this Code section. For purposes of this ~~subsection~~
69 Code section, the term 'psychologist' means any person authorized under the laws of this
70 state to practice as a licensed psychologist; the term 'clinical social worker' means any
71 person authorized under the laws of this state to practice as a licensed clinical social
72 worker; the term 'licensed professional counselor' means any person authorized under the
73 laws of this state to practice as a licensed professional counselor; and the term 'clinical
74 nurse specialist in psychiatric/mental health' means any person authorized under the laws
75 of this state to practice as a registered professional nurse and who is recognized by the
76 Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse
77 specialist in psychiatric mental health.

78 (e) A licensed professional counselor shall be required to apply for and maintain a valid
79 certification from the department in order to perform any act specified by this Code section.
80 The department is authorized to issue, revoke, or deny such certification. The department
81 shall promulgate regulations regarding such certification."

82 **SECTION 3.**

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